

ETHNOCULTURAL
DIVERSITY
RESOURCE
CENTER

foreigners among **US**

Residents,
refugees,
asylum seekers
and illegal migrants
in Romania

2006

Authors: Marian Chiriac, Monica Robotin
Contributors: Andi Păcurar, Floriana Scânteie
Editor: Mariana Sălăgean



The report was produced with the King Baudouin Foundation's support within the framework of the "Minority Rights in Practice in South Eastern Europe" programme.

| | |
|--------------|---|
| I. | INTRODUCTION • 3 |
| II. | THE SITUATION IN EUROPA • 4 |
| | Concepts |
| | Explanations of the immigration phenomenon |
| | Statistics |
| | Evolutions of post-war immigration |
| | 1. The first wave of immigration |
| | 2. The second wave of immigration |
| | 3. The third wave of immigration |
| | Legal instruments for the management of the issue |
| | Impact assessment on the European population in the medium and long terms |
| III. | FOREIGN CITIZENS IN ROMANIA • 11 |
| | The legal framework of immigration |
| IV. | FOREIGNERS IN ROMANIA - GENERAL DATA • 14 |
| | Entry |
| | Foreigner's stay in Romania |
| | Number, residence and geographic coverage |
| | Permanent stay / setting up domicile |
| V. | FOREIGNERS' RIGHTS IN ROMANIA • 18 |
| VI. | OBTAINING ROMANIAN CITIZENSHIP • 22 |
| VII. | REFUGEES STATUS AND RIGHTS • 26 |
| | Statistics and issues |
| VIII. | ETHNIC COMMUNITIES AND GROUPS • 31 |
| | Arabs and Muslims |
| | 1. Occupations |
| | 2. Forms of association and identity representation |
| | 3. Mechanisms of integration |
| | The Turks |
| | 1. Forms of association and identity representation |
| | The Kurds |
| | The Iranians |
| | The Chinese |
| | 1. Forms of association and identity representation |
| | Other groups of foreigners in Romania |
| IX. | MOLDAVIAN CITIZENS • 41 |
| | 1. Forms of association and identity representation |
| X. | FOREIGNERS A REAL DANGER? • 45 |
| XI. | ILLEGAL IMMIGRATION IN ROMANIA • 47 |
| | Routes of illegal immigration |
| | Public policies |
| XII. | CONCLUSIONS AND RECOMMENDATIONS • 52 |
| | Recommendations for the improvement of the asylum-seekers' and refugees' situation in Romania |

I. INTRODUCTION

Globalization, which is becoming increasingly evident in several areas, liberalization of commerce worldwide, the economic integration of several states, and the widening differences among rich and poor nations have led to intensified migrations at the global level in the last decades.

According to estimates of the International Organization for Migration, there are approximately 185 millions migrants worldwide. Most of them are forced to leave their country of origin to look for better life or to escape physical or political oppression.

Romania cannot avoid this flux of global migration. Romania is, in this respect, witness to a phenomenon that describes especially less developed countries: massive emigration (especially of people looking for a job) and transformation into a transit country for other immigrants.

According to official data of the International Organization for Migration, in 2003, Romania had a negative rate of migration, namely 0.3 by 1,000 inhabitants. This is one of the lowest rates in Europe, as compared to Cyprus, for instance, where the rate was plus 17.9 by 1,000 inhabitants, or Spain (14.2), or Liechtenstein, with 10 by 1,000 inhabitants.

While the specialist literature discusses extensively Romanian emigrants, who left the country in large numbers heading for Western European countries especially in the mid `90s, there is little talk about foreign citizens who are permanently or temporarily on Romanian's territory.

Who are they? Do they contribute in any way to general welfare? How are their rights respected, and what sort of policies should the Romanian state embrace to better accommodate them? How do they contribute to the redefinition of the Romanian identity in the context of European enlargement and implicitly to the concepts of citizen, sovereignty, etc?

We have tried to provide as accurate and pertinent answers as possible to all these questions.

¹ According to the report World Migration 2005: Costs and Benefits of International Migration, International Organisation for Migration, www.iom.int//DOCUMENTS/PUBLICATION/wmr_sec01.pdf

II. THE SITUATION IN EUROPE

• concepts •

Migration is a subcategory of what we call mobility, which takes various forms and types of human mobility and which can change from one form to another through a series of processes. Consequently, a definition of migration can only be arbitrary, and provided for a specific period of time. Of all the actors involved in the phenomenon of migration, the state defines what migration is and what the legal parameters of the phenomenon are on its territory.

The term migration is most often defined as a person's mobility across state borders; this mobility is with the purpose of settling temporarily or permanently on the territory of a state other than that of origin. A typology of migrations which pursues the definition of the phenomenon from the standpoint of the host country includes two major dimensions: the period of settling on the territory of the state, and the reason for emigration. The first category refers to permanent and temporary-seasonal migration, while the second includes voluntary migration the case of economic, political, professional, sentimental or forced migration , which is the case of people persecuted for religious or political beliefs, ethnic belonging, etc. or of those who leave an area of armed conflict. Criticisms of these typologies occur when we shift the point of view to the migrants' perspective; the categories of distinction are not so clear any more. From the migrants' perspective, often the economic reasons that cause them to emigrate can be as compelling as those that states would include under the category of forced migration.

As a response to the process of immigration, the states adopt policies that define the boundaries and membership of the communities. Thus, the concept of the immigrant's integration in the destination country is charged with political, historical, and social aspects associated with the nation state, and one's own image of the nation. Integration is important especially if we take into account the consequences of failure in this process, which is social exclusion. The tendency is to look upon the process of integration as limited to social integration. There are, however, two important levels of the process of integration, based on obtaining legal and political rights.

The policies regarding immigration are those policies that affect the person's transit on the territory of a state other than one's own, concerning especially those people that intend to work or settle on the respective territory. Policies regarding immigration are attempts to redefine the conceptual boundaries and the manner of organization in a community as concerns its capacity to include or exclude newcomers. Thus, immigration raises public debates about national identity and citizenship, policies concerning this phenomenon, from isolationism, where immigration is not permitted, to free migration, where any form of immigration is possible.

• explanation of the immigration phenomenon •

There are several theories concerning the causes of immigration. The most often used ones can be grouped in five major categories.

The first group of theories tries to explain immigration from the perspective of international relations and is connected to the role of wars and violent conflicts. Thus, there are two types of effects that conflicts may give rise to: on the one hand, the states that due to conflicts are left with insufficient labor are forced to import labor; on the other hand, conflicts are often caused by the exacerbation of nationalist and xenophobe manifestations, causing restrictions on immigration.

The second category of explanations includes cultural reasons. On the one hand, the states' tendency is to favor immigration of peoples that are culturally similar. On the other hand, the states are perceived as being more open to foreigners and tend to adopt more permissive laws if they are ethnically heterogeneous, and granting citizenship is done on the basis of the birthplace (*jus soli*), not on the basis of blood relations (*jus sanguinis*). In the latter case, temporary immigration is favored.

Traditional explanations state that there is a tendency for people to move from more densely populated areas to less densely populated ones.

The economic reasons support the idea that the tendency is to emigrate in search of higher income; therefore the richer countries will be the destination. Also, following the logic of this explanation, the countries where the rate of unemployment is high will be less preferred by immigrants.

The last category refers to the states' domestic affairs. This explanation holds that democracies, as opposed to authoritarian regimes, will have more restrictions as concerns immigration, especially due to the effect of salary decrease which the available cheaper labor causes. Hence the higher pressure to impose restrictions, where the public opinion has a bigger influence on public policies.

• statistics •

From several perspectives, one can state about the immigrants whether permanent or temporary that they are foreigners. And 'foreigner' is a specific species of the genre of 'otherness', a term that covers different realities, depending on the epoch, but also on the specific culture of a certain moment in time.

Legally, foreigners are people who do not originate from the state in which they reside, meaning that they may or may not be citizens of the respective state, or live there temporarily or permanently. However, reality is often much more complex and does not fit any simple definition, encompassing various situations, which are sometimes complicated and hard to define.

The definition of the concept of foreign/immigrant population differs significantly across countries. The term reflects differing perceptions of immigration, and of the degree of integration in society of the various community members.

For instance, in Belgium, the Netherlands or Norway, an immigrant is firstly recognized by his or her or their ancestors' place of birth. On the other hand, countries like Germany, Switzerland or Portugal officially only record data about people of other nationality, but not their country of origin. Great Britain, however, with the exception of a census conducted in 1971, does not record statistical data about citizenship or country of origin of foreigners, and in statistical analyses or in public debates which are mostly dominated by politicians attention is only paid to ethnic heritage or the fact that the person or group is non-white.

The various ways of perceiving reality, and its complexity lead to differing results. Thus, it is hard to say precisely what is the real number of immigrants in the Netherlands, a country where according to official statistics out of the total population, 4.2 per cent are of other citizenship than Dutch, 12 per cent are people whose parents were born in another country, and 18 per cent have at least one parent born outside of the Netherlands.²

Politicization of immigration is usually done from the two temporal perspectives temporary immigration and permanent settlement. Categorizing migration in state policies is what defines the forms of migration perceived as political issues.

Thus, depending on state policies regarding migration, we can talk about legal and illegal migration.

Illegal immigration is the temporary or permanent settlement on the territory of a state other than that of origin, by violating the laws of the respective country or without meeting all the conditions necessary for settling on the territory of the state, without having all the documents required by law. Thus, illegal immigrants are people who either enter the territory of the country illegally, or fail to observe the legal period of stay in the respective country.

² According to Werner Haug, Paul Compton, Youssef Courbage (editors), The demographic characteristics of immigrant population, Council of Europe Publishing, p.12

Refugees are people who want to leave their homeland to escape a type of persecution, either because of their political beliefs or affiliation, or affiliation to a social group, or because of religious beliefs or ethnic, racial or national belonging. Another term associated with refugees is that of asylum-seeker. The practice of accepting such people is called granting political asylum. Some regional instruments also include in this category of refugees people who flee from scenes of armed conflict. In the case of refugees, too, migration can be temporary, caused by the need to find shelter until the factor that has caused the people to find refuge disappears (especially when the factor is armed conflict or calamities), or permanent (especially in cases of persecution).

The first generation of immigrants is the category that includes people who have settled on the territory of a state other than that of origin. The second generation of immigrants are people born on the territory of the country of residence, whose parents settled on the respective territory. Similarly, we also have the concept of third generation immigrants for people whose grandparents migrated.

To this, we should add variations due to short term migration, variations due to shifting from one category to another, as well as illegal immigration.

Bearing these limits in mind, we will try to outline the major parameters of migration in Western Europe.

The countries of Western Europe are not identical as concerns the characteristics of the immigrant populations on their territory. Policies regarding immigration, as well as the type of immigration encouraged by them made origin, territorial distribution, as well as the demographic characteristics of the immigrants very diverse. It is important to note that a large part of the migrant population is made up of people who are citizens of a European state, but live in another, and therefore we do not talk about people who come exclusively from other than European states. Moreover, some of these are citizens of the European Union member states, enjoying the right to free movement deriving from the Schengen Agreement.

Overall, the immigrant population in the European Union member states in 2001 was 20.2 million. Of these, around 14.3 million were residents of a European Union member state, but did not hold citizenship of any of the Union's member states, making up at the time 3.8 per cent of the Union's total population, as compared to 6 million who were citizens of one of the member states and residents of another (1.6 per cent).³

The highest percentage of immigrants as compared to the population of the country is in Luxemburg (36.9%), followed at a significant distance by Austria, Germany and Belgium, where the percentage is around 8-9, and then Greece (7%). In the other European states, the figure is between 3% and 6%.⁴

The composition of the immigrant population reflects various waves of migration; in each country, the dominant population indicates the predominant source and type of migration.

Of the total of 20 million immigrants, most are European, i.e. 12.85 million, then African 3.14 million, and Asian 2.16 million. As concerns European immigrants from outside European Union, the most numerous group come from the former Yugoslavia, representing 3.3 million people, followed by Turks (2.3 million), Moroccans (1.2 million) and Algerians (0.7 million). The figures do not include the naturalized population. Luxemburg, Ireland and Belgium have more than half of their immigrant population from other states of the European Union. In Spain, Great Britain and France, this group represents between one third and a half of the immigrant population. Of the states that are not members of the Union, but have a significant population of immigrants we should mention Switzerland, where approximately 60 per cent of the population is made up of citizens of the EU.⁵

³ According to Eurostat data about migration in the European Union, http://europa.eu.int/comm/justice_home/doc_centre/immigration/statistics/doc_immigration_statistics_en.htm

⁴ See Eurostat data about migration in the European Union.

⁵ Cf. Werner Haug, Paul Compton, Youssef Courbage (eds.), *The demographic characteristics of immigrant population*, Council of Europe Publishing, 2003, pp. 27-39.

Africa is an important source of immigrants especially in France and Portugal, but also in Italy and Belgium, to a lesser extent than in the first two countries mentioned. America, especially Latin America, is a relevant source for Spain, Portugal, Greece, and Italy. Asia is relevant for Great Britain, Greece and Italy, although the immigrants come from different parts of the continent. Most of the immigrants in Germany are European, citizens of the European Union or coming from Eastern Europe and Turkey. Other immigrants are from Asia, especially Vietnamese. Most of the North American immigrants choose Great Britain as their destination, as do the majority of people from Australia and Oceania.⁶

• evolution of post-war immigration •

There have been three relevant periods of migration in Western Europe since the end of World War II.

1. The first wave of immigration

The first wave was the economic immigration between the years 1950-1973/1974 caused first of all by the need for labor during the economic reconstruction of Europe. At the time, there was an assumption connected to immigration, namely that it was a temporary phenomenon, and that immigrants would return to their home countries when the economic conditions had changed. However, this assumption was proven wrong: the immigrants stayed. Only in the '70s did it become clear that temporary migration was in fact permanent. Most of the immigrants in the '50s and '60s were men. Although there were women, too, in this first wave, the gender balance was achieved later by reuniting the families of the migrants, which led to the diversification of the immigrant population, including youth, old people, women and men.

2. The second wave of immigration

The second wave representing secondary immigration, i.e. that of the family members, became more intense in the '70s, after the immigrants stopped being recruited as labor. Thus, the immigrant communities' profile started to change to include more women, people of various ages, from children to the elderly. This had an increasing impact on the social institutions, especially on the welfare state. The evolution also included the potential of some anti-immigration reactions, in that the nationalist movements could claim that immigration was done in secrecy, without the phenomenon and its consequences ever being in the focus of public debate. The effect was widely limited economic immigration, but the maintained possibility for immigration to reunite families. Restrictions on immigration did not lead to a total halt, but only to reduced dimensions of the phenomenon. This, economic immigration was oriented toward qualified people.

Their origin is also diverse. Some of the immigrants came from the old colonies, having the nationality of the country of destination, and thus having granted the rights citizens had (France, Great Britain and the Netherlands are the most important destinations in this category). This did not mean that they could also enjoy the full exercise of these rights. Issues of adjustment, racism and discrimination limited the effective use of these rights.

At the same time, the immigrants of other nationality than that of the host country who were received to make up for the shortage of labor were granted legal rights and could benefit from social services, though they did not have totally equal rights to the nationals of the country (especially in Germany). The legal and social rights that were inherent to the status of residents implied an incomplete membership, because gaining total membership (citizenship) meant conformity with the laws of naturalization.

3. The third wave of immigration

The third wave of immigration took place at the end of the cold war. It was characterized by an increase in forced immigration, in the number of asylum seekers, refugees and also in what the states define as illegal immigration. This led to a diversification of the immigrants' country of origin, and to the increase of the number of European states affected by migration.

⁶ Cf. Haug, Compton, Courbage, op. cit, pp. 38-39.

Attitudes toward immigrants became increasingly negative after the end of the cold war. Up to that time, the source of immigration had mainly been the end of colonization and the intervention of the United States and of the Soviet Union in developing countries. Refugees from the Soviet block were received in western countries especially due to the ideological differences between the two types of regimes. Also, the number of those who defected from totalitarianism was small, so their presence did not raise a political challenge, and therefore it was not perceived as a threat. These things changed when the dimension of migration based on asylum seeking started to rise, and the countries of origin started to diversify. Many of the asylum seekers started to be perceived as making use of the niches left after limitations were imposed on economic immigration.

Globally speaking, according to Eurostat data concerning migration, 75% of the asylum seekers are recorded in Europe.

• legal instruments for the management of the issue •

One can identify eight large categories of migrants on the territory of Western European states:

1. temporary and seasonal economic immigration
2. asylum seekers and refugees
3. illegal immigration (trafficking)
4. migration based on ethnicity
5. migration based on repatriation
6. economic migration inside the European Union
7. economic migration outside of the European Union
8. intra-regional economic migration.

A community is usually organized around procedures concerning the right to residence and associated rights; the standing of family members, naturalization and laws concerning nationality; access to the labor market and social protection (healthcare, education, etc.); political rights, anti-discrimination and policies meant to preserve and protect aspects of the immigrants' culture and identity. These define membership and belonging to a community.

Citizenship can be obtained by various means; the most frequent criteria for citizenship are residence for a period of time, marriage, adoption, and the status of juvenile.

The major criterion for classifying immigration policies is the base of naturalization; there are two fundamental principals that are applied when granting citizenship. One of them is the *jus sanguinis*, which conditions the granting of citizenship by ethnocultural links with the nation. The second and more often used is *jus solis*, which makes granting citizenship dependent on the territory and not blood relations. In a recent research conducted on immigration in Europe, Koopmans and Statham find that these two principles are not sufficient to categorize immigration policies, but a new dimension must be added, namely cultural rights.⁷ Thus, a typology with four categories emerges, combining the two dimensions mentioned above:

The first category aims to exclude the immigrants and send them back to their country of origin. These policies are not implemented, but there is significant support for them, especially electoral support given to those parties that promote such policies in their programs. Especially France, Austria, and Belgium are countries where popular support for such policies to refuse citizenship for immigrants and their families and to encourage repatriation was quite high, the promoters obtaining between 10-25% of the votes.

The second category of policies is assimilationist, and it implies granting citizenship on the basis of *jus soli* for the immigrants born on the territory of the state or naturalized there, refusing to admit a separate existence of these people. Among the countries that use such policies France is the most relevant example.

⁷ Cf. Ruud Koopmans and Paul Statham "Migration and Ethnic Relations as a Field of Political Contention: An Opportunity Structure Approach" in Ruud Koopmans and Paul Statham (eds.) *Challenging Immigration and Ethnic Relations Politics. Comparative European Perspectives*, Oxford University Press, 2003, pp. 18-21.

The third category regards immigration as temporary, refusing to grant citizenship and waiting for immigrants to return home. This alternative does not imply a total refusal to grant rights, or a complicated procedure of naturalization, as the immigrants can have social and legal rights inherent to their status as residents, but there is a distinction between people that are citizens with full rights, and those that only have limited rights. Germany is the typical example for such policies, and Austria and Switzerland also have such policies.

The last alternative is a form of multiculturalism, which includes various types of policies. These policies may entail recognition of minority cultures and communities, and at the same time keeping them under state control, or a combination resulting from recognition of cultural diversity and promotion of individual equality, or the promotion of one culture in public and private spheres, but which admits the basis of multiculturalism. The Netherlands and Great Britain are the major representatives in this category.

By analyzing the recent amendments to laws in some European Union member states or their intentions to change the laws, one can notice that there is a tendency to unify the systems of granting citizenship in the Union, even if the state remains the authority that makes policies in this domain. Thus, the distinction between the principles of *jus soli* and *jus sanguinis* becomes less relevant after Germany changed its legislation for granting citizenship, introducing the territorial principle for the second generation of immigrants. In addition, most of the states have laws which combine the criterion of place of birth with the parents' status. As for the second generation of immigrants, the tendency is to impose simpler conditions and a more rapid system of acquiring citizenship, by granting citizenship either upon birth (Germany, Ireland, Great Britain), or upon turning 18 years of age (Belgium, France), or by offering other facilities, such as reduction of the period of permanent residence (Greece, Italy, Luxemburg) or the right to acquire citizenship based on a statement (Sweden). The states which do not grant citizenship upon birth to the second generation provide this possibility to third generations (France, Belgium, the Netherlands).⁸

The most significant differences among states refer to the possibility to have double citizenship; in this respect, the most restrictive countries are Austria, Denmark and Germany, and the most flexible ones are Belgium, Ireland, France, Portugal, and Great Britain.

Another major difference among states is whether they grant political rights before naturalization, based on permanent residence only, or not. The group of states that grant such rights includes: Great Britain, which grants the right to vote to citizens of the Commonwealth only; Sweden, which grants political rights to all residents three years after they settled, including not only the right to vote, but also the right to be elected in local and regional elections; the Netherlands, like Sweden, grants the right to vote and to be elected in local elections after five years of residence; Finland grants the right to vote for citizens of the European Union member states, Norway and Iceland, provided they have resided in the country for 51 days prior to the elections and for two years for all other residents of the country; Denmark grants the right to vote in local elections imposing the condition of residence for a period of three years; and Belgium grants the right to vote in local elections for EU citizens.

By analyzing the recent amendments to laws in some European Union member states or their intentions to change the laws, one can notice that there is a tendency to unify the systems of granting citizenship in the Union, even if the state remains the authority that makes policies in this domain. Thus, the distinction between the principles of *jus soli* and *jus sanguinis* becomes less relevant after Germany changed its legislation for granting citizenship, introducing the territorial principle for the second generation of immigrants. In addition, most of the states have laws which combine the criterion of place of birth with the parents' status.

⁸ Cf. Kees Groenendijk, Elspeth Guild and Robin Barzilay The Legal Status of Third Country Nationals who are Long-Term Residents in a Member State of the European Union, European Commission, Directorate General for Justice and Home Affairs, 2000, http://europa.eu.int/comm/justice_home/doc_centre/immigration.htm.

As for the second generation of immigrants, the tendency is to impose simpler conditions and a more rapid system of acquiring citizenship, by granting citizenship either upon birth (Germany, Ireland, Great Britain), or upon turning 18 years of age (Belgium, France), or by offering other facilities, such as reduction of the period of permanent residence (Greece, Italy, Luxemburg) or the right to acquire citizenship based on a statement (Sweden). The states which do not grant citizenship upon birth to the second generation provide this possibility to third generations (France, Belgium, the Netherlands).⁸

The most significant differences among states refer to the possibility to have double citizenship; in this respect, the most restrictive countries are Austria, Denmark and Germany, and the most flexible ones are Belgium, Ireland, France, Portugal, and Great Britain.

Another major difference among states is whether they grant political rights before naturalization, based on permanent residence only, or not. The group of states that grant such rights includes: Great Britain, which grants the right to vote to citizens of the Commonwealth only; Sweden, which grants political rights to all residents three years after they settled, including not only the right to vote, but also the right to be elected in local and regional elections; the Netherlands, like Sweden, grants the right to vote and to be elected in local elections after five years of residence; Finland grants the right to vote for citizens of the European Union member states, Norway and Iceland, provided they have resided in the country for 51 days prior to the elections and for two years for all other residents of the country; Denmark grants the right to vote in local elections imposing the condition of residence for a period of three years; and Belgium grants the right to vote in local elections for EU citizens.

As concerns social rights, there is a convergence of policies in the European Union. Thus, except for Austria and Greece, all the states grant the same rights to social protection to permanent residents as to their own citizens.

As concerns social rights, there is a convergence of policies in the European Union. Thus, except for Austria and Greece, all the states grant the same rights to social protection to permanent residents as to their own citizens.

• medium and long term impact assessment on the European population •

The demographic impact of immigration is often underestimated. First of all, immigration has a direct effect by the number of people that come to the country. A series of other effects derive from here, by means of the age and gender structure of the immigrants.

The demographic studies carried out in Western European countries show that after the immigrant population reaches a certain level, there is a more rapid increase in this population than in the population of the host country. The difference seems even bigger if we take into account the demographic drop in the population of many of the host countries.

Switzerland is the country with the longest history of migration; the increase in the population by 70% between 1945 and 2000 is attributed to the direct and indirect effect of immigration. In the same period, Belgium recorded a growth of 45%. In Germany, the population grew by 10.5 million, in circumstances defined by the emigration of the East German population. Norway and the Netherlands recorded a negative balance of migration until the '70s, due to emigration, and demographic growth has been a more recent phenomenon.

Immigration reduced aging of the population in the short and medium terms, thanks to the in-coming younger population. In the long term, however, the effects are thought to be relatively low, because the immigrant population also ages, and to maintain the same effect in the long term would depend on constant immigration.

It is thought that the economic and social development effects of immigration are good, by the influx of labor. The successful integration of immigrants through prevention of discrimination, and prevention of segregation of these groups is a condition of the successful management of the resulting diversity; otherwise, the consequence will be the emergence of new national minorities whose cultural and social life will evolve parallel to that of the majority.

III. FOREIGN CITIZENS IN ROMANIA

Not only in western European countries, but in Romania also, it is very difficult to find a term that encompasses all the aspects of a complex reality defined by the presence of various people who are in the country as a result of recent migration. We will try to make up for this difficulty by approaching the various groups by categories.

Before that, it will be helpful to have a look at the chronology of the issue. The history of other than the indigenous groups on the territory of Romania is often limited to the traditional ethnic minorities, who have been around for at least a century, and who have contributed to the cultural and spiritual heritage of the majority. At present, there are twenty officially recognized national minorities in Romania, whose legal status and specific rights are regulated by a considerable package of legal provisions.

Beside these traditional minorities, new ethnic communities have started to emerge, made up of people of other nationality, who chose to settle permanently or temporarily in Romania. While before 1989 one could not talk about significant migration toward Romania, with the collapse of the communist regime, the national boundaries became more permissive and thus there are foreign citizens who come to Romania to do business or to get legal employment, but also refugees, illegal immigrants and even people who are the victims of trafficking.

• the legal framework of immigration •

In Romania, the legal framework that regulates immigration is in a permanent, though not always coherent change. In the absence of clear government policies which should establish the basic principles applicable in the field, and due to the urgency to harmonize the Romanian legislation with that of the EU, the entire legislative process is rapid, but incoherent.

For a very long time, the legal framework of immigration in Romania was established by Law no. 25 from 17 December 1969 regarding the standing of foreigners in the Socialist Republic of Romania, republished in the Official Gazette no. 57 of 18 May 1972. After signing the accession agreement with the European Union, in Romania there appeared a series of laws which tend to harmonize the domestic legal framework with that of the EU. In this respect, there are two categories of normative documents: the special ones (see below) which refer to the “Regimul Strainilor [Status of Foreigners]”; and the general ones, which regulate access of the entire population to public services and to the exercise of their fundamental rights.

The major laws that regulate migration are:

- Law no. 123 of 2 April 2001 regarding the status of foreigners in Romania, published in the Monitorul Oficial [Official Gazette], Part I no. 168 of 3 April 2001
- Emergency Ordinance no. 194 of 12/12/2002, published in the Monitorul Oficial, Part I no. 955 of 27/12/2002 regarding the status of foreigners in Romania
- Decision no. 577 of 21 May 2003 regarding the organizational structure and the competencies of the Autoritatea pentru Straini [Authority for Foreigners], published in Monitorul Oficial [Official Gazette], Part I no. 391 of 6 June 2003
- Law no. 357 of 11 July 2003 to approve the Government's Emergency Ordinance no. 194/2002 regarding the status of foreigners in Romania
- Law 203 of 1999 regarding work permits, with subsequent completions and modifications

The process of adoption of the necessary legislation has been very dynamic so far (on the average, two legislative provisions were adopted by legislative session, as well as the law/government decision and the methodology of application).

Due to the development process of the legislative framework in the European Union (consolidation of the third column and later, with its evolution, the changes in the nature of the EU policies from “intergovernmental” to “community”), but mostly due to the absence of continuity in the governmental plans of the various cabinets which succeeded each other, the policies in this field create an image that is difficult to understand in relation to the intentions that led to their adoption and, consequently, they do not allow for a complete, unitary, consistent and legitimate approach to the immigration process in Romania.

Nevertheless, broadly speaking, one will find that Romania has made real progress in regulating the immigration phenomenon by means of “management of migration”. In fact, “management of migration” is a euphemism for “controlling migration”. If in essence “management” aimed to reconcile the objectives of freedom (the fundamental freedoms promoted by the EU, for instance) and those of security (social, military, economic, etc.), of both the states and the migrants, the policies in the field should result in more than the sheer satisfaction of economic needs of the receiving countries.

In Romania also, immigration policy is founded on two theses:

- the state has permanent, uninterrupted control, which does not have to be legitimized (except for the so-called “superior interest of the state”), over population movement towards, from and within the national territory;

- foreigners in Romania are a source of income (for the state budget, for the improvement of labor, etc.);

Other principles that are used are: legality (which means respecting the provisions of the Constitution and of the applying national legislation); active cooperation with the European Union; non-discrimination (respect for equality, exclusion of privileges and discrimination among people); flexibility and transparency, etc.

According to the laws in force, the policy regarding controlled immigration has the following objectives:

- promote acceptance and legal stay of foreigners on the territory of Romania, by appropriate implementation of the legal provisions aligned to the European and international standards, without affecting people's right to free movement;

- attract foreign investors capable of contributing to Romania's economic development, by creating jobs and introducing modern technologies;

- develop programs for the access of certain categories of foreign professionals on the labor market, depending on the demands of the market, in conformity with the EU standards, as well as with the treaties, conventions and agreements that Romania is a signatory of;

- promote the interests and the image of the Romanian educational system, through attracting certain categories of foreign students;

- creation of effective procedures for the acceptance and later regulation of stay in the country for the purpose of reuniting families, in accordance with European standards and the provisions of the applying international laws.⁹

Foreigners in Romania have rights stipulated in the national legislation. Some of these rights are:

- foreigners who live in Romania legally have the right to be protected, and to have their assets protected; this right is guaranteed by the Constitution and other laws, as well as by provisions of international treaties signed by Romania;

- the foreigners who are legally in Romania can move freely and can choose their residence or domicile anywhere on the territory of Romania. If they leave the territory of the Romanian state temporarily, they have the right to return at any time within the interval covered by their permit;

- foreigners who have their residence or domicile in Romania can benefit from social protection measures provided by the state under the same conditions as Romanian citizens do;

- foreigners who are in the educational system at any level have unrestricted access to school and training activities.

⁹ Decision no. 616 of 21 April 2004 to approve the National Strategy regarding Migration, published in the Official Gazette no. 406 of 6 May 2004

Only those foreign citizens can benefit from the social protection measures provided by the state under the same conditions as Romanian citizens do who have their residence or domicile in Romania.

Some of the foreigners' obligations stipulated in the Romanian laws are: while staying in Romania, they should respect the Romanian laws. The foreigners cannot fund or organize political parties or other similar organizations or groups on the territory of Romania, and they cannot be members of such groups, they cannot hold public positions, and they cannot initiate, organize or participate in demonstrations or meetings that affect public order or national security.

Every year, the government sets down, through law, the number of work permits that can be issued to foreigners, the number of places in educational institutions that can be occupied by foreigners, and the deadlines by which enrolment can be done for each form of education; the quantum of allocations necessary for feeding, maintaining and accommodating foreigners in centers, as well as the quantum of allocations for medical assistance and care in hospitals; the amounts to cover adequate means for maintenance during the foreigners' stay, as well as for returning them to their country of origin, or for their transit to another state.

Another significant element of public policies in the field of immigration, which appeared expressly in more recent laws, is placement of foreigners in two distinct categories:

- a) citizens of EU member states and other economically developed states
- b) citizens of states "with a potential for immigration".

The latter element has a precedent in the communist policy of grouping foreigners into those who belong to "friendly" socialist states and those who do not.

On the other hand, their grouping cannot but affect the economic interests of several people who come from countries in the second category, but who would have enough capital to make a decent investment in Romania. Also, this element leads to tense relations between Romania and some countries with whom Romania traditionally had very good political, cultural or economic relations, such as Turkey, India or Serbia.

IV. FOREIGNERS IN ROMANIA - GENERAL DATA

Entering, staying on, and leaving the territory of Romania by foreigners are regulated by the Government's Emergency Ordinance no. 194/2002 regarding the legal status of foreigners in Romania, with subsequent amendments and additions (Law 482/2004 and Emergency Ordinance no. 113/2005).

The above-mentioned legal provisions were prepared considering the existing situation in the field in Romania, as well as the obligations Romania assumed in the frame of negotiations for accession to the European Union. The European provisions up to 2003 were adopted by Romania, too, both in the specific field of migration, and in that of human rights protection.

• entry •

In practice, the foreigners' acceptance on the territory of Romania is regulated by a system of visas and free passage permits issued by the Ministry of Foreign Affairs (Ministerul Afacerilor Externe MAE), upon consultation with the Ministry of Administration and Home Affairs (Ministerul Administrației și Internelor MAI).

While the foreigners in category (a) see above have the right to enter by showing their passport, the citizens of the states in category (b) must have an invitation approved by MAI, a bank account opened by the host (whoever makes the invitation) and made available to the state, amounts of money to cover the cost of staying in Romania, a return airplane ticket, and an entry visa.

For the foreigners in category (b) who hold an entry visa to a state in category (a) the validity of which exceeds the period of stay requested in Romania, the entry procedures are easier.

The entry visas are of two types: short stay and long stay. Although in reality the long stay visas have the same temporal coverage, they allow the holder to renew the visa for successive periods of time.

On the other hand, the entry visas specify the purpose of the visit to Romania. This purpose can be changed by foreigners as long as they are on the territory of Romania.

Free passage permits are issued to the persons who, for various reasons, must enter Romania outside of the frame regulated by visas (this system is used mainly for emergency judicial procedures, unexpected transit, etc.)

• foreigners' stay in Romania •

The foreigners' stay in Romania is regulated by the "principle of purpose". There are numerous reasons why a foreigner may be in Romania, from tourism to business or to reuniting family. Each purpose is regulated separately.

Staying in Romania is also categorized depending on the length of stay: there are foreigners who stay for up to 12 months, and those who stay longer than that.

Except for the foreigners who work in Romania (work contracts that are valid on the territory of Romania), none of the other foreigners who stay in Romania temporarily pay taxes or other dues. Those whose stay is based on a work contract signed between a Romanian party and a foreign citizen pay taxes on their income and contribute to the insurance fund in Romania.

Although a foreigner may be on the territory of Romania continuously and uninterruptedly for over 12 months, his or her stay is reevaluated once a year or every 6 months.

• **number, residence and geographical distribution** •

According to the official data provided by the National Authority for Foreigners (Autoritatea Națională pentru Străini), in September 2005 there were 60,705 foreigners in Romania, of whom:

- 42,753 (70.4 % of the total) with temporary stay
- 11,660 (19.2%) with the purpose of study or professional training
- 3,101 (5.2%) with permanent stay
- 2,674 (4.4%) employees from non-EU states
- 517 (0.8%) employees from EU states¹⁰

| Total foreigners with temporary stay (September 2005) | | |
|--|--------------|-------------|
| Country of origin | Total | % |
| Moldova | 8443 | 19.75% |
| Turkey | 5167 | 12.09% |
| China | 3874 | 9.06% |
| Italy | 3800 | 8.89% |
| USA | 1896 | 4.43% |
| Germany | 1888 | 4.42% |
| Syria | 1361 | 3.18% |
| France | 1265 | 2.96% |
| Ukraine | 948 | 2.22% |
| Lebanon | 933 | 2.18% |
| Other countries | 13178 | 30.82% |
| Total | 42753 | 100% |

| Total foreigners who study or are in professional training¹¹ (September 2005) | | |
|---|---------------|-------------|
| Country of origin | Total | % |
| Moldova | 6711 | 57.56% |
| Ukraine | 708 | 6.07% |
| Tunisia | 463 | 3.97% |
| Israel | 461 | 3.95% |
| Albania | 344 | 2.95% |
| India | 307 | 2.63% |
| Serbia | 226 | 1.94% |
| Greece | 208 | 1.78% |
| Syria | 147 | 1.26% |
| Rep. of Macedonia | 140 | 1.20% |
| Other countries | 1945 | 16.68% |
| Total | 11.600 | 100% |

¹⁰ Official data provided by the National Authority for Foreigners (ApS).

¹¹ The figure represents the number of foreigners in Romania as students (in schools, colleges, universities, in doctoral programs).

| Total employees from non-EU member states (stock September 2005) | | |
|---|--------------|-------------|
| Country of origin | Total | % |
| Turkey | 1295 | 48.43% |
| China | 375 | 14.02% |
| Moldova | 339 | 12.68% |
| Lebanon | 90 | 3.37% |
| India | 52 | 1.94% |
| Israel | 50 | 1.87% |
| Russian Federation | 44 | 1.65% |
| Vietnam | 42 | 1.57% |
| Yugoslavia | 32 | 1.20% |
| Syria | 31 | 1.16% |
| Other countries | 324 | 12.12% |
| Total | 2674 | 100% |

| Total employees from EU/Schengen member states (stock September 2005) | | |
|--|--------------|-------------|
| Country of origin | Total | % |
| France | 126 | 24.37% |
| Greece | 84 | 16.25% |
| Italy | 81 | 15.67% |
| Germany | 56 | 10.83% |
| Great Britain | 26 | 5.03% |
| Poland | 25 | 4.84% |
| Hungary | 21 | 4.06% |
| Austria | 20 | 3.87% |
| Belgium | 12 | 2.32% |
| Switzerland | 11 | 2.13% |
| Other countries | 55 | 10.64% |
| Total | 517 | 100% |

The foreigners who stay in Romania temporarily can be grouped by the purpose of their visit or their residence in Romania.

• **purpose** •

- about 9,580 people (20% of the total) pursue business purposes in Romania
- 6,869 people (14.7%) have married a Romanian citizen
- 4,796 people (10%) pursue reunification of the family
- 3,334 people (7.2%) pursue academic activities
- 3,135 people (6.7%) are in Romania for a job
- 2,949 people (6.3%) study in secondary schools
- 2,775 people (5.5%) study in universities
- 2,160 people (4.5%) pursue a lucrative activity for which they have been delegated to Romania

• **residence** •

- about 31,698 people (68% of the total) live in Bucharest
- 6,464 people (13.9%) live in Timiș County
- 5,058 people (10.8%) live in Ilfov County
- 4,878 people (10.5%) live in Iași County
- 4,872 people (10.5%) live in Cluj County
- 4,762 people (10%) live in Constanța County

• **permanent stay / setting up domicile** •

After 5 years of legal, continuous and uninterrupted stay¹² in Romania, a foreign citizen can request permission to settle down in Romania. Once this process is completed, all the arrangements for social protection are transferred to Romania, and the foreign citizen must pay insurance in Romania. For this period, the foreigner can still choose to pay his insurance in the state whose citizen s/he is. Once s/he has stopped staying in Romania, his/her contributions to the state insurance system are transferred to the authorities of the state where s/he will set up his/her domicile.

At present, in Romania there are 3,101 foreign citizens who are permanent residents, representing about 6.5% of the total number of foreigners in Romania.

| Total foreigners with permanent stay. by countries of origin (September 2005) | | |
|--|--------------|-------------|
| Country of origin | Total | % |
| Syria | 443 | 14.30% |
| Turkey | 288 | 9.30% |
| Lebanon | 272 | 8.80% |
| Iraq | 245 | 8.20% |
| China | 251 | 8.10% |
| Citizen of no state | 241 | 7.80% |
| Russian Federation | 203 | 6.50% |
| Iran | 161 | 5.20% |
| Jordan | 137 | 4.40% |
| Vietnam | 93 | 3.00% |
| Other countries | 758 | 24.40% |
| Total | 3.101 | 100% |

An important finding is that of the total number of foreigners who have the right to stay permanently, almost 40% come from Arabic states.

On the other hand, although in practice the foreigners who have their domicile in Romania are under the same fiscal regime of taxes and dues as a Romanian citizen, they do not have all the social rights the Romanian citizens have. Among others, access to higher education (university) is not done under the same conditions.

After eight years, the foreign citizens who have been staying continuously, uninterruptedly and legally in Romania (see above) can apply for Romanian citizenship.

¹² This does not mean that they cannot stay on the territory of Romania for several years.

V. FOREIGNERS' RIGHTS IN ROMANIA

The foreigners' social integration is an issue that is mostly connected to the rules that apply to their stay in the country, and this is why the regulations should take into account all the aspects of their social and economic life. In Romania there is a fundamental law which refers to the social integration of foreigners, but only of those who have received some form of protection. This reflects only a short-term approach of the foreigners' stay in Romania, and leaves out the other categories with their specific characteristics and issues.

A short historical approach is useful in this sense. Government's Decision 1191/2001 regarding the approval of the Special program for the socio-professional integration of refugees in Romania was the first law that tried to regulate the integration of one of the categories of people who have been granted some form of protection in Romania. In addition to some social rights granted to refugees in other laws, too, the Government's Decision 1191 offered access to seminars of cultural adjustment, Romanian language courses, and accommodation. However, the provisions of this law were insufficiently correlated with the provisions of other relevant legislation in the field, which is why there have been several dysfunctions in accessing social rights in practice.

The Government's Ordinance no 44 of 2004 regarding the social integration of foreigners who have been granted a form of protection in Romania (approved with amendments by Law 185/2004) is undoubtedly a step forward. The Ordinance promotes equal rights and duties for the recognized refugees and the persons who have gained a form of international protection, it promotes explicitly the access of refugees to the same social rights under the same conditions as Romanian citizens: right to work, to housing, to education, and social assistance. At the same time, this law stipulates the components of the governmental program to integrate refugees: counseling, cultural accommodation, learning of the Romanian language. The right to be accommodated in the centers of the National Office for Refugees is not included in the integration program, but it is guaranteed to the people that are in special cases (provided for in Art. 33.2 of GO 44/2004). Only the people who are included in the integration program and who meet some additional requirements stipulated in OG 44/2004 can be granted accommodation. On the other hand, the Ordinance uses a system of inter-institutional cooperation to assist refugees' integration, it supports the integration of refugees in the local communities, and involved the local authorities in supporting the refugees' integration.¹³

There are numerous other laws which regulate several aspects of the foreigners' integration in Romania, often contradicting each other. The civil rights, the right to propriety, and other similar rights follow the standard pattern, accepted at the international level, by which the foreigners have unimpeded access to these rights, as Romania is aligned to such international standards.

Foreigners' right to work Law 203/1999, published in Monitorul Oficial, Part I, no. 646 of 30 December 1999, regulates the issue of work permits. According to this law, work permits can be issued for intervals of 6 months, with the possibility of extension upon the holder's request, for new intervals of 6 months. On the basis of conventions or agreements signed by Romania, work permits can also be granted and extended for periods longer than 6 months.

¹³ Information and comments of the legislation provided by the Forumul Român pentru Refugiați și Migranți (Romanian Forum for Refugees and Migrants) (ARCA). Also see "Raportul privind situația străinilor care au obținut o formă de protecție în România", [Report on the situation of foreigners who have obtained a form of protection in Romania], issued by Oficiul Național pentru Refugiați [National Office for Refugees], 2005.

Several categories of foreigners can work in Romania without holding a work permit (foreigners with permanent domicile, refugees, citizens of the EU member states, and of the signatories of the European Economic Area Agreement, etc.).

In September 2005 an emergency ordinance was adopted to amend Law 203/1999. The new regulation establishes the preemptive right of Romanian workers in employment in advance of dispatched foreign citizens.

Thus, foreigners can be employed on the territory of Romania by legally established provided that the vacancies they occupy cannot be occupied by Romanian employees, and the applicants must meet special conditions of professional training, experience in the respective field and authorization requested by the employer according to the legislation in force.

Another new aspect is that the foreign citizens who work in Romania will only have the possibility to be employed by one company, and seasonal workers will be able to sign a work contract of 6 months at most within the duration of a year. The previous form of the law did not provide for any limit for the interval in which foreign citizens could do seasonal work.

As concerns dispatched workers, they will be able to work in Romania for a year at most within an interval of 5 years, and they will be obliged to pay dues to the social insurance fund.

The new provisions diversify the types of work permits by categories of foreign employees, whether permanent, dispatched, seasonal, beginners, sportspeople, crossborder employees, or nominalised in individual work contracts.

The foreigners who work in Romania must submit to the Office for the Migration of Work Force, within 30 days from the beginning of their activity, the copy of their individual work contract, the copy of the document of dispatch, or the documents issued by the authorities. Within the same time limit, applications for the issue of appropriate work permits must be submitted.

When Romania joins the European Union, the foreign citizens employed by companies established in one of the EU member states or in one of the signatory states of the European Economic Area Agreement will be able to be dispatched to Romania without having to get a work permit.

The law introduces a series of sanctions for failure to abide by the legal provisions.

An exceptional, more rapid, procedure was also included for the issue of work permits to foreign workers whose activity is of major importance for the economic development of the country. For granting the work permit by extraordinary (rapid) procedure to foreign employees whose activity is of major importance for the country's economy, a 2,000 Euro fee must be paid.

In 2005, 3,472 work permits were issued for foreign citizens, of which 2,500 were new permits, and 972 were extensions of previously issued documents, especially for people from Turkey, Republic of Moldova, China and France, Greece, and Germany. The data are taken from available resources, and the authorities do not know precisely the number of foreigners who work in Romania.¹⁴

Therefore, it can be concluded that Romania does not legally prevent the access of foreigners to the local labor market. Joining the European Union will lead to a wider opening of the market, probably without a negative influence on the situation, because it is unlikely that the western European citizens will crowd the market where generally the salaries are low, and the provisions are scarce. The practical issues regarding access to the labor market remain only as concerns the refugees and people who require special assistance, which is the topic of another chapter.

To foreigners who have their domicile in Romania and contribute to the state insurance system, access to public healthcare is granted under the same conditions as for Romanian citizens.

¹⁴ Data provided by the Office for the Migration of Work Force

The foreigners' access to education, regulated by the Law of Education no 84 of 24 July 195, republished in Monitorul Oficial no 606 of 10 December 1999, limits the foreigners' access to higher education in conditions equal to that of Romanian citizens, in contradiction with the provisions regarding the status of foreigners. Foreigners can enter the public system of education if they pay. Article 61 of the Law points out in Point 1 that the higher education institutions can enroll foreign students, too, in agreement with the legal provisions. In Point 2 it is stated that the foreign citizens who study in public higher education institutions in Romania, except for those who have scholarships granted by the Romanian state, pay tuition fees that are established every year by a decision of the Government.

A separate category of foreigners in Romania are the refugees. Their children have access to preschool and compulsory education for free. The refugees have the right to primary, secondary or tertiary education in the conditions established by law for Romanian citizens. Adults who have the status of refugees can upon request have access to courses to learn the Romanian language.

The issue of discrimination is regulated by Ordinance no 137 of 31/08/2000, published in Monitorul Oficial, Part I, no. 431 of 02/09/2000, regarding the prevention and sanctioning of all forms of discrimination, with subsequent amendments. This does not expressly contain among the criteria of discrimination the one based on 'citizenship'. Article 2, however, contains the criterion of 'nationality', which, though not explained, must be interpreted as in the usage of the Council of Europe and therefore the equivalent of 'citizenship'.

While the subject of discrimination, as well as its sphere, are quite clear, not the same is true for the object of discrimination. If we interpret the word 'nationality' as above and we corroborate it with the provisions of Article 1 of Ordinance 137 with subsequent additions, we obtain a nonsense: the state only protects its own citizens against discrimination, based on citizenship. If the law included among the protected subjects all those people whose residence or domicile is in Romania, the inclusion of 'nationalities' among the criteria would make sense. Moreover, the last cited article seems to reiterate the principle stated in Art. 16 of the Constitution of Romania, however, ignoring the provisions of Art. 18 which, in the context, are not legally covered. The two articles of the Constitution state: Art 16 „The citizens (emphasis added) are equal in front of the law and of the public authorities, without privileges and without discrimination”, and Art 18 “Foreign citizens and stateless people who live on the territory of Romania enjoy the general protection of people and assets, guaranteed by the Constitution and other laws (emphasis added)”.¹⁵

Another aspect that must be emphasized is that foreigners in Romania do not have political rights, not even at the local level, and not even those who have stayed in Romania for several years or those who set up their domicile in Romania, despite the recommendations of the European Council.¹⁶

In the laws, there are some new elements that are relevant to the protection of human rights:

- The decision to return a foreigner can be attacked by the person against whom this decision was made within 3 days from its communication, at the competent territorial Court of Appeal. Exercising this right to attack the decision has the effect of suspending the execution of the decision to return the person.
- The exception to return a foreigner within 24 hours if s/he has a valid document to cross the state border, the financial means and no other formalities are necessary, if s/he expresses the intention to contest the decision to be returned.
- The provision according to which a foreigner can be expelled even if there are founded fears that his/her life is endangered or that s/he will be tortured or subjected to inhuman or degrading treatment, provided this is dictated by national security or public order.

¹⁵ The Romanian Constitution

¹⁶ Recommandation Rec(2001)19 du Comité des Ministres aux Etats membres sur la participation des citoyens à la vie publique au niveau local (adoptée par le Comité des Ministres, le 6 décembre 2001, lors de la 776^e réunion des Délégués des Ministres)

- If during the time the foreigner is taken in public custody it is found that the foreigner cannot be returned because there are founded fears that his/her life is in danger or that s/he will be subjected to inhuman or degrading treatment, or s/he files an application to be recognized as a refugee, the measure to take the person in custody stops.
 - The foreigners taken in public custody have the right to medical assistance, medicine and free sanitary items.
 - The foreigners for whom it is impossible to leave Romania for reasons other than the ones provided for expressly in the laws in force can be tolerated on the territory of Romania.
 - The facilitation of foreigners' illegal stay on the territory of Romania has been incriminated.
 - The possibility to grant the right to temporary stay for foreigners who are victims of trafficking, of migrant trafficking or of facilitated illegal stay on the territory of Romania has been introduced.¹⁷

¹⁷ According to date provided by the Authority for Foreigners.

VI. OBTAINING ROMANIAN CITIZENSHIP

Obtaining citizenship can be considered the last stage in the naturalization process of a foreigner and his/her integration in a new social, political and even cultural reality. On the other hand, every new citizen brings to the state of adoption increased demographic, economic and cultural elements.

In Romania, however, as compared to several European States, the process to grant citizenship is maintained at very low levels, amounting to only a few hundred cases a year.

Romanian citizenship is granted in the basis of Law 21/1991 (Law of citizenship, republished and completed subsequently), based on two criteria. The first principle (*jus sanguinis*) concerns those people who have at least one parent who is a Romanian citizen.

The second principle entails granting citizenship upon request, based on a current relation between a foreigner and Romania. A special article of Law 21 refers to people who themselves, or their ascendants, lost or had their Romanian citizenship revoked for reasons beyond them. In this last category are the citizens of the Republic of Moldova, Ukrainians, Serbs, Bulgarians etc.

In conformity with Law 21/1991 of Romanian citizenship with the subsequent amendments, the foreigner who wishes to obtain the Romanian citizenship must meet the following conditions:

a) s/he was born and has his/her domicile, at the time the application is filed, on the territory of Romania or, though not born on this territory, has lived legally on the territory of the Romanian state for at least 8 years, or if s/he is married and lives with a Romanian citizen, s/he has been married for at least 5 years;

b) s/he proves, by conduct, actions and attitude, to be loyal to the Romanian state and states that s/he will not do or support and has never done or supported any actions against the rule of law or against national security;

c) s/he is at least 18 years old;

d) s/he has the legal means in Romania to provide for a decent life, under the conditions established by the laws regulating the status of foreigners;

e) s/he is known to behave well and has not been convicted in the country or abroad for felony that makes him/her unworthy of being a Romanian citizen;

f) s/he knows the Romanian language and has basic elements of Romanian culture and civilization, enough to integrate in the society;

g) s/he knows the provisions of the Constitution of Romania and the national anthem.

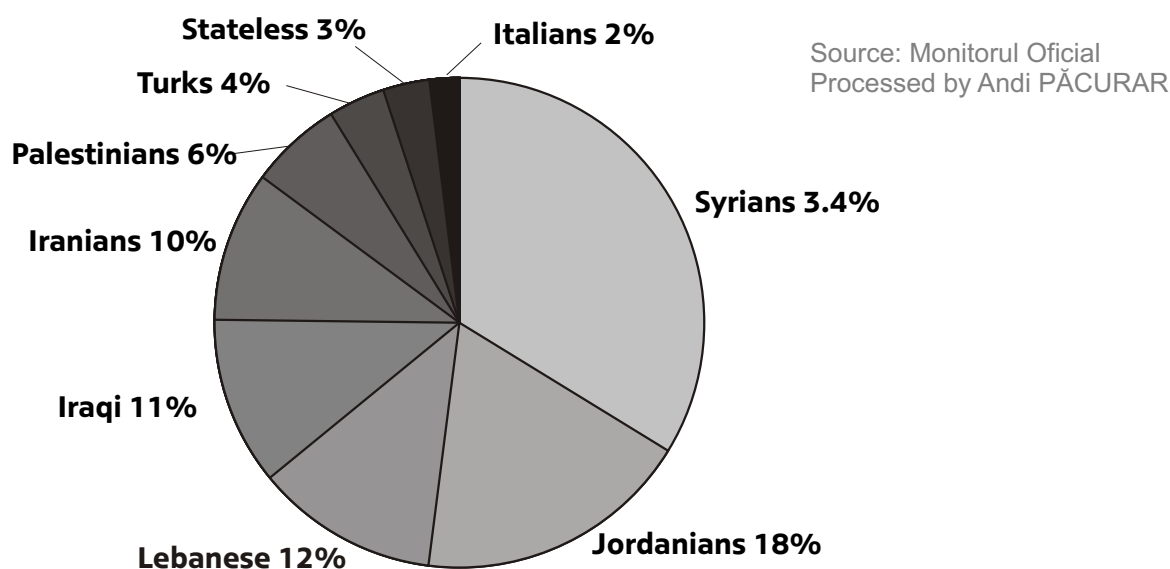
If the foreigner or the stateless person who has applied for Romanian citizenship has been outside of Romania for more than 6 months during a year, that year shall not be counted for the period needed to make up for the provisions of paragraph 1, letter a).

The Law of Romanian citizenship no 21/1991, as it was modified by OG 43/2003, stipulates that only the foreigner that have their domicile in Romania (right to permanent stay) can apply for Romanian citizenship. Establishing one's domicile in Romania is done by a special procedure, set by OUG no 194/2002 regarding the status of foreigners in Romania. The same law shows that its provisions are not applicable to recognized refugees and people who have gained conditioned humanitarian protection; on the other hand, the laws referring to refugees state: "The Ministry of Administration and Home Affairs can grant approval of the refugee's request, during his/her stay on the territory of Romania, depending on the level of social integration, to set up his/her domicile in Romania in the conditions of the legal provisions regarding the status of foreigners in Romania (Art. 37, OG 102/2000 regarding the status and the conditions of refugees in Romania, approved by Law 323/2001)".

This lack of coherence between the laws led to the situation when the recognized refugees and the persons having conditioned humanitarian protection could not apply for Romanian citizenship because there was no procedure by which they could establish their domicile in Romania. In 2004, the Commission for foreigners recorded applications for citizenship submitted by refugees, but suspended their processing after half a year arguing that the applicants have no right to permanent stay in Romania. The procedure to establish the domicile was passed and has been used since 2005, but only for recognized refugees. For people who have conditioned humanitarian protection, the Romanian law does not provide at present any way of establishing their domicile in Romania, or of obtaining the Romanian citizenship.¹⁸

From 1991 to 2003, approximately 2,500 foreigners (except the people from the Republic of Moldova) received Romanian citizenship. The vast majority come from Arab states, especially from Syria, Jordan, Palestine, Lebanon, but also from Iran or Turkey (see below).

Foreign citizens who were granted Romanian citizenship, 1991-2003



Thus, Romanian citizenship is granted especially to citizens of Arab states (over 70 percent of the cases), while the share of European or American citizens is insignificant (except for Italians).¹⁹

¹⁸ Information and opinions provided by the Romanian Forum for Refugees and Migrants [Forumul Român pentru Refugiați și Migranți] (ARCA).

¹⁹ Estimate based on the data from the Official Gazette [Monitorul Oficial].

The situation is very similar for 2004 when 254 foreign citizens were granted Romanian citizenship. The data for the major groups are:

| Citizens | Number |
|----------------------------|---------------|
| Syrians | 40 |
| Iranians | 39 |
| Jordanians | 27 |
| Iraqi | 20 |
| Lebanese | 20 |
| Albanians | 17 |
| Stateless (born in Greece) | 15 |
| Turks | 11 |
| Yugoslavs | 9 |
| Russians | 8 |
| Palestinians | 8 |
| Stateless | 8 |
| Italians | 4 |
| Egyptians | 3 |

Romanian citizenship was also granted to two of each of the following: Algerians, Greeks and Vietnamese, and one Moroccan, one Sudanese, one Somali, one Bulgarian, one Pole, one Cuban, one Ukrainian, one Belgian, one Bosnian, one Macedonian, one Libyan, one French, one Armenian, one Nigerian, one Tunisian, one German, one Chinese, one Peruvian, and one Colombian.

For comparison, in 2004, Romanian citizenship was granted to 259 citizens of the Republic of Moldova, 57 Israeli, and 70 stateless people (former Romanian citizens born in Romania).

The comparative analysis of the statistical data on the number of citizens with permanent or temporary stay in Romania (see tables in the previous chapters) and the situation of granting Romanian citizenship leads to some interesting conclusions. First, Syrians are the most numerous group of both people who settle in our country, and of those who gain citizenship.

The same tendency is recorded among Jordanians, Lebanese, Iraqi and Iranians whose numbers are quite significant, and who have tried to settle in Romania and even obtain citizenship.

On the other hand, although they make up numerically considerable communities as compared to the overall situation in Romania, the Turks (about 9% of the total of foreigners in Romania) and the Chinese (about 8%) are not among those who have been granted Romanian citizenship (Turks under 4%, and Chinese under 1 percent). The most readily available explanation for this situation refers to the fact that the citizens of the above-mentioned Arab states prefer to settle in Romania because of the tensions in their countries of origin, while the Turks and the Chinese seem to come to Romania especially for business purposes.²⁰

On the other hand, the applicants seem to find the procedure to gain Romanian citizenship rather restrictive and difficult.²¹ A special mention regarding the Romanian state's policy of non-attraction of new citizens refers to the citizens of the Republic of Moldova who, according to the legislation in force, could (re)gain Romanian citizenship in special and implicitly easier conditions. Only, in March 2002, for strictly political reasons, this process was stopped (details in the chapter on Moldavian citizens).

How easy or difficult is it to gain Romanian citizenship? The people who have obtained a visa for long term stay in Romania have the possibility to apply for its extension for successive periods up to a year, thus being able to stay in Romania for long intervals of time.

Then, citizens who are staying legally and uninterruptedly in Romania for at least 6 years (3 years for those who are married with Romanian citizens) can apply for the right to settle their domicile in Romania. Establishing one's domicile in Romania is in fact the right to permanent stay, which grants to the beneficiary the same rights as to any Romanian citizen.

²¹Interview with an Iraqi businessman, who resides in Romania, and whose application to gain citizenship was rejected twice. For reasons easy to understand, we do not give the person's name.

VII. REFUGEES STATUS AND RIGHTS

According to a general definition, the refugees are citizens who due to persecutions based on race, religion, nationality, political opinions, or belonging to a social group in their country of origin, are in another country which provides them protection.

As opposed to other citizens who choose their destination depending on their personal interests (which can be of several types), refugees leave their country of origin for reasons of persecutions they are subjected to.

The status of refugees in Romania is regulated in agreement with the resolutions 90/627/CEE and 95/1110/CE.

In Romania, the National Office for Refugees (ONR - Național pentru Refugiați) coordinates all institutions that have a role in the social integration of refugees. Another important role of ONR is to monitor all the individual cases both during the integration program, and after the refugee goes to a local community. Also, ONR provides specific assistance to refugees in difficulty, especially counseling, and runs information campaigns for the Romanian population about refugees.

Once in Romania, the asylum-seekers file a written request, then they are submitted to a procedure during which the reasons for seeking asylum are investigated; then ONR provides them with the requested protection or not. In case of a refusal, the asylum seekers have the right to repeat the procedure in court, and the court gives a verdict whether ONR was wrong or not in the decision it made. If the request is also rejected by the court, the applicants are forced to leave the country within 15 days. In Romania, the rate of admission (granting the status of refugee) is of approximately 10%.²²

According to the Romanian legislation the following forms of protection can be granted:

- status of refugee (according to the Geneva Convention of 1951 and the New York Protocol of 1967)
- conditioned humanitarian protection (especially on the basis of Article 3 of the European Convention for the Protection of Human Rights)
- temporary protection (which is not a status by itself, but rather a mechanism to ensure temporary protection for people who come from armed conflict areas of which Romania is a not a part).

The activity of the National Office for Refugees (ONR) is regulated by the Government's Ordinance no. 102/2000 regarding the status of refugees in Romania, approved with amendments by Law no. 323/2001 and the Government's Ordinance no. 13/2002.

According to the Law, the refugees theoretically have access to all the economic and social rights that Romanian citizens have. Access to such rights is stipulated by Ordinance no. 44/2004 regarding the social integration of foreigners who have obtained a form of protection in Romania, namely: the right to work, the right to housing, the right to medical assistance and social assistance, social security, the right to education (according to Art 1). Beginning with May 2004, the refugees have free access to all forms of education, but they have no political rights (to vote or be elected, for instance).

²² Interview with Mircea Radu, director of the Department for Social Integration of the Oficiului Național pentru Refugiați (ONR).

The refugees also have the right to services adjusted to their needs, services provided by state institutions and / or by non-governmental organization. They have the right to specialized services cultural orientation and Romanian language lessons, at the beginning of their stay in Romania, services that are united in integration programs. Inclusion in such programs is done after an evaluation of the individual's or family's situation, which assesses the level of the needs and the coverage of assistance for integration. After such an assessment an individual or family plan of integration is drawn up, which has a global approach (the issues the people face are usually interrelated).

The integration programs after the individual plans pursue the active participation of the people, but also the avoidance of dependency (raising awareness of the beneficiary of the goals of assistance, activities and their duration).²³

The condition of refugee is valid for an unlimited period, even if the situation in the country of origin has improved. After 8 years of stay, according to the law, the refugee can receive Romanian citizenship if they ask for it. In the European Union, the period of obligatory stay in the respective country is shorter, of approximately 4-5 years.

In Romania there are four centers to accommodate refugees, of which two in Bucharest and one in Timișoara and one in Galați. A new center is going to be built in Maramureș. There are two transit centers in Otopeni and in Constanța.

In Romania there are several organizations that deal with the issues of the refugees, the most important of which are: Inaltul Comisariat al Națiunilor Unite pentru Refugiați (UN High Commissioner for Refugees), Forumul Român pentru Refugiați și Migranți [Romanian Forum for Refugees and Migrants] (ARCA), Organizația Femeilor Refugiate din România [Organization of Women Refugees in Romania], Consiliul Național Român pentru Refugiați [Romanian National Council for Refugees] (CNRR), Salvați Copiii [Save the Children], Serviciul Iezuiților pentru Refugiați [Jesuit Refugee Service] (JRS).

• statistics and issues •

In the world, annually there are 18-20 million refugees, most of them coming from African countries or developing countries. Only a tiny percentage make their way to Romania, but Romania tends to become a route of transit for people who are looking for asylum.

In Romania, **the legal framework**, the governmental practices and assistance for refugees for their integration have developed quite a lot since 1989. The state took over some of these roles, but there are still a lot of shortcomings due to the lack of coherence in the laws and the restrictions that pertain to their application.

In mid 2005, in Romania there were **858 officially registered foreigners** who had some form of recognized protection, i.e. they were refugees or foreigners with conditioned humanitarian protection.²⁴

The official data show that in 1991 - July 2005 14,920 people applied officially for asylum. The peak period when the most applications were registered was between 1991-2001, and after a short decline, lately there has been a rise in the number of applications.

Of the 14,920 applications, the National office for refugees approved 2,175 at first (most of them in the basis of the Geneva Convention of 1951), and later in court there were another 414 approved applications. It results that in 14 years **Romania admitted 2,589 people as refugees.**

²³ Vasile Drăgoi, Integrarea refugaților în societatea românească ghid adresat funcționarilor publici, Editura Ministerului Administrației și Internelor, 2005, pp 17-18.

²⁴ Interview with Mircea Radu, director of the Department for Social Integration of the Oficiul Național pentru Refugiați (ONR).

Asylum requests

| Year | No. application | Approved |
|------|-----------------|----------|
| 2000 | 1,366 | 171 |
| 2001 | 2,280 | 205 |
| 2002 | 1,151 | 188 |
| 2003 | 1,077 | 206 |

10,854 asylum requests were rejected (73% of the total number of applications filed), and 984 requests were withdrawn, while 51 people returned to their country voluntarily. “There are so many applications rejected because the applicants do not demonstrate that they have really been persecuted. Many come to Romania due to poverty, but this is not a reason to receive the status of refugee”, states an ONR official.²⁵

By the country of origin, the situation of the asylum requests from 1991 to 31 July 2005 is as follows, according to ONR data:

| Country of origin | Number of asylum requests |
|-------------------|---------------------------|
| Iraq | 3089 |
| Bangladesh | 2516 |
| Afghanistan | 1522 |
| Pakistan | 980 |
| Somalia | 822 |
| India | 800 |
| Iran | 799 |
| China | 461 |
| Sri Lanka | 459 |
| Turkey | 436 |
| Albania | 353 |
| Sudan | 289 |
| Congo | 256 |
| Palestine | 237 |
| Syria | 189 |

Most foreigners who wish to be granted the status of refugees are young, approximately 40 % between 18-35 years. On the other hand, approximately 42% of the refugees have no education, and 47% have 8 years of education at most.

Almost 40% of the refugees in Romania with ages between 18-60, both women and men, have certificates that prove their training in medicine, marketing, management, philosophy, education and in technical fields. Almost 40% of them did unqualified work in commerce, education, and public relations.

In addition, almost 60% have never had any working experience in their country of origin, which means they have **very reduced opportunities on the Romanian labor market.**

“The refugees have a hard time finding a job because most of them left their country without documents to prove their studies or without personal identification documents, and without these you cannot get a job”, says a representative of an organization that deals with the rights of refugees. “Therefore, most refugees work as unqualified people. There is no methodology in the Ministry of Education to recognize their studies, which is why people who were doctors or teachers in their country are now forced to work as watchmen”.²⁶

The professional qualification programs are almost inexistent. “The reality is that although there is a legal obligation, there are no qualification courses. The Agency for Labor should organize them, but it does not really do this”, says an ONR official frankly.²⁷

The major problems are caused by the insufficiency of **budget allocations**. For instance, an asylum seeker receives about 900 RON a month, they do not have the right to work, and this money is supposed to cover their personal expenses, or their family's.

Another major issue of the refugees is the **lack of housing**. For a year they can be accommodated in the centers for refugees, and after that they can move to a community. If they do not get social housing (which is almost impossible), they can rent a place, and ONR is supposed to pay half of the rent for a year. Only these things are only so on paper, as a refugee who wants to stay anonymous states.

In addition, there have been numerous situations in which children of the refugees did not receive allocations because they did not have birth certificates.

As concerns the issue of **access to medical services**, the provisions of Ordinance 44 are not applied and interpreted correctly as concerns health insurance, say experts in the field. “The refugees who were admitted before 2004 should be able to pay health insurance from 2004, so that there is no confusion linked to the beginning of the payments. Unfortunately, the Bucharest Municipal Health Insurance Office refuses to interpret this provision in this way. The Decisions of the Courts in the cases we supported underscore this solution, not the ones of CAS. This is a very important issue when they apply for housing, because they must prove that they pay health insurance. Thus, instead of pressing for charges, and waiting for 6 months to have the problem solved, the people prefer to pay the amount due for three previous years, although the money that it taken away from them has no legal basis”, the representative of an organization that deals with the rights of refugees told us.²⁸

One of the big issues the refugees face is not being able to speak Romanian, which makes their social integration very difficult. In May 2004-May 2005, only 126 foreigners joined the official integration program. “If you don't know the language, which is almost everyone's situation, you cannot cope anywhere, not when seeking employment, or when you go to the doctor, or to the town hall, and many people do not have the patience to listen to you and understand your problem”, according to what the experts told us.²⁹

The refugees think that **the procedures to obtain Romanian citizenship are difficult**. The Romanian Forum for Refugees and Migrants (ARCA) assisted, from 2001 to 2005, 27 people and counseled hundreds to obtain citizenship. Only 14 people obtained citizenship, 7 were rejected, and 6 are still waiting. “The procedure is long, it can take a year and a half. Before they get to citizenship, you must go through the procedure to settle down, which includes several stages, a file, a longer period of waiting, and moreover, all through last year this was not accessible to refugees, and it is still not accessible to people who have humanitarian protection. In 2003-4, although they had the right to ask for citizenship, they could not file their applications because there was no procedure in place to settle one's domicile in Romania.

²⁶ Interview with Denise Pangop, program assistance in the Organization of Refugee Women in Romania

²⁷ Interview with Mircea Radu, director of the Department for Social Integration of the Oficiului Național pentru Refugiați (ONR).

²⁸ Interview with Ecaterina Păcurar, executive director of the Romanian Forum for Refugees and Migrants (ARCA).

²⁹ Interview with Denise Pangop, program assistance in the Organization of Refugee Women in Romania.

The Commission for Citizenship registered their files, but suspended their processing until they managed to establish their domicile. Finally, at the beginning of 2005, people who had applied in 2004 entered the procedure to establish their domicile and they only had the interview with the Citizenship Commission in September, after having been sent from one office to another for almost two years”, says a representative of ARCA.³⁰

The main reason why the requests monitored by ARCA were rejected was insufficient knowledge of the provisions of the Romanian Constitution, of the history, geography and culture of the country. In two cases, the decision of the Commission for Citizenship was attacked in Court. Based on the interview notes, the Court decided that the applicants had enough knowledge of Romanian culture and civilization, and they were granted Romanian citizenship.

Most of the refugees in Romania live in Bucharest (over 90%), each of them associated with the communities of their country of origin. Thus, there is an Iraqi people's community in Romania, not a community of the Iraqi refugees. Belonging to a similar linguistic, religious and cultural group most often helps the refugees to find a house, a job, etc.

The cultural differences are often a barrier. Some Muslim men, for instance, when faced with a women boss, had a real shock. On the other hand, the Romanians are still reticent, and sometimes hostile to foreign people they perceive as threats. “Several refugees are of color, and they are equated with foreign citizens who for instance left very high unpaid telephone bills behind when they left. This is why Romanians are suspicious”, says a refugee who is involved in activities to help other refugees in need.³¹

There are no major problems related to the right to association, or to freedom of speech. As concerns religious freedom, the Romanian authorities do not place barriers to this, for the Muslim believers (who are the majority among the asylum seekers); they can use the places of worship that already exist or mini-mosques in the centers.

However, there are no provisions for the education in mother tongue of the refugees; the Romanian state provides only translators, when needed, not teachers who speak the language. However, such teachers are provided in very few European states, where the number of refugees and implicitly the issues associated to their stay are much bigger.

As a future member of the European Union, Romania undertook to solve the problems connected to refugees or asylum seekers according to western standards. From the legal point of view, these issues are regulated acceptably,³² but the lack of funds and of some concerted initiatives maintain several of the problems.

³⁰ Interview with Ecaterina Păcurar, executive director of Forumului Român pentru Refugiați și Migranți (ARCA).

³¹ Public statement of Mbela Nzuzi, president of the Romanian Refugee Women's Association.

³² See to this end the Decision of the European Court of Human Rights which, in November 2005 rejected the application of an Iraqi who sued the Romanian state after his asylum application was rejected. Samir Saed Al-Kadumi invoked that as a result of the rejection of the Romanian state to grant him asylum, he risks to be expelled to Iraq, where he could be subjected to inhuman treatment. CEDO decided that the Iraqi citizen's complaint was unfounded, because though there are problems of security in Iraq, there has been democratic evolutions. At the same time, the Court remarked that Romania had refrained from forcedly expelling Iraqi asylum seekers, even after their applications were rejected.

VIII. ETHNIC COMMUNITIES AND GROUPS

• the Arabs and the Muslims •

The first citizens of Arab states (especially from the Near East, but also from Africa) arrived in Romania in the 1970's and 1980's when the authorities in Bucharest decided to accept some few thousand students as part of the official efforts to extend economic relations with the third world, but also to support the non-conformist policy promoted by the communist regime. This was the beginning of an almost 20-year "collaboration" between Romania and the block of Arab countries, especially in the field of higher education, strictly following the state policy and the economic and commercial interests of the communist state. This was especially because the foreign students especially rich Arab students paid their tuition fees in hard currency, unless they had scholarships from the state.

According to some estimates, in 1982 there were approximately 20,000 foreign students in Romania, more than half of whom were Arab, and of whom the Palestinians were about 6,000.³³

Once they completed their studies, most of these students went back to their countries of origin, starting "counter-diaspora" of Romanian speakers. Such circles of ex students are to be found in almost all the big cities of the Near East. The Syrian Ministry of Emigration estimated that in 2002 in Syria there were approximately 30,000 people who went to college in Romania. Many of them have been occupying important public, but also private, positions.

Attracted by the free lifestyle which was allowed to them in Romania (the students were actively by various people infiltrated in their circles and sometimes forced by the system to spend excessively, having had access to the places reserved for the communist elite) some of the former students returned to the country in the 80's, but mostly during the '90's, to start families and to open small businesses. This was the first wave of Arab immigration to Romania, made of mostly of former students, now bringing with them modest amounts of money (2-10,000 USD) with which, in those times, you could still start a subsistence type family business.

In the years 1992-'95, a small but stable flux of Arab immigrants came to Romania especially for business purposes. The economic and scientific exchanges with the Arab world dropped dramatically at the time. With the change of government in 1996, several Arabs who had been in Romania for over 15 years, forcibly or voluntarily left Romania. The stock of the Arab community was thus dramatically reduced.

In 1997-2000 numerous refugees from Iraq and Palestine were brought to Romania. Hundreds of applications for asylum were registered at the time. Many of them gained the status of refugees. However, they did not stay in Romania, but rather, attracted by the opportunities in the west, decided to leave Romania after less than a year. Some of the asylum seekers did not even wait for a resolution of the Romanian state, and left Romania illegally. After 2002, the number of asylum seekers was much reduced.

³³ Information that appears in recently declassified CIA documents and taken over by the daily newspaper Jurnalul Național in the 29 August 2005 issue.

At present, once with the increase of the minimum obligatory quantum of investment when opening a company by a foreign citizen to 50,000 euros, the number of people who come to Romania has dropped a lot. However, the number of the Arab community is increasing slowly, but constantly.

At present, in Romania there are 6,077 citizens who come from a majority of Arab population,³⁴ representing 13% of all the foreigners in the country. Of these, 1,235 have permanent stay permits. Between 2001 and 2003, approximately 2,275 foreign citizens of Arab ethnicity were granted Romanian citizenship (91% of all the foreigners except for the people from the Republic of Moldova).

The Arabs live predominantly in the following counties:

| | County | Number of persons | Share of total foreigners |
|----|-----------|-------------------|---------------------------|
| 1 | Bucuresti | 3,133 | 51.6% |
| 2 | Cluj | 499 | 8.2% |
| 3 | Timis | 463 | 7.6% |
| 4 | Constanta | 412 | 6.8% |
| 5 | Ilfov | 305 | 5% |
| 6 | Dolj | 155 | 2.5% |
| 7 | Iasi | 150 | 2.4% |
| 8 | Bihor | 118 | 1.9% |
| 9 | Arges | 67 | 1.1% |
| 10 | Bacau | 65 | 1% |

1. Occupations

In Romania, as elsewhere, the Arabs are mostly tradesmen. They hold stores in the large cities, sell clothes, footwear, household goods and other products.

Of the 5,367 Arabs in Romania, 4,188 have temporary stay permits, and 1,179 have permanent stay permits.

The following purposes of temporary stay are the most often encountered³⁵:

| Purpose | Economic activities | Students | Reuniting Family | Marriage with Romanian citizens |
|------------------|---------------------|----------|------------------|---------------------------------|
| Absolut figure | 987 | 660 | 767 | 1,154 |
| Percentage Total | 18.39% | 12.39% | 14.29% | 21.50% |

There are no precise data about the commercial activities of the 987 Arabs in the table above. However, some of the data we collected in the field reveal that many of them sell coffee and produce and sell poultry.

³⁴ These are Algeria, Saudi Arabia, Bahrein, United Arab Emirates, Egypt, Jordan, Iraq, Kuwait, Lebanon, Libia, Morocco, Palestine, Syria, Tunisia, Yemen.

³⁵ According to data provided by the National Authority for Foreigners.

1. Forms of association and identity representation

Contrary to the popular image, the Arabs in general, and those who live in Romania do not assume a unique, common, predefined and immovable identity. On the contrary, though they are difficult to observe for the Romanians, several features distinguish the Arabs. For instance, the ones from Northern Iraq from the ones in the south, or the Arabs from the Gulf region from the Syrians and the Lebanese.

The Arabs recognize themselves as parts of extended families and tribes³⁶, establishing preferential relations with the members of the same structures. Often relations of power, respect and diplomatic precedence are established, confirmed and exercised in the networks established by these extended families.

However, there are many important elements that unite the Arabs.

Obviously, speaking of dialects of the same language establishes rapid and certain channels of communication. Sharing ethical and social values, social representations, further unite people, in general: the Arabs are no exception³⁷.

The Islam, which many would rashly qualify as the primary connector of the Arab ethnics, is in fact an element that has not by far the importance that family or some political aspirations have. The Islam is shared by many other ethnics besides the Arabs, which is meant to reduce its force of cohesion; in particular, most of the Arabs are Sunni Muslims (Iraq is the only country in the region with a majority of Shi'a). However, given that many of the Islam precepts were developed in close connection with the Arab culture, there is at present, even among the Arabs, a difficulty to classify a custom or norm as being Arab or Islam. A standard example in this sense is the "hijab", the veil; is that Islam or Arab?

As concerns Arabic, the language, we must know that the standard Arabic is used only in the mass media, and sometimes in literature. There are at least as many variants/dialects of this language as countries. The phonetic and vocabulary specificity of these dialects is an instrument used by Arabs in establishing the origin of the interlocutors. As it is natural, the Arabs that come from certain regions of the same country recognize the accents specific for specific regions of the country.

The Arabs are not homogeneous from the perspective of anthropometrical features either. These, such as color of the skin, bone and muscle structure, etc. are obviously criteria to establish the origin of various people from the Arab community. Unless other important features were also superposed, such as belonging to a tribe, the simple physical features would not constitute criteria of differentiation.

Anthropometrical, linguistic, religious, custom-related and finally family/tribe aspects are fundamental for the development of other more complex aspects and features, of social and political relevance.

Surprisingly for Romanians and for westerners, the Arabs are often united by aspects that are not related at all to the ethnic, cultural and linguistic aspects, but they are rather political.

One such connector which unites all Arabs is represented by issues connected to the 'holy' war for the independence of the native land from external domination. Another political issue is represented by the interests, preoccupation and roles that a certain tribe/family has in the extended Arab community. This element unites all that belong to such a tribe, and then to the families that make up the tribe.

³⁶ Often the term 'tribe' is used pejoratively in the context of civilization. However, it designates a reality that is not inferior or 'suspicious', that of assuming a regional, local identity, in which family relations create the network which is the basis of this identity.

³⁷ It is interesting to note here the differences that occur between the Arabs in Bucharest and those in the provinces, especially in Timișoara or Cluj Napoca. The latter also identify as 'we Transylvanians', and have a certain accent when they speak Romanian. These elements are for sure not left unexploited in the game of assuming and attributing identity.

Another important element in the Arab cohesion is represented by the Arabs' efforts to preserve their lifestyle. Subjected to both the pressure of modernization that comes from cosmopolitans, and to external forces, the Arab lifestyle was denigrated and categorized as inferior or barbarian. The traditional Arab values had to gain new forms of expression in the context of modern state establishment; the importance of the extended family and of the tribes, the right to ownership and to inherited ownership, the means of political representation, the roles of men and women both in the public and in the private spheres, have undergone severe changes in the Arab world in parallel with the rest of the world.

Thus Arabs in the diaspora hope for and fight for building, in a foreign country, a small oasis of silence and peace. These two words, "silence" and "peace" appear with obsessive frequency in the discourse of Arabs in emigration, both with reference to the motivation for preference for the country of residence, and for private and community life objectives.

As for private life, the Arab society is patriarchal, expecting the wife to give up connections with her parents' family and to dedicate herself totally to the husband's family. However, there are not few cases when women of strong descent appeal to this descent to establish a position of power in her new family.

The Romanian wives of the Arab immigrants will rarely be expected to learn Arabic or to wear the hijab (the veil), but every Arab husband will be flattered if his wife does it voluntarily. There are, among the Arab immigrants, very many who oppose themselves the traditional principles (symbolically represented by the hijab).

At the institutional level, there are at present in Romania associations of the Arab ethnics, both in the capital city and in the provinces. The Syrian Arab league is an association with the most affiliates and members. The League both a newspaper in which they issue articles written by its members. The Syrian Arabs, both Muslims and Christians, often meet, though not regularly, to discuss economic and business issues, but also issues about the unity of the association. There have been cases when the representatives of the association were consulted about issues of probity of one or another Syrian in Romania. There have been cases when the association decided not to support a certain person. There is also an association of the Palestinians in Romania, and one of the Lebanese numerous Lebanese in Romania are catholic Christians. The Iraqi choose association in a religious group of Shi'a (the others, the Sunni, are "free").

1. Integration mechanisms

The relations with the Romanian majority are governed by the transfer of the Arab significance of the concept of minority (dhimmi). This concept, applied to Christians and Jews in Muslim territories, is used as a mechanism of construction of the Arab diaspora. The concept means that a minority, whether ethnic or religion, will be subjected to the norms of the 'land'.³⁸

The issues of integration faced by the Arabs in Romania are related to the apprehensions of the Romanians rather than other elements. The Arabs are versatile and used to changes and travel, even long ones, they learn foreign languages easily, though they never get to master them, and they can never think in another language but Arabic; they are keen observers of the local people's customs without making value judgments, probably for the simple reason that Arab culture is anyway 'superior'.

If religiously for the Sunni the concept of "taqiya" is unacceptable, from the social and cultural point of view it is acceptable to all. Taqiya means hiding or veiling. This principle, in addition to dhimmi, marks the life of an Arab outside his country. These two principles limit the public manifestations of the Arabs outside their country of origin, encourage them discreetly, but firmly, to preserve their own lifestyle. At the same time it encourages all the Arabs outside of an Arab country (even if sometimes they are in a Muslim country) to provide as little as possible information to outsiders about their lifestyle, preferences, and interests.

³⁸ The Arabs consider that the land where they live, whether of the country of origin or not, is 'theirs' and they will never spare any effort to respect and protect it.

There will never be Arabs to force someone's hand to accept the principles of Arab life. And there won't be zealots to promote in public the interests of the community. The entire effort is occult, precisely and effectively targeted to achieve its objectives in the absence of public recognition.

With no reference in this sense, the Arabs have problems making their interests known to others. And when this thing is essential for the community. A real deadlock can be reached. In general, the Arabs are and wish to be known as a factor of social stability and of economic progress.

The pragmatism and realism of the approach to business as opposed to the Romanian's emotions, has gained the Arabs some labels. Thus, one would think that the Arabs would sell anything for profit. Nothing more erroneous. The Arabs are a very emotional and passionate nation. However, business is something that must be approached cool-headedly, otherwise there is no profit. However, most Arabs give away significant money as "zakat" (contribution).

As they themselves made hardly any generalizations, the Arabs have no psychological instruments to face the popular representations people have of them. Often there representations are unknown to them. The discriminations they are subjected to place the Arabs in a situation of exclusion or self-exclusion, as the case may be.

• the Turks •

While in Romania there is a community of Turks of about 30,000 members, descendants of the Ottomans who arrived over 700 years ago, after 1990 there have come more and more Turkish citizens to settle Romania.

In the beginning, most of them came to start a small business, and then they were followed by companies and banks who found a good business environment in Romania. However, there are very few relations between the two types of communities, as the Turks who have come in the last 15 years prefer to see to their own business or to integrate in a society which they perceive as closer to their society of origin.³⁹

According to official data provided by the Authority for foreigners, at the end of September 2005, in Romania there were 6,750 Turkish citizens (288 with the right to permanent stay, 5,167 with the right to temporary stay, and 1,295 employees). An unknown, but estimated huge, number are ethnic Kurds. To these we should add the Turks of Romanian citizenship, which at present places the members of this community among the most numerous groups.

The major economic role that the Turkish community has in relation with Romania is also worth mentioning. According to the data provided by the Commerce Registrar, there are about 9,500 companies with Turkish interest registered in Romania whose capital is of approximately 485 million American dollars. This has a beneficial influence of the economic relations between Romania and Turkey, which last year recorded a total volume of commercial exchange of about 3 billion Romanian lei, an increase of 64.7% as compared to the year 2003.⁴⁰

The economic factor imposed some form of organization of the Turkish businessmen, so that they can better promote their interests. The Association of Turkish Business people is the largest such association, uniting over 100 major firms with Turkish participation.

³⁹ Data provided by the Commerce registrar for August 2005. The data about the volume of commercial exchange are taken from the Ministry of Economy and Commerce.

⁴⁰ The Turks and the Romanians have lots in common, starting with cuisine, and ending with a lot of words, such as "baccis, rahat, tembel, the latter meaning in our language a person who does not feel like doing anything. In Romania I almost feel like at home (...) We have a saying: your country is not where you were born, but where you eat. Figuratively, I 'eat', I live here, in Romania, and I like it a lot", says Omer Tetik, vice-president of the Turkish Finans Bank in an interview for the daily newspaper Adevarul in 8 August 2005. Omer Tetik was married to a Romanian woman, and hoped to obtain citizenship soon.

However, the good relations between Romanian and Turkey are not limited to the economic level. In the last 15 years, the political relations between Bucharest and Ankara have been very cordial, a fact which has had a good influence on the Turkish community in Romania. It is worth mentioning here that in 1884, after an agreement was signed by the presidents of the two countries at the time, Suleyman Demirel and Ion Iliescu, in Constanța they set up the first school of “Lumina Educational Institutions”, more precisely the International Computer Sciences High School. In the following year, the same sort of school, started operating in Bucharest, and in 1996 they set up „The International School of Bucharest” (ISB). All these, though schools in the public education system, teach Turkish, or are attended by several Turkish children, especially those whose financial standing is high.

Thus, in the 2004-2005 school year, of the 371 students who went to the International School of Bucharest, 124 were Turks 87 in the primary school, and 37 in the secondary school. Their number went up in the next year, reaching over 150. Normally, these are children of the embassy personnel, of business people or children of employees of the Turkish companies in Romania, and their number is constantly going up, which indicates that the number of Turkish citizens in our country is also going up, and the fact that the Turkish families have decided to stay here for longer periods.

At the ISB, Turkish language can be studied both by the Turkish children and by those of other nationalities. For the former, the Turkish lessons are part of the curriculum, and others can study after classes.⁴¹

The biggest concentrations of Turks are, as in the case of all foreigners, in Bucharest, where there live 2,277 people, which is 14.37% of the total foreigners in the capital city. The next most numerous group is in Ilfov County, seen as an ‘annex’ of Bucharest, with 568 people, representing 22.46% of the total foreigners. Constanța is the next most populous place, with 531 Turks (22.30% of the total foreigners). In descending order follow the counties of Prahova, Cluj, Brăila and Galați.

An explanation for the preponderant presence of the Turks in Bucharest and in the southeastern part of the country is related to their attraction for the crowded urban areas, and for the proximity of the centers of power associated with the central administration.⁴²

In Romania the most important reasons for the presence of the Turkish citizens are, in this order: business (25.95% of the cases), employment (23.64%), marriage to a Romanian citizen (21.85%), reuniting the family (15.99%) and dispatched from work place (4.05% of the cases).

The Turkish citizens have a significantly higher rate of employment (23.64% of the cases) than the foreigners coming from Arab countries in general (2.63%) or from Iran (1.20%). This expresses a state of facts which is worth understanding and appreciating in the context of the immigration phenomenon.

The Arabs and the Iranians have – culturally speaking – a more accentuated propensity for financial independence, and among these for personal independence. They generally refuse to work for other individuals and when they are forced to do it they consider it a personal failure. However, for the Turks, this is not true, but rather the opposite.⁴³

1 Forms of association and of identity representation

The Turks do not present a homogeneous picture ethnically speaking. About 20% are supposedly ethnic Kurds, but this is only an estimate. It is a fact though that there is a factor of promoting the emigration of ethnic Kurds from Turkey (a push factor) and namely the conflict they have with the Turkish state regarding their cultural rights.

Association and identity representation outgrows therefore the boundaries of ethnicity, especially in favor of the professional dimension. There are centers and associations of the Turkish business people where they can find limited support for building an identity. However, these centers do not hold a decisive role in the context of integration.

⁴¹ According to the daily newspaper Adevărul, 8 August 2005.

⁴² This is an estimation made by the authors of the report by interpreting the available official data.

⁴³ Idem

On the other hand, as concerns the right to free religious belief, the Muslims in Romania do not have special difficulties. There are about 80 places of Muslim worship (geamii) in our country, built firstly for the about 70,000 Romanian origin Turks of Islamic background, belonging to various nationalities (Turks, Tartars, Albanians, etc). Anyhow, they can be used freely by any Muslim believer.

As places of worship, the most important are the mosque and geami "Hunchiar" in Constanța, the geami "Esma han Sultan" in Mangalia, which is also the oldest in the country, the geamii in Medgidia, Cernavodă, Hârșova, Tulcea, Babadag, Măcin and Isaccea. These places of worship are also historical monuments.

Many of the Romanian Muslims, especially the Turks, tend to pray in the places which are closest. "Now the Turks have built places where they can pray in houses and in apartments. They pray where it is more comfortable for them, not where the prayers are received a thousand times more", says Safet Osman, the Bucharest Imam's wife.⁴⁴

On the other hand, the Muslim cult has 108 cemeteries, but this figure seems to be rather small, at least in Bucharest where they have problems finding places of burial. There is only a cemetery of the Turkish heroes, in the area called Ghencea, but where people can only bury their relatives if they obtain the agreement of the Turkish embassy. There is another area in the cemetery of Străulești, but here the plots are extremely expensive.

• the Kurds •

There are very few things known for certain about the Kurds in Romania. The difficulty in obtaining information about them is that they are citizens of several states (Turkey, Syria, Iraq, etc.), and the Romanian authorities do not investigate a person's ethnicity when they process their civil status for their entry and stay in Romania. Thus, any data that are used about the number of Kurds in Romania must be considered with care.

What is known about the Kurds is that they set up in Constanța in 1995 an association with cultural aims. This was discontinued in 1998. In 2000 a new association was opened this time in Bucharest. The representatives of this association state that there are larger numbers of Kurds in Alexandria, Brăila, Brașov, Slatina, Târgu Mureș.

The purpose of the ethnic Kurds' stay in Romania is largely connected to business and profit-making activities. The domains of interest are the food industry, aluminum processing industry, bakeries, lumber trade, carpets, nuts and seeds for export, clothes, jewelry, electrical goods stores, restaurants, etc.⁴⁵

The Kurdish People's Association in Bucharest estimates that in Romania there are approximately 3-4,000 ethnic Kurds, citizens of several countries, but mostly of Turkey, and also Syria and Iraq. From such a general estimate it results that approximately 80% of the Turkish, Syrian and Iraqi citizens in Romania are Kurds. It is interesting that approximately the same percentage, i.e. 80% of the Kurds, are men married to Romanian women.

As ethnicity is not checked when entering the country, the accuracy of various estimates referring to the Kurdish ethnics in Romania cannot be granted. The aspect of ethnicity is, in fact, irrelevant in the context of immigration. Neither state policies, nor people's reactions in ordinary life contexts are defined by ethnicity (not even the real needs for action in one field of immigration or another), but the popular representations are. In this respect, the fact that the ethnic Kurds consider that their number in Romania is somewhere around 3,500 is relevant for self-perception and for the efforts and the responsibilities which they undertake in the process of integration.

From the statements of the association's representatives, it also emerges that the ethnic connection is very strong in the case of Kurds and it outdoes the issue of citizenship. Thus, at the headquarters on Bucharest Kurds coming from several countries meet and discuss.

⁴⁴ According to the daily newspaper Adevărul, 8 August 2005.

⁴⁵ Interview with the representative of the Association of Kurds in Romania.

⁴⁶ Idem.

The association maintains relations of friendship with other associations of Kurds from European countries. At the same time, the Kurds in Romania are very much preoccupied and well informed about the international situation and dealings of the international organisms, but also of the European states as concerns the recognition of Kurds as an ethnic minority in Turkey, but also on the case of Abdullah Ocalan, the leader of the Kurdish people's emancipation movement, at present imprisoned in Turkey.⁴⁶

The relations with the Romanian majority do not have any features particularly describing the Romanians' relations with people from the Orient. What approaches them more is the common identity attributed to them by the Romanians, who often do not make the difference between Arabs, Turks and Kurds.

• the Iranians •

The official data show that in Romania there are 913 Iranians.⁴⁷ Until 2003, about 11 % of all the citizens who received Romanian citizenship were Iranians. The real purpose of the Iranian citizens' presence in Romania must be understood beyond statistics. According to statistics, 45.02% of the Iranians are recorded as staying in Romania because they are married with a Romanian citizen, or because they are reuniting the family. Only 19.6% are here for business purposes.

Most of the Iranians (67.5%) live in Bucharest, about 8% in Timișoara, and the rest in other towns in Romania.

For the Iranians who received Romanian citizenship, the above-mentioned percentages maintain the same order, but are somewhat higher (73 % live in Bucharest, and 11% in Timișoara). In Bucharest, the Iranian citizens who were granted Romanian citizenship prefer Sector 6, where 28% of them live, followed by Sector 5, where there are 24% of the total, and sector 4, where there are 19%.

The professional interests of the Iranians are not substantially different from those of Arabs or Kurds. The majority of Iranians are in profit-making activities, especially in commerce. A special form of activity is currency exchange, and the Iranians hold numerous exchange offices in Bucharest.

• the Chinese •

According to official data, in Romania there are about 4,000 Chinese citizens. Of them, 3,874 have temporary stay permits, and 215 have the right to permanent stay. Only 375 Chinese are recorded with work permits, which does not mean that the rest work illegally, but that they use other means of work or do other activities in Romania. Another few dozen Chinese citizens are in Romania to study (there are, for instance, 16 students who study medicine in Bucharest).⁴⁸

On the other hand, the 2002 Census counted 2,048 Romanian citizens of Chinese ethnicity, 2,060 whose mother tongue is Chinese. This is apparently surprising, because the Chinese community is the only one (except for the historical national minorities) who openly declared their ethnic belonging. Of course, there are other foreigners who hold Romanian citizenship and declared a different ethnic belonging, but this only happened partially (the proof is that they cannot be found in statistics), as opposed to the Chinese who did this in corpore. For example, only other 8,353 Romanian citizens stated a different ethnic origin, and other 7,419 stated their mother tongue was other than Romanian.⁴⁹

We believe we are not wrong by saying that this pertains to the Chinese people's mentality, who are keen to state openly that they are different, and try to integrate in the space where they live, but by maintaining their cultural and linguistic particularities unaltered.

⁴⁶ Idem.

⁴⁷ According to data of the Authority for Foreigners.

⁴⁸ Data valid for the end of September 2005, provided by the Authority for Foreigners.

⁴⁹ According to official data of the Census of the population and households, 2002.

We must say that most of the Chinese in Romania came after 1989, especially for business or as representatives of Chinese companies. A small number of youth came to study in Romania. Romania is one of the countries they find 'close', the explanation being that before the communist regime fell, there were good relations between the two countries. Sharing the same ideology made Romania quite present on the industrial goods market (television sets, refrigerators, steel, fertilizers, etc), but also on the cultural arena (especially films), which created the image of a beautiful and economically prosperous country.

1. Forms of association and identity representation

Most of the Chinese people in Romania are settled in Bucharest and in the big cities (Timișoara, Iași, Cluj and Constanța). The closeness to the capital, but also the lower price for housing and land causes a large group of Chinese people in Bucharest to live in Colentina, which thus gained the name of "China Town". The building of a store and of housing started here, which is estimated to cost 100 million euros. Thus, on an 80-hectare land a group of Romanian firms is building a mall, 12 block-of-flats with 600 apartments for the Chinese, an office building and 120,000 square meters of stores. The plans to build China Town are gaining shape.⁵⁰

As in China there are 56 officially recognized ethnic communities, it is natural that in Romania there is also a diversity of people, belonging to various groups, so in Romania too, there are Mongoloid, Xibo or Han Chinese. However, most Chinese belong to the Han group, who make up the majority in China too (about 90%).

The government in Beijing consider them Chinese people in the diaspora, and tries to help them as much as possible to integrate optimally in their new country.⁵¹

At present there are 15 organizations of the Chinese in Romania, most of them with economic or cultural purpose. A specific feature of these organizations is that they include people who in China used to belong to the same community (whether the same family, or related groups, or coming from the same town or region).⁵² Of these, the most important and active ones are: The general federation of Business People in Romania, The Union of Chinese Youth, the Association of Fujian Chinese, the Chinese Union for Promotion of Peace and Reunification for the Country. Three publications are produced in Chinese, but their readership is restricted to the ethnic group.

Cultural activities are organized every time when there is a Chinese holiday, especially on the Chinese New Year or the Celebration of the Moon.

Although at one point there was a school and a kindergarten in Chinese, at present there is no such initiative, especially because there is no interest for such a thing: the people are here to make money, the number of mixed families is very small, and there is a custom that once the children are of school age, they are sent to China to study. In Romania, the children may go to kindergarten, or they may be raised by a Romanian au pair. "There is the possibility to start a primary school if we find solutions to overcome several difficulties: a building, qualified teachers or guest teachers who need visas to come to Romania", say the Chinese officials.⁵³

From discussions with the representatives of the Chinese community in Romania we found that they are confronted with several problems. Obtaining entry visas is one of the most pressing issues, and the conditions imposed by the Romanian state are increasingly restrictive. Another issue is connected to not knowing Romanian, and therefore communication with the majority is difficult.

⁵⁰ According to the weekly newspaper "Capital", of 10 November 2005.

⁵¹ Interview with He Baiyan, consul of the People's Republic of China in Bucharest. Contact with the Chinese community in Romania was interesting: the members insisted on first having a dialogue with the Chinese Embassy.

⁵² Interview with Mihai Zhang, president of the Chinese Youth Union in Romania.

⁵³ Interview with He Baiyan, consul of the People's Republic of China in Bucharest.

"For us, business people, the fact that we can only make ourselves understood with difficulty causes problems with the Police, the Financial Guard, etc. Not rarely, the Chinese here are not treated at all as the majority", says a businessman. "At the market, where we do business, we are fined a lot for all sorts of things, and we are made to pay bigger fines than the Arabs, for instance." Another person adds: "The Chinese are received with reticence at the airport. They are humiliated, pushed aside and made to wait for a long time before they are allowed to enter Romania".⁵⁴

On the other hand, the Chinese cannot use their drivers' license obtained in their native country, and as many of them do not speak Romanian, it is almost impossible to get a new one. But the Chinese people's biggest worry is whether they get extended permits of stay or not. As many of them have an uncertain status, they fear that their visas would not be extended, and according to the laws, they would have to leave the country in 15 days. Time is often much too short for most of them to finish off their business and sell their assets. All these have led to underground businesses, where Chinese people who do not hold legal documents, do not know the language, and want to leave the country urgently use intermediary firms which they have to pay for the service.

The Romanians' opinion about the Chinese is not always positive. Although they are appreciated for their hard work, the press – through the numerous reports on illegal dealings and on connections with the mafia – managed to induce in the collective mindset a series of stereotypes. News about dead people in suitcases or about clashes between clans (which were abundant at the end of the previous decade) made ethnic Chinese be looked upon as intruders. To this is added the Chinese people's difficulty with language, which made them be perceived as stubborn, unwilling to communicate, including with the authorities. However, at the individual level, the Romanians' general attitude is friendly, say the Chinese authorities.

And they seem determined to integrate more and more into the Romanian society. Beyond plans to build China Town in Bucharest, the Chinese started to get actively involved in the life of the Romanian majority, and many organizations (among which the Union of Chinese Youth and the General Federation of Business People in Romania) donated money to the victims of the floods in 2005. In addition, the Federation organizes fundraising events every year to support a special school in Sector 2.

• other groups of foreigners in Romania •

In Romania, there are citizens of African states, South American states, and East European states (especially the former Yugoslavia) who have visas for temporary stay or who live here. For the study of immigration in Romania, they are not of high interest, because their number is small or because they do not have a clear intention of staying in Romania.

⁵⁴ Information obtained from discussions with Chinese businessmen, who wished to stay anonymous.

IX. MOLDAVIAN CITIZENS

We hesitated before we could decide whether the citizens of the Republic of Moldova should be considered foreigners in Romania. The reasons are easy to understand, and they pertain to the manner in which the history of these people is presented, as they are identified / identify themselves either as Moldavians (i.e. citizens of the current independent state called the Republic of Moldova), or Bessarabians (Romanians from a historical region, such as the Olteni, Maramureseni, etc. but who now live in another state).

It is not the purpose of the present research to touch upon the delicate topic of the ethnic origin of the population between the Prut and Dniester rivers, and this is we shall limit our discussion to the analysis of the Romanian state's policies toward them after 1990. Shortly after the fall of the communist regime, Romania tried to offer a solution to the citizens in the territories that belonged to Romania in the inter-war period. In March 1991 the law of citizenship was adopted, which in Article 4 stipulated the manner in which one can become a citizen of Romania, i.e. by birth having a Romanian parent, by adoption by a Romanian citizen, by repatriation and by naturalization. As concerns repatriation, articles 8 and 37 stipulated that "people who lost their citizenship" as well as their descendants can regain Romanian citizenship upon request, even if they currently hold another citizenship and they do not have their domicile in Romania. There were two major reasons for this initiative of the government in Bucharest: one was based on democratic principles, to allow the former Romanian citizens to regain upon request the rights they lost, and the other one was of sentimental/nationalist nature, more precisely to try and establish closer relations with the inhabitants of the territories that used to belong to Romanian (Bukovina and Bessarabia). Another potential objective, even if not stated publicly, was 'to reunify the Romanians into one political community, across the borders of the state that separate them, and therefore to take a step to Romania's reunification with Moldova'.⁵⁵

However, the consequences of the law were unpredictable: massive emigration of the intellectuals and supporters of the Romanian cause, diplomatic tension between Bucharest and Chisinau, because for a long time Moldova did not allow double citizenship.

But the most important thing that happened was that in the first years after 1991, a few hundred citizens of the Republic of Moldova, of various ethnic belonging, received Romanian citizenship, and this massive influx generated problems of impact on the socio-political and electoral realities in Romania.⁵⁶

All of these, corroborated with the advanced negotiations of Romania with the European Union – which means among other things security of the frontiers, and a rigorous evidence of the citizens, led to the decision to temporarily stop granting Romanian citizenship. Thus, Law 165/2003 was adopted, to suspend the applications of the provisions of Article 10 of law 21/1991 (Law of Citizenship) for a period of 6 months.

⁵⁵ Constantin Iordachi, "Cetățenie și identitate națională în România" [Citizenship and national identity in Romania], *Altera* no. 24, p. 20.

⁵⁶ The number of Moldavian citizens who regained Romanian citizenship is uncertain at present, because the Romanian authorities are reticent to provide credible data. If we were to believe the former Moldavian premier, Mircea Druc, circa 250,000-300,000 Moldavians regained Romanian citizenship between 1991-2001 (according to the daily newspaper *Evenimentul Zilei* of May 28, 2000). The authorities at the Office for Citizenship were unwilling to provide an accurate figure, other press articles that cited this source mentioning 300,000 people.

The authorities in Bucharest say that this process was now restarted, and that now 'granting Romanian citizenship' is done at a normal rate. They argue that in 2004 they granted citizenship to 295 people who live in the Republic of Moldova or Bukovina (Ukraine), and the estimated number for 2005 was at least double.⁵⁷

Only, despite the official reassurance, the reality shows that beginning with 2002, the procedure to regain Romanian citizenship by the inhabitants of Moldova and Bukovina became much more difficult and costly. Thus, before 1 March 2002, this process took 10-12 months and cost 1,000 USD. After that time, the number of documents necessary and the related costs increased significantly. We present in the following the steps that an applicant must take, and the estimated costs, which do not include transport from the Republic of Moldova to Bucharest or expenses related to accommodation in Bucharest. Necessary documents:

- Birth certificate and parents' marriage certificate, and for the deceased parents documents to prove this – about 15 USD
- Birth certificates and marriage certificates of the people who request to regain Romanian citizenship – 7 USD
- Certificates issued by the Town hall where the applicant was born, as well as a certificate stating that the respective town was part of Romania until 28 June 1940 – 30 USD
- Legal clearance from the Republic of Moldova – 10 USD
- Legal clearance from Romania, which is only issued personally to the applicant (it requires a trip to Bucharest) – 40 USD
- Official request to submit the documents to the Romanian Consulate in Chişinău – 23 USD

This is only the beginning of the paperwork. The second stage, which is the granting of the citizenship proper, remains a mystery from the time and financial perspectives. Although the legal bodies in charge have accepted to release the applicant's Romanian citizenship, the person, with copies of the above documents must go to the Passport Office of the Municipality of Bucharest to obtain a "Certificate of Romanian Citizen". Every day, all these offices have queues of 200 people, but only 4-7 files are processed a day. The legal fee is 20 Euros, but if someone wants to do it, they can pay a bribe for a more rapid processing (which is a minimum of 100 Euros). With the newly acquired certificate, and a new set of documents, the applicant must go to the Town Hall of Bucharest to obtain Romanian birth and marriage certificates. The fees alone are about 50 USD. Finally, the new certificates together with a new set of documents are submitted to the Passport Office, to have a Romanian passport issued. The second stage lasts for 10-15 months on the average.⁵⁸

The bivalent attitude of the Romanian authorities is revealed not only in issues of granting citizenship, but also in the manner in which officially the Moldavian citizens are regarded. Thus, directly under the Executive there is a Department for Romanians from All Over the World, which has the mission to support "the Romanian communities abroad, the preservation of their ethnic, cultural and religious identity" and which runs programs "for the protection of the Romanian language, schools and churches, by revealing the value of the Romanian cultural heritage abroad, by establishing relations of continuous and effective communication with the Romanian associations in neighbouring countries, in the Balkans and with the diaspora".⁵⁹

⁵⁷ The response of the Minister of Justice, Monica Macovei, to a parliamentary interpellation of PRM deputy Ilie Ilascu, on 26 April 2005. Ilascu stated that there are around 100,000 files that are waiting to be solved, but Monica Macovei said the figure was pure fantasizing.

⁵⁸ The summary of a petition signed by several Bessarabians who accused the difficult procedure to regain Romanian citizenship, according to the Agency Romanian Global News (www.rgnpress.ro/content/view/2087).

⁵⁹ Unfortunately, the Department for Romanians from All Over the World (DRP) made itself known through the plans that had very modest results. To illustrate the lack of clear strategy in the field, it is worth looking at the statement of the state secretary Mihai Gheorghiu, at a meeting with Bessarabian students in Romania, on 5 April 2005. He stated: "The Government of Romania must have a coherent policy, set strategic objectives and find the administrative and political means that are most adequate for the preservation of cultural, religious, and linguistic identity of the Romanians, especially of those who live in neighboring countries. But life is much more complex than any strategy, and dialogue, attempts and successes of the civic organizations, the capacity to create and to continue the flow between the Romanian communities and Romania is, in the end, of each of us. If the flow is continuous, if the coordinates are real, is it indeed penetrates the texture of the society, things can go on. No administrative, governmental initiative can exist outside of this collaboration and outside of this common and constant effort".

On the other hand, another Romanian institution, the Authority for foreigners, considers the citizens of the Republic of Moldova legally in Romania as foreigners. Thus, according to the Authority's statistics, in September 2005, in Romania there were 8,443 people with the right to stay temporarily (the Moldavians with permanent stay are not found in the statistics) and 6,711 foreigners from Moldova who were in Romania to study and to have professional training (57.6% of the total). Another 339 Moldavian citizens had work permits.⁶⁰

1 Forms of association and identity representation

As visible from the data above, most of the Moldavian citizens legally staying in Romania are youth who come to study here (in high schools, and in universities). Therefore, we are concentrating on them in the following.

Most of the citizens who repatriated and settled down in Romania made the first steps with the support of relatives and friends, and they are mostly in the bigger cities, all over Romania. Although the official data are inexistent, it seems that most Bessarabians are in the Romanian province of Moldavia; for instance, in Iasi there are 6-7 thousand people, including young people who study there. A significant number of Moldavians/Bessarabians are in Bucharest, Galați, Constanța, Cluj and Timișoara. The large cities are favored because they provide more opportunities for business, and the labor market is better.

A significant part of those settled in Romania ran away from poverty and the communist regime or to start a new life after they complete their studies. Especially these people come from rural areas or from disadvantaged areas (Transdniestria, for instance). The percentage of those who came to Romania to do business is very small.

Back to the youth who study in Romania, it must be said that the Romanian state provides annually a considerable number of scholarships, only this year giving away 884 scholarships for high school students, 1,000 university scholarships, and 150 post-graduate scholarships. Those who pay for their studies are added to these numbers. The efforts of Bucharest are appreciated by the beneficiaries, but they think that the number of scholarships is not enough, and the post-graduate ones especially should be increased. In addition, the technical studies are paid too much attention, which is not as much sought after as the humanities (where there are 20-25 applicants per scholarship).

The percentage of youth who give up their studies is higher among the high school students. They have difficulty adjusting, especially at an early age. At college or in post-graduate school, drop out is much lower, and often the students enroll to a second college or specialization only to be able to stay legally on the territory of Romania.

The youth of the Republic of Moldova have mainly the same status and rights as any foreigner that resides in Romania. Their biggest discontent is that the law does not allow them to get a job without obtaining a special work permit. „This document is quite costly for us, there are lots of documents that you need to produce, and they are useless formalities which few of us manage to get over. For instance, we should prove that we have a salary that is over 200 Euros/month, or to extend its validity for a year. Few of us manage to get advantageous jobs so as to be able to go the legal way. Most often we are forced to work on the black market or to register with foreign documents", says the leader of the Bessarabians' organization in Romania.⁶¹

Another situation is connected to the fact that even after they marry a Romanian citizen, the issues connected to employment remain, because on the permit for temporary stay in Romania it says under "purpose of visit to Romania", to "visit spouse".

Romanian citizenship can miss intergovernmental exchanges of students or exchanges of various specialists in different fields, even if they could qualify professionally.⁶²

⁶⁰ Information provided by the Authority for Foreigners, September 2005.

⁶¹ Interview with Ghenadie Brega, president of Hyde Park organization, Bucharest.

⁶² "I missed the opportunity to go to Israel with the firm I am working for because I was not a Romanian citizen, so I could not have access to information about technology according to the provisions of a law in the United States..." says a young graduate from a college in Romania. Another young woman missed a similar opportunity to study in India.

On the other hand, those who did not regain Even if it is often undecided and heterogeneous, the community of young Bessarabians in Romania is determined to find solutions first of all on their own, because their integration in the Romanian majority society is easier due to language and cultural similarity. Though there are over 15 students' associations⁶³ and many of them are cultural or political, the Moldavian citizens in Romania (whether they hold Romanian citizenship or not) are first of all interested in sorting out their own intellectual and professional destiny, and the political actions and coagulation remain on the sentimental level. Their economic, social, and political impact on the Romanian society is still an issue of interest for researchers.⁶⁴

⁶⁴ Until the, in order to understand the problems and concerns of the generation it is helpful to look at literature. We use to this end a few lines from a collection of essays "Tzara mea", published by Tamara Cărbăuș, at the ARC Publishing House, Chișinău, 2000: "No situation of my generation in modernity or post-modernity, in one Romanian state or another, in a nation state or in a post-national community, will not save it from the responsibility, from the individual effort, to cultivate this disposition. Whichever the position, there is an indelible experience of its own: we went through an era of de-territorialization, the weakening of links with a culture that is defined by space. The potential re-territorialization cannot be a return to what we have been. It will be a new way of organizing meaning, a new manner of structuring the world. Which I cannot (I do not want to) avoid, ignore, or miss." (p. 173).

X. FOREIGNERS – A REAL THREAT?

Thorough research regarding perceptions of the Romanian majority about foreigners almost lack completely. Reading the press, which, when discussingThorough research regarding perceptions of the Romanian majority about foreigners almost lack completely. Reading the press, which, when discussing issues centering on the presence of foreigners does this almost exclusively in a negative tone, or empirically exploring shared opinions, the conclusion is a single one: Romanians have hardly a favorable opinion about foreigners. This does not necessarily mean that Romanians are racist or xenophobic, but rather that there is a high degree of ignorance.

In the “Romanian Values, European values” report, carried out by IRSOP at the request of the Delegation of the European Commission in Bucharest, made public in September 2005, around 61 % of respondents agreed with the following statement: „Arabs, Turks and Chinese are dishonest.” On the other hand, 64% of Romanians believe that “there are too many foreigners who prosper in Romania while Romanians live poorly.”⁶⁵ Percentages remain the same irrespective of age groups, level of education or residence (urban or rural) amongst surveyed subjects.

Are these perceptions real, do they rely on real facts? It is hard to find a definite answer to these questions because statistical data or research in this field are lacking almost entirely. Still, based on data offered by the Romanian Police,⁶⁶ in 2002 0.77%, that is 1799 foreign persons were caught in the committing of crimes, which represents 6.45% of the entire foreign population in comparison to a criminality rate of 1.06% amongst the autochthonous population. At the same time, however, the Interpol reports⁶⁷ that only contravention and criminality related to counterfeit money and drug trafficking involved more than 2% of foreign citizens, more precisely 5.10% and 9.20%. Data accessible so far still offers the possibility of an analysis regarding the splitting of foreigners into those who violate civil provisions and foreign criminals.

These data must be regarded, however, with some hesitation because they refer to investigated individuals and not sentenced persons, and as studies done in other countries indicate, law enforcement systems, the Police in particular, tend to incline towards having a suspicious attitude regarding immigrant persons, opening significantly more investigations involving foreign citizens than is in most cases necessary. At the same time, statistics show that the migrant population is disproportionately overrepresented in jails, and it is believed that this is frequently due to racism, or sometimes authorities being too enthusiastic in arresting foreign citizens.⁶⁸

⁶⁵ Research available online at <http://www.infoeuropa.ro/jsp/page.jsp?cid=2895&lid=1#10>

⁶⁶ Data available at http://www.politiaromana.ro/statistici_2000_2002.htm, 30.10.2005.

⁶⁷ According to the International Crime Statistics, <http://www.interpol.int>, 2001.

⁶⁸ According to Andi Păcurar, “Noile minorități în România” in *Geopolitica*, no.1/2004, pg. 68.

Another sensitive problem and the ubiquity of which is higher than it has ever been is the possible relationships of foreign citizens living in Romania and international terrorist organizations. According to the reports of the Romania Secret Service (SRI), there are no hints of terrorist activities of autochthonous groups, or foreign organizations against any Romanian objectives. However, as the press has informed, there are cases of foreign citizens involved in international terrorist organizations. In order to quote a case in this respect, in recent years 19 foreign citizens from Arab countries have been expelled from Romania because they were suspected to have had ties to Hamas.⁶⁹

Although there are no clear objectives for terrorists, Romania is used by a variety of criminal organizations to launder money that later can end up financing terrorist activities outside state borders. According to SRI reports, the main organization that raised such problems was the Party of Workers from Kurdistan. This organization does fundraising for their expatriation, using methods that involve voluntary participation, as well as contraband, tax evasion, money laundering, requesting protection fees for ethnic Kurds and Turks.⁷⁰ PKK has also organized illegal transportation of ethnic Kurds towards western countries, illegal trafficking of foreign currency and drugs, but these activities has significantly dropped in intensity in the past years.

As far as drug trafficking is concerned, Romania is increasingly becoming a market, not only a transit area, hence there is a risk that trafficking is turning into a threat of the society instead of a threat to the state and public order. Other criminal acts refer to money laundering, the involvement of Romania in illicit international trafficking of human beings, armament, toxic and radioactive substances, as well as falsified money.

In many of these crimes foreign citizens participate, either because they live in Romania, or because they are in transit. At least this is what official releases of public authorities responsible with maintaining order reflect, and these are absorbed by the mass media and induced in public perceptions.

Unfortunately, details regarding foreign citizens' criminality are very easy to misinterpret. Although it is obvious in Romania that numerous foreign citizens are engaged in illicit or criminal activities that threaten national security and public safety, the same can be said about the fact that most foreign citizens (according to official data, over 90%) came to Romania to find refuge from the effects of the political situation in their home countries, or simply to look for a better standard of living. This is reason why we believe that the generalization of a negative attitude towards all foreigners has absolutely no grounds and is dangerous.

⁶⁹ Jurnalul Național, "Lista Hamas", October 31st, 2005, pg. 3. On the other hand, the same publication quotes the Romanian Secret Service that states that sob members of Hamas act under the cover and protection of the Islamic and Cultural League, a local organization, with representatives in several university centers throughout the country. „Under the cover of religious gatherings, leaders of cells of the organization author intense fundamentalist-Islamic propaganda and attract new members through enabling acquaintances among Muslim believers in university centers", states the SRI report. The lead secret service believes that the activity of Hamas members and sympathizers residing in Romania is a major risk factor to the security of the country.

⁷⁰ See in this regard SRI reports from 1998, 1999 and after.

XI. ILLEGAL IMMIGRATION IN ROMANIA

In the current international context, Romania – a south-eastern European country at the crossroads that connect the east and the west of the continent, as well as the Asian south and European west and north – is included in the Balkan route of illegal migration.

This geographic positioning, as well as the fact that Romania is neighboring European Union member states and has immediate perspectives to join this structure and adhere to the Schengen space most likely in 2007, are both serious reasons to become worried. Specialists estimate that there is a high probability that Romania will turn from being a transit country into a destination country for economic migrants from the eastern parts of the continent and southern Asia. In addition, illegal migration risks affecting all vital domains of society, including state security and that of its citizens.

The phenomenon of illegal migration has known a sinuous evolution depending on a variety of different factors, especially political or economic. Thus, in the 1990's, the number of foreigners who tried to illegally enter Romania constantly increased up to the point where our country started addressing the issue through concrete measures. Back then, means to overcome the phenomenon proved ineffective. Later, towards the end of the 90's, especially due to the request and support of the European union, Romania managed to secure its own state borders, adopted specific legislation in harmony with the European one, reorganized the border police and made attempts to ensure the minimum of necessary logistics.

As a result, after 1994-1997 when the influx of illegal foreign citizens remained constant, their numbers reached 1900 individuals in 1999. On the other hand, the number of persons found to be residing illegally in Romania was around 36,000 in 1997, double in comparison to numbers in 1993, but dropped to 7,300 in 1999 (of which 1170 were expelled).⁷¹

According to the Authority for Foreigners, in the first two months of this year, the Authority brought a decision regarding the expulsion of 4,163 foreigners of which 3,696 are dispositions to leave the territory of the country (documents demanded by foreigners themselves, in some cases) and 467 are forced expulsions.

From the beginning of the year 2000, the trafficking of foreign citizens into and from Romania has been constantly intensifying, and implicitly the number of persons with illegal status has been increasing, as well.

Thus, according to official data, the number of citizens who were denied entrance into Romania in 2004 was 67,068 (of whom 30,246 did not have means to support themselves, 16,786 encountered problems with customs, 1,025 refused to pay taxes provided by law, 6,985 produced unsatisfactory traveling documents, 384 criminals were discovered in the responsibility sphere, and 11,0202 were refused based on legal grounds, etc.⁷²).

⁷¹ According to the „Politica imigrației în România în context european” report, edited by the Economic and Social Council, to be found at http://www.ces.ro/romana/politica_imigratiei.html.

⁷² Information from the General Inspectorate of Border Police. See also www.politiadefrontiera.ro.

The situation based on citizenship is the following:

| Country of origin | Number of persons |
|---------------------|-------------------|
| Serbia | 19,824 |
| Republic of Moldova | 17,404 |
| Ukraine | 6,755 |
| Bulgaria | 2,280 |
| Turkey | 1,253 |
| Russian Federation | 534 |
| Macedonia | 122 |
| Syria | 81 |
| Bosnia Herzegovina | 72 |
| China | 56 |
| Egypt | 56 |
| Lithuania | 38 |
| Croatia | 29 |
| Iran | 21 |
| Nigeria | 21 |
| Pakistan | 18 |
| Lebanon | 12 |

The situation has not changed at all in the recent past. Quite on the contrary. The number of foreign citizens found to illegally cross the borders in the first eight months of 2005 increased by around 68% in comparison to the same period of the previous year, 2004. As a result, the entrance into the country was denied, on a variety of different grounds, to 32,000 foreign citizens, as part of them were considered to be future migrants who had included Romania in their transit route towards Western Europe.⁷³

The situation of these individuals was the following:

- 2.132 did not have legal means for supporting themselves;
- 16.464 encountered problems with customs;
- 515 refused to pay taxes provided by law;
- 3.650 were traveling with problematic traveling documents;
- 67 criminals were discovered in the responsibility area;
- 54 individuals had fake / false passports and / or visas;
- 124 had false statements in official documents;
- 9.440 were denied entrance based on other legal grounds.

In this period, the exit of 4,118 foreign citizens was denied on grounds of a variety of different reasons: 95 had false or falsified passports / visas, 491 had problematic documents, 1,040 had not respected customs agreements, 50 persons were hidden in means of transportation, 8 criminals were discovered, 1,924 were forbidden exit on other legal grounds, and this includes persons who were suspected to have committed illegal actions in the Schengen space.

At the green border, 482 foreign citizens were discovered of whom 94 attempted to illegally cross the border into Romania and other 388 tried to leave the country in an illegal way.

⁷³ Information provided by the General Inspectorate of Border Police. Still, the situation is better than it was in 2003 when 80,332 individuals were denied entrance into the country. On the other hand, 4,038 were denied exit because they had false documents. In 2003, the number of foreign citizens that attempted to cross the green strip between Romania and bordering countries dropped from 2,469 to 790.

In addition, 72 guides and transporters (55 Romanian citizens and 17 foreign citizens) were discovered in comparison to 51 discovered in the same period of the previous year, with the help of whom individuals tried to illegally cross the Romania border. Moreover, 29 networks of illegal migration were discovered, involving 158 persons.

• routes of illegal migration •

Analyses carried out by specialists indicate that in Romania there are six main regions with high migration potential⁷⁴:

1. The eastern region, bordering with the Republic of Moldova. The border is crossed illegally especially by African and Asian citizens (especially from Somalia, India, Iraq, Pakistan, Sierra Leone, Sudan, Afghanistan, etc). They use as guides Russian, Ukrainian and Moldovan citizens, and as soon as they arrive in Romania ask for political asylum. After 2000, when border checks became stricter, the influx of foreign citizens via this route decreased significantly.
2. The western region, bordering with Hungary. Illegal migrants, especially African and Asians, used to use this route to reach Western Europe. In comparison to the pre-2000 period, illegal migration at this border dropped by 45%.
3. The southern region, bordering with Bulgaria. Especially Iraqi, Afghan, Pakistani and ethnic Kurds come into Romania using this access route. Following the year 2000, there has been an increase of those who attempted and succeeded in entering Romania via this route.
4. The northern region, at the border with Ukraine. Again, these access routes are used by Africans and Asians.
5. The south-western region bordering with Serbia – this is the major route used for human trafficking of young women from the states of the former Soviet Union, as well as Romania.
6. International airports where human trafficking occurs. Most frequently, citizens of Turkey (Kurd ethnics), China, Iran and Iraq use false passports and visa for the Schengen area.

Taking into account the intensity of migration in the first eight months of 2005, the following routes – it is true though that to a lesser extent –: Afghanistan-Iran-Iraq-Turkey-Bulgaria-Romania or Afghanistan-Iran-Iraq-Turkey-Bulgaria-Serbia-Croatia, while the eastern routes – less and less – remain used, as well.⁷⁵

Hidden illegal migration is also employed. This way, Turkish citizens, after entering Romania with valid passports, use false passports issued by Greek, Swedish or Bulgarian authorities, or fake Italian residence permits and attempt to leave the country again towards Western Europe.

At the same time, Moldavian citizens, after their legal entry into Romania, try – through Romanian mediators – to leave the country using Romanian, Belgian, Lithuanian, Polish, Slovak or Bulgarian passports falsified by changing the photography, or by using false residence permits for Italy, Germany, Greece or Spain (obtained in the country of origin). Moreover, cases were registered in which Moldavian citizens wanted to travel by air to destinations where they do not need visas (for instance, Tunisia), transiting through Germany, by false residence permits for Greece were found upon them.

Hidden methods were used by Singapore citizens, as well, who attempted to enter Romania using Japanese passports or passports from national authorities that did not represent them. Another example: Serb citizens tried to enter Romania using false Slovenian passports.

⁷⁴ According to Aurel Neagu, “Migrația ilegală la frontierele României. Măsuri întreprinse de către Poliția de Frontieră Română pentru contracararea acestui fenomen”, paper presented at the international symposium “Migrationsfragen und Minderheitenrechte in Europa”, March 29-30th 2004, Goethe Institut, Bucharest.

⁷⁵ Information provided by the General Inspectorate of Border Police.

For the illegal exiting of Romania, especially in the case of Moldavian and some Turkish citizens, another new opportunity seemed to have arisen in the context of green border use: groups of people were found to be trying to reach Hungary and Serbia illegally. They were discovered in trucks and trains heading towards countries of Schengen states.

Asylum seekers from Romania are constantly discovered in attempts at illegally crossing the border most frequently that with Hungary and Serbia. Most come from Somalia, Bangladesh, Nigeria, Liberia and India.

The most important countries of residence according to the number of illegal migrants that want to cross the Romanian borders (both at entry, as well as exit) are India, Iraq, Pakistan, Turkey, Georgia, Republic of Moldova, Liberia, Nigeria.

In 2004, authorities managed to reveal 32 paths of illegal migration involving 166 individuals.

A significant component of illegal migration is human trafficking, which, in addition to women and children from Romania, also involve numerous foreign citizens, mostly from the Republic of Moldova and the republics of the former Soviet Union. Although this phenomenon has been decreasing in intensity due to the strict border controls and the elimination of the Schengen visa for Romanians, it still persists. In 2003, 26 networks of traffickers were discovered through which 77 persons had crossed over 600 women over the border for prostitution, and other 480 as pickpockets.⁷⁶ One year later, in 2004, 28 such networks were revealed comprising over 107 traffickers (100 Romanians and 7 foreign citizens), 210 women for prostitution and 1,676 trafficked for begging.⁷⁷

• public policies •

“Illegal migration of foreigners towards Romania perturbs the labor market, feeds into the black market and develops networks of organized crime”, quoting the mid-year report of the General Inspectorate of Border Police (IGPF). “The illegal migration of foreign citizens towards Romania represents a source of dangers to the security of the Romanian state due to its disturbing effects regarding the most important domains of Romanian public life: demography, the labor market, the strengthening of the black market, the proliferation of criminality, as well as the infiltration of persons who engage in extremist-terrorist activities or the obstruction of migrants (due to their critical financial situation) into activities of this nature” is stated in a recent press release of the Public Relations office of the IGPF.⁷⁸

From this point of view, and implicitly in order to combat illegal immigration, Romania has adopted a series of actions that attempt first of all the improvement of border guarding, as well as the adoption of certain legislative and effective measures in combating illegal immigration. His last aspect refers to policies concerning the returning and assisted voluntary repatriation of foreigners, as well as the facilitation of the return to the country of origin or domicile through the enactment of a re-admittance accord with the respective states, especially with those that present a high migratory potential.

The return of foreign citizens from the territory of Romania is mostly an administrative issue especially when authorities aim to place them in a situation where they cannot commit or repeat illegal actions or felonies.

At the same time, the law permits the removal of a foreign citizen from Romanian territory when this becomes undesirable or threatens national safety. Precise criteria or procedures in these cases are not very clear, however, and have not been made public. For this reason, to many foreigners in Romania, in particular to those who come from countries with “high immigration potential”, expulsion is a term that bears strong negative connotations in the integration process. Frequently, expulsions have been seen by foreigners and their communities as based on arbitrary and even highly politicized grounds.

⁷⁶ According to Aurel Neagu, “Migrația ilegală la frontierele României. Măsuri întreprinse de către Poliția de Frontieră Română pentru contracararea acestui fenomen”.

⁷⁷ Information provided by the General Inspectorate of Border Police.

⁷⁸ Press release issued by the General Inspectorate of Border Police, June 2004.

According to the current legislation, determining who foreigners with illegal residence, as well as those whose requests of obtaining asylum were denied are, and were requested to leave the country, are done through stimulating and restrictive measures depending on the case. The application of legal procedures is also carried out taking into account the opinion and individual specificities of the persons regarding their religion, philosophy, as well as culture, in addition to their right to have fair access to justice in conditions of safety and personal dignity.

In the perspective of European accession, Romania has proposed to develop its capacities regarding the return of asylum seekers when their requests are turned down as a result of a complete procedure, including those who are taken over by a third safe country or through the Dublin mechanism.

As a result, the Computer Center of the Authority for Foreigners (ApS) a national level software was conceived, elaborated and implemented that is meant to manage evidence regarding the admission and stay of foreigners, as well as operative evidence regarding foreigners found to be residing in Romania illegally, criminally charged, foreigners previously expelled from the country, individuals who have interdiction to enter the country, etc. This system is part of the Integrated System for Migration, Asylum and Visas which also contains the Visa on-line system and the Information System of the National Office for Refugees.

In addition, the Information System for the Management of Foreigners (SIMS) – including the issuing of new identity and travel documents for foreigners – is operational in 39 county bureaus for foreigners. The installation of SIMS for the Bucharest services for foreigners and for the Otopeni housing center, as well as that for the Sibiu and Maramures counties is underway, and the Authority for Foreigners is making attempts at obtaining the support of the County Police Inspectorate Arad in order to connect the Arad housing center via a connection through a Romtelecom data circuit.

Moreover, the capacity of central and territorial structures of the Authority in the tracking of false and falsified documents has increased subsequently to the installation of video-spectral comparing devices. These have been installed at the central office of the Authority, at the two territorial offices in Bucharest, as well as in offices in Constanța, Bihor, Cluj, Dolj, Iași, Timiș and Prahova counties. At the same time, the personnel of the Authority benefited from training sessions regarding the use of the video-spectral comparing devices.

The policies in this field impose that competent Romanian authorities take into account, in the first phases of asylum seeking, counseling regarding possibilities related to the return to countries of origin or domicile through offering information about relevant procedure and about rights and obligations of seekers during the unfolding of the whole asylum seeking procedure.⁷⁹

⁷⁹ According to the „Politica imigrației în România în context european” report, edited by the Economic and Social Council, available at http://www.ces.ro/romana/politica_imigratiei.html.

XII. CONCLUSIONS AND RECOMMENDATIONS

Romanian society is in a constant transformation, especially social and economic. The participation of immigration in this process is limited, however, and has small impact. First of all, the demographic impact is negligible, as foreigners represent less than 0.2% of the total population of Romania. Culturally speaking, the impact is insignificant as well, as most individuals who come into our country are economic migrants with a low level of education, from Asian cultures and non-Christian religions, and their integration is one into a society which is very different from their own.

The most visible impact of immigration is economic: Romania benefits from the influx of labor brought by foreigners, as well as from the gains as a result of economic activity (taxes) and fees paid for a variety of different services (visas, renewal of work permits, etc.).

A completely different case is the one of Moldavian citizens, whose ethnic and cultural background overlaps with those of the majority Romanians, but who are treated as foreigners when they do not have Romanian citizenship. Even if there are no problems of social integration, Moldavians who have Romanian citizenship still constitute an ethnic group with a special profile and a particular experience. The Romanian state will have to define a clearer policy and to give up useless impediments in granting Romanian citizenship to Moldavian citizens and Moldavian individuals. On the other hand, policies of educational support, exercised up to present, will have to be completed by policies making access to the labor market much easier.

Although theoretically the law provides protection to everyone, foreigners meet several genuine difficulties in their attempt to benefit from the respective provisions. In order to make immigration a more beneficial phenomenon for Romania, it is necessary to really integrate immigrants. In order to do this, opinion and religious leaders have to be involved into discussing and finding solutions to problems directly concerning foreigners. This will probably be redressed after Romania's accession to the European Union, which will impose – among other things – the participation of foreign citizens in political life.

The social exclusion of foreigners in Romania is a fact that can be tried point by point, but which has not reached alarming proportions and this is primarily due to the small number of foreigners. This in turn also implies the small intensity of associated problems. Still, if the public discourse against foreign citizens radicalizes, the social exclusion of foreigners will not remain without visible social effects. Examples from other European countries (the one in France is the most recent) demonstrate this statement more than eloquently.

The media frequently ignores the larger perspective regarding certain phenomena, implicitly the presence of immigrants in Romania, stressing almost exclusively negative images of foreigners as these come through via the profile of one or another criminal. Such a collective blame of foreigners for criminal acts from some persons is completely counterproductive.

Would Romania gain anything from substantially modifying its policies towards immigration in the direction in which new measures promote the settling of foreign citizens on its territory? The experience of other European countries that were in Romania's shoes – continuous demographic decline, aging of the population, the need for maintaining economic growth – shows that immigration can represent a handy solution. What is necessary here is the "softening" of rules regarding immigration, as well as enforcing a form of amnesty for illegal migrants. Except that in the perspective of improved Romanian economic realities and which could become stimulants for immigration (implicitly, a negative one for emigration), this is not dared for the medium term. Quite on the contrary, the hypothesis according to which emigration will grow, especially in the context of European accession and the free movement of labor, is more plausible.

• **recommendations regarding the improvement of the situation of asylum seekers and refugees in Romania** •

Improving protection of refugees. Romania has managed to mostly solve the issue of procedures regarding asylum seeking, as well as those regarding the rights of asylum seekers, refugees and individuals who receive conditional humanitarian protection. Specialized forms of assistance from authorities engaged in the integration into society of foreigners that were granted protection in Romania need to be developed in future, however. These imply the concrete implementation of programs of professional training, as well as concrete support in finding a job, a home, etc., as well as courses for the training of public servants regarding intercultural communication.

Finding effective ways for recognizing qualifications and degrees of refugees. Many of these individuals do not have proving documents regarding their professional abilities and this is why they are forced to take jobs that do not require qualifications. The National Office for Refugees proposed the preparation of a practical test that could work as a professional guarantee, but the Ministry of Education and Research rejected it.

Shortening the time necessary to obtain citizenship. Refugees should normally have a different status than other foreign citizens vis-à-vis the obtainment of Romanian citizenship and the argument for this is their special status. Currently, refugees have to wait for eight years (or five in case they marry a Romanian citizen). Competent authorities tried to promote this initiative, however it was unsuccessful so far. Statistics show that in the past 15 years, only 20 refugees managed to obtain Romanian citizenship.

Provisions of art. 34 of the Geneva Convention regarding the status of refugees states that “contracting states will facilitate, as much as possible, the assimilation and naturalization of refugees. They will try, especially, to accelerate the naturalization process and reduce, as much as possible, the taxes and costs associated with these procedures.” In Romania there are numerous difficulties in this regard.

Procedures for establishing domicile in Romania for persons enjoying conditional humanitarian protection have to be elaborated (this problem will hopefully be solved with the new law on asylum, stepping into force in 2006). On the other hand, a methodology for the examination of requesting persons must be elaborated, as well as the practical guarantee for the insurance of a attorney or mandated person during the interview with the Citizenship Committee.

Informing and raising awareness among the population regarding the real problems of refugees. Even if recent years several public campaigns attempting to inform citizens about the state of refugees and asylum seekers have existed, their problems remain unknown to the majority of Romania’s citizens. In addition, many Romanians have conservative, sometimes rejecting attitudes towards foreigners, first of all rooted in sheer ignorance.