

THE ROLE OF PUBLIC INSTITUTIONS IN ROMANIA IN THE MANAGEMENT OF MIGRATION

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ABSTRACT: *Central and local public institutions in Romania play a decisive role in the proper management of migration, but they must be more aware of this role and take on it, be proactive and more efficient, ensure transparency of the performed managerial act and solve the needs of community members more pragmatically. The analysis carried out presents the social and economic problems arising from migration and highlights the need for public authorities to actively intervene in the process of good migration management.*

Keywords: *immigration, migration, public institutions, local public authorities, management, integration.*

JEL: D73, F22, K37, O15.

INTRODUCTION

The purpose of this study is to identify and present, in an exploratory way, the active role that the public institutions in Romania have in creating an appropriate social, economic and cultural framework for the harmonious development of the members of local communities, in an international and European context favourable to the mobility and migration of persons, but temporarily exposed to the pandemic generated by the spread of the human COVID-19 virus. The study realistically presents the degree of involvement of the Public Authorities in Romania in the management of a known global phenomenon: migration. Starting from the conclusion expressed in the Global Compact for Safe Migration, "Migration has been part of human experience throughout history and we recognise that it is a source of prosperity, innovation and sustainable development in our globalised world and that these positive effects can be optimised by improving migration governance", we therefore ask ourselves: How can we optimise and improve migration governance in local communities in Romania?

1. USEFUL ELEMENTS IN THE APPROACH OF THE MIGRATION-PUBLIC AUTHORITY RELATIONSHIP

The subject, although attractive to any researcher, is less analysed in Romania, due particularly to its specificity, the scarcity of data on immigrants, and mostly to the lack of work of an inter-institutional forum, coordinator at the national level, on the whole issue of migration (emigration/immigration), using statistical data, research, civil society suggestions and proposals of the local and central migration authorities and gathering all the results in public policy proposals, which the authorities subsequently implement.

It is also important to investigate, analyse and predict the effects of the international flow of legal or illegal migration on local communities here and to what extent the Romanian institutions and public authorities can influence the development or the range of the phenomenon through gradual, medium or long-term measures, applying strategies, policies, programmes, plans, or other measures to manage the phenomenon, the safety and the well-being of an intercultural community.

The author's practical experience of more than 24 years of activity in the field of immigration regulation and illegal immigration control has led him to approach this subject

with the idea of sending a message of encouragement to the authorities for a better knowledge of the field and its management in the interests of the communities they deal with.

It is essential, today, for a community with intercultural interference, such as the Romanian one, to know by public institutions the active role they must face in managing the good coexistence of all members of the community.

Based on this principle, we believe that the public authorities have an obligation to investigate, assess, legislate and manage the entire immigration phenomenon (legal or illegal) in line with existing community-wide needs. The following programme document, "The National Immigration Strategy for the period 2021-2024" mentions 23 central public institutions which, according to their competences, participate in the implementation of the strategic provisions contained in the document.

The document, initiated by the Inspectorate-General for Immigration, settles the principles and guidelines for the regulation of the national policies in the field of admission, legal residence, labour immigration, combating illegal immigration, leaving Romania, granting the form of protection to immigrants in need and integrating them into the local community.

The activities implementing the action directions settled in the Strategy are scheduled in the Action Plan 2021-2022, in consultation with all participating public institutions. As a procedure, the document was also under public debate before being promoted for approval by the government.

The evidence and interference of the statistical data, always in dynamics about the immigration and immigrants shows, among other things, the degree of involvement of the public authorities in community life and its management. The economic, social and cultural implications of immigration can only realistically be presented through the understanding of the receiving community and the response of the authorities to the needs or effects that occur between members of different ethnicities in the community. Local authorities at the forefront of managing social mobility issues have this key role in the migration management, but it is often aware of the theory and less at day-to-day practice. Although they are the beneficiaries of many training programmes in the field, including in projects which intend to integrate and harmonise the inter-Community relations, the practical application of acquired knowledge is slow and deprived of involvement.

Another important element to mention, strictly related to the proactive role of these institutions is inter-institutional cooperation, in a transparent manner, in the interest of all the members of the community, as well as the need for real strategic coordination of this field at the level of the Government and the Parliament of the country.

2. BRIEF ANALYSIS OF THE EFFECTS OF MIGRATION IN ROMANIA

Unlike the European Union, Romania did not pay particular attention to the study of the migratory phenomenon (emigration-immigration), although it should have been particularly concerned about the political factor as well as the national and local authorities after 2001, given the overseas departures of the Romanian citizens and the regular flows of illegal immigration. Even if remittances sent by immigrants to families remaining in the country are consistent (5.954 million USD in 2020) however, in the medium and long term the negative effects (drawbacks) of emigration are retrieved and will continue to be felt in the social-economic development of the Romanian society.

According to statistical data recorded at the level of the United Nations, the number of Romanian citizens leaving the country rises to 3.58 million people. In the last 10 years, according to the National Statistical Institute data, 1,994,728 Romanians have left Romania, which means more than 10% of the country's resident population.

Romania is, in a "ranking" drawn by the UN, on the 2nd place (26%) at the export of qualified persons (doctors, teachers, engineers, young graduates, etc.). The same global

organisation shows that in the period 2000-2020, Romania had the largest increase in the growth of the migration stock of all the Member States of the European Union (+287%). Urban communities, and in particular rural communities, continued to depopulate at a sustained pace. Despite these obvious statistical data, the decision-makers did not consider a priority to identify and eliminate the causes of continued emigration of Romanians.

The sociologist professor at the University of Bucharest, Dumitru Sandu, in the article "As a drifting archipelago – the villages of Romania 2018" (Dumitru Sandu, 2018) stated, among other things, that "the lack of public policies for rural communities" plus (...) "corruption and incompetence sustained by client professional selection" have led to "inability to develop infrastructure", and "weakness/decay of public institutions"- hence to the increase of Romanian emigration. Public authorities, with few exceptions at the local level, have found no concern in finding solutions for the remaining Romanian citizens in the country. The Ministry for Romanians Everywhere focuses its directions of action on the activities of Romanians in the diaspora and less on programs that, in reality, promote the return to the country of the departed and support the reintegration of Romanian immigrants returned home.

In the study "The Challenges of Migration and Local Governance in Romania" we evaluated local development programmes for the next 4 years (2020-2024) in 9 major town halls in Romania (eg. Bucharest, Iași, Cluj, Brașov, Constanta, Timisoara, Galați, Vaslui, Oradea) and only one (Iași) had mentioned provisions on the insertion/reinsertion of people with migrant pasts and two (Iași and Bucharest) had under their command structures with clearly established competences for this type of persons/people. We can therefore agree with the view expressed by some representatives of the civil society (see Coalition for the Rights of Migrants and Refugees) of a lack of coherence in government measures in this area, to which the ignorance shown at the local decision level is added, where the town halls have not been concerned about promoting measures to attract indigenous labour and to make young Romanians remain in the home community. The degree of involvement shown by the authorities is found in the statistical results recorded on the Romanian emigration line over the last 20 years.

With regard to the immigration of foreigners to Romania, things are different and require more nuanced clarifications/ clear specifications. Out of the communist period, when the state authorities had restrictive control over all foreigners entering the country, Romania was not assaulted by immigrants, due in particular to the restrictive legislation perpetuated from that period until 2001, when it was repealed (Law No. 25/1969 on the regime of foreigners in Romania was repealed by H.G. no. 123/2001). The approval of the Government Emergency Ordinance No. 194/2002 on the regime of foreigners in Romania brings the regulation of the field of immigration closer to the existing legislation at European level. After 2007 – Romania's entry into the European Union – the country was fully transposed to the requirements of the European *acquis*, which led to the diversification of the tasks of the public institutions competent in the field. Also from that year on, the Romanian National Strategy on Immigration was promoted at a national level which is a programmatic document, subsequently renewed every 3 years in accordance with the Romanian realities, the evolution of the migratory phenomenon and the European Union's prospects on migration as a global phenomenon of social mobility.

There are also several institutional transformations, the most important being the establishment of the General Inspectorate for Immigration as a specialized institution of the central public administration, with legal personality, under the Ministry of Internal Affairs, which exercises the powers given to it by law for the implementation of Romania's policies in the fields of migration, asylum and integration of foreigners, as well as relevant legislation in these areas.

After 2007 the immigrant population in Romania with the right of temporary or long-term residence has increased from year to year. If in 2007 44,741 foreigners were registered in IGI records, on 31.12.2020 the number reached 137 200 foreigners. Citizens of the EU Member States enjoy a more favourable legal regime governed by the Government Emergency Ordinance No.102 of 2005 on the free movement within Romania for the citizens of the Member States of the European Union, the European Economic Area and the citizens of the Swiss Confederation.

In contrast, citizens of the third countries may enter the country on the basis of an entry visa granted by the Romanian diplomatic missions and the purposes for which immigrants may enter are: for work, studies, business, family reunification, visit, tourism or asylum seekers coming from conflict or calamity areas. The authorities intervene continuously, both in the regulatory framework of the legal regime of foreigners and in the flow of implementation of its procedures. The extension of the right of residence, granting of work permit, family reunification, enrolment of children in the education system, learning the Romanian language, right to redundancy, are part of the health insurance system, the resolution of applications for the international protection, the support of integration into the Romanian society through integration programmes are just some of the areas in which public authorities demonstrate their competence and social-administrative management skills.

The latest data recorded at the level of the General Inspectorate for Immigration show an increase in the number of immigrants expressed in percentage shares of 0.7% of the total number of population currently living on the Romanian territory. At the level of Romanian society there is a very large gap between the immigrant population of Romania and the immigrant population that settles in the communities here.

3. MIGRATION MANAGEMENT – BETWEEN RISK AND DEVELOPMENT.

The active role of public authorities in managing the causes and effects of migration is essential for the safety and development of local communities. Migration and in particular illegal migration flows cause uncertainty, and create high risks and expenditure at the community level. Immigrants are usually people in need and deprivation. Without the lawful and transparent intervention of the public institutions, the risk of public disorder and insecurity increases. The risk of crimes committed by foreigners or even acts of terrorism increase as well. Accommodation in open (eg. Accommodation centres and procedures for asylum seekers) or enclosed centres (Centres for foreigners taken into custody) and the provision of food and sanitary hygiene are the first necessary measures of the authorities to mitigate a primary risk of public safety on the part of immigrants. Access to legal procedures, advice by representatives of civil society (NGOs with competences in the field) the possibility of access to Romanian language courses, to the public health system, are elements designed to reduce the risks of the public safety.

The more prepared and active public authorities are in managing migration problems, the fewer the risks posed by migrants. Supporting migrants through reintegration/integration measures such as facilitating the acquisition or construction of a house/establishment, finding a job, enrolling children in school, learning the Romanian language by immigrants, enrolling in the public health system have the effect of creating a social framework for community development in which migrants want to live together.

All these measures of the authorities can also have the effect of blurring the differences in cultural level as well as the easier acceptance of the indigenous way of life. At the same time, the requirements of the authorities must be directed towards penalising the illegal entries and stays of immigrants by combating their illegal acts by developing legislation and removal procedures in the most effective way possible. Radical ideologies must be combated by

information, active participation in the community life or removal by declaring the immigrants who promote such ideas as undesirable/unwanted people.

With regard to the reintegration of its own migrants, Romania must develop national reintegration programmes supported by its own funds, in which the main implementation role lies with local public authorities. Stimulating small local businesses, ensuring a suitable living space, facilities for enrolling children in the education system, a permissive and efficient public health system, facilitating the development of local infrastructure, transparency of local governance are just a few sustainable and necessary elements to be included in these programmes.

Conclusions

The conclusions resulting from this brief analysis of the relationship between public authorities and migration in Romania show that public authorities, whether local or central, have a particularly important role in the migration management and only their continuous, competent, joint intervention, both at local and central level, can ensure the safety of community members and the prerequisites for sustainable development. The insight of the way migration is manifested, the acquirement of the specific legislation and the manner to intervene in the exercise of the public act are essential for all public institutions. Cooperation, knowledge, involvement, transparency, the willingness for support are the elements of good governance necessary to any public authority.

All these objectives must be set on the realities of the Romanian society, which point to the activation of a demographic crisis accentuated by the desire of young Romanians to emigrate further at increasing rates, the lack of workforce and the intentions of economic development of the Romanian state.

References:

1. Government Emergency Ordinance No. 194/2002 on the legal regime of foreigners, republished with subsequent amendments and additions.
2. H.G. no.639/2007, updated, on the organisational structure and duties of the General Inspectorate for Immigration.
3. Government Ordinance No. 44 of 204 on the social integration of foreigners who have acquired international protection or a right of residence in Romania, as well as citizens of the Member States of the European Union, the European Economic Area and citizens of the Swiss Confederation, as amended, published in Official Gazette No 93 of 31 January 2004.
4. Prof. Dumitru Sandu "As a drifting archipelago – villages of Romania 2018", article published in Dilemma Magazine, Year XV, no. 748, 21-27 June 2018.
5. World Bank "Migration and Development" Brief Report 33 October 2020;
6. The Challenges of Migration and Local Governance in Romania published in The International Journal of Business and Finance Research ISSN 1931 -0269.
7. Report of the Centre for the Comparative Study of Migration INDEX INTEGRATION OF IMIGRANTS IN ROMANIA 2019.
8. The Global Compact for Safe, Orderly and Regulated Migration, signed at the Marrakech Conference on 10-11 December 2018 by representatives of UN Member States.
9. Romania as country of origin, transit and destination of migrants, author Maria Stoicovici, "Romanian Journal of Sociology", new series, year XXIII, no. 5–6, 429–443, Bucharest, 2012.