1. Basic Information

1.1 Desiree number: RO-0107.17

1.2 Title: Strengthening the management of the migration phenomenon in Romania

1.3 Sector: Justice and Home Affairs

1.4 Twinning Component: (RO/2001/IB/JH/01) Development of the legislative and institutional framework in the field of migration, Budget: € 1.0 M, duration: 15 months

1.5 Location: Romania

2. Objectives

2.1 Overall Objective(s)

The principal aim of this project is to enhance Romania’s alignment to and implementation of the EU acquis at the level of legislation, regulations, procedures, central administration, and inter-agency co-operation in the field of migration.

2.2 Project Purpose

Twinning Objectives:
- creation of a legal framework for a better management of migration, approximated to the EU acquis as regards the regime of aliens
- further development of the institutional framework of the authorities dealing with immigration issues
- elaboration of a coherent National Migration Strategy, including fight against illegal migration for Romania
- developing legislation and programmes for the integration of recognized refugees and other aliens with legal stay in Romania as well as of Romanian citizens returned from EU member states;
- promotion of international co-operation to combat illegal migration

Investment Objectives:
- strengthening the operational capacity (infrastructure) of DAMI in relation to the management of aliens, including the fight against illegal migration, and implementing appropriate measures regarding the return of illegal migrants
2.3 Accession Partnership and NPAA Priority

This project relates to the priority areas for Romania’s membership preparation, as underlined in the Accession Partnership (AP) and the National Programme for Adoption of the Acquis (NPAA). Both recognize the enhancement of migration management through an inter-agency approach, as a high-priority at national level, as follows:

**Accession Partnership:**

*Short term Priorities of the Accession Partnership in JHA field:*
- speed up the demilitarisation of the bodies subordinated to the Ministry of Interior;
- strengthen border controls to prevent illegal immigration and to enable full participation in the Schengen Information System;
- upgrade the law enforcement bodies and the judiciary to continue fight against organised crime, drug trafficking and corruption; ensure better co-ordination between law enforcement bodies;
- enforce law on aliens and law on refugees; increase the transparency and accelerate the application of asylum procedures.

*Medium-term Priorities of the Accession Partnership in JHA field:*
- continue progressive alignment of visa legislation and practice with that of the EU;
- continue fight against trafficking in women and children.

**NPAA:**

*Short-term Priorities:*
harmonization of the legislation and developing of inter-agency co-operation regarding migration issues and strengthening the institutional capacity to control the migration phenomenon.

*Medium-term Priorities:*
continuation of the restructuring of the institutions with abilities in the migration field and alignment of migration and visa policy to the European standards and practices through close inter-institutional co-operation.

2.4 Contribution to National Development Plan

N/A

2.5 Cross Border Impact

Countering international cross-border crime, and particularly illegal migration and trafficking in human beings.

3. Description

3.1 Background and Justification

Strengthening the management of the migration phenomenon in Romania, including the prevention of illegal migration, is a key element of Romania’s Accession Partnership
with the EU. In view of Romania’s ambition to become the future external border of the EU, the control of migration flows coming from migrant-producing countries and using Romania’s territory as a transit route to the EU area has become an issue of utmost importance. The main structure having competence in the field of managing the aliens’ legal stays and combating illegal migration is the Directorate for Aliens and Migration Issues (DAMI), which was established in 1995. The Directorate is an institution within the General Directorate of Personal Data Records (GDPDR). Closely tied to the proper management of migration related issues is the Romanian Refugee Office, which was established in 1997. In 2000, this institution achieved the status of a general directorate - the National Refugee Office.

The relevant Romanian institutions with responsibilities in the field co-operated in drafting the new Aliens’ Act, which was promulgated and published in the Official Journal in April, and came into force in May 2001. In order for this new law to be implemented effectively, two main conditions have to be fulfilled, namely the development of secondary legislation and the development of a system of internal regulations that will detail the principles of the law. Another important condition to be fulfilled is the enhancement of inter-agency co-operation in the field of migration and the further development of the structure and framework of the involved institutions. That is why, a National Migration Strategy should be developed, to include unitary concepts and procedures aimed at preventing illegal migration. In addition, specific programmes should be drafted and implemented to facilitate the return and integration/re-integration of various categories of persons such as recognized refugees and other aliens staying legally in Romania, as well as of Romanian nationals returned from EU Member States. Given the prospect of a decision on lifting visa requirements for Romanians travelling to the EU area, it can be expected that the number of persons in this category will increase. It is therefore in the interest of both Romania and the Member States to facilitate the return of these persons to Romania.

Taking into account the difficulties with which the Romanian authorities are faced when confronted with the return to origin/departure countries of more and more illegal migrants, it is necessary to improve the current infrastructure so that these persons could be provided with decent accommodation facilities. At present, there is only one such accommodation centre, working at half capacity due to shortages of appropriate funds that are needed for the finalisation of the building. In order to create a system of such centres, the Directorate for Aliens and Migration Issues has acquired two buildings in Iasi and Giurgiu, which need to be rehabilitated and equipped so as to be used as accommodation centres. Also in terms of infrastructure, an informational system has been created within the Directorate for Aliens and Migration Issues, but due to shortages of IT equipment it could not be extended to ensure interconnections at territorial level. That is why, in order for territorial units to have quick access to the central database, proper IT equipment should be in place. Thus, migration flows could be better controlled and future participation in the Schengen Information System will be facilitated.

This project proposal is therefore aimed at bringing EU-standards-aligned improvements to the infrastructure and legislative and institutional framework on the basis of which relevant agencies will co-operate to control migration flows and thus prevent illegal migration to the EU area.
3.2 Linked activities

This project is directly related to the Twinning Covenant – Border Management, Asylum and Migration with Germany and Denmark within PHARE – RO 98 06.01-2 (RO98/IB-INT-01b), which, under Title 1, Art. 1, para. 4, stipulates that “the main objective of the sub-project asylum and migration is a further adaptation of the legislation and proceedings and organization of the institutions in Romania in line with the acquis of the European Union and its member states in the field of asylum, refugees and migration and comparable EU standards and practices”. The twinning project focused on structural changes, notably with respect to the structural position of the National Refugee Office. The twinning also included preliminary assessment work in relation to the legal and institutional framework of other relevant institutions. Following this assessment, experts have suggested that a more comprehensive twinning arrangement should be considered with particular focus on the Directorate for Aliens and Migration Issues.

Also, this project is directly related to the 1999 PHARE Horizontal Programme aimed at making a gaps-analysis (focused on legislation, institutional and administrative arrangements, training needs, etc.) and subsequently drafting an Action Plan on migration related issues. The resulting Action Plan will be part of the foundation of the 2001 project, aimed at translating identified measures into practice.

This project is complementary to the following projects:

- 1998 CBC PHARE Programme Romania-Hungary: under this programme an accommodation centre for illegal migrants was built in the western part of Romania, which is to be made operational in 2001;
- 2000 PHARE National Programme - “Strengthening Border Management”: the programme provides for an investment component containing a pilot project aimed at creating and developing a system for the on-line processing of visa applications. In a proposal for the 2001 Phare Programme is included the further development and implementation of this system. The equipment required under these programmes covers only the exclusive and minimal needs of the Directorate for Aliens and Migration Issues strictly in relation to processing visa applications.

Other details and a list of relevant international assistance programmes are included in Annex 5.

3.3 Results

The overall result of this project will be the alignment to the EU acquis and a national migration strategy for Romania, including fight against illegal migration supported by an appropriate legal and institutional framework as well as improved operational capacities.

Twinning Results
The national migration strategy shall be the result of joint assessment by the Taskforce and EU MS Project team of the outputs of the various (pilot) activities described below. By the end of the project, the national migration strategy will be presented to the Romanian Government for final approval. The strategy could then be implemented on a nation-wide basis.
Outputs
- a legal and administrative system concerning the stay of aliens, functioning in a logical coherent and unitarian way and approximated to the EU standards and procedures;
- agreements, protocols, memoranda of understanding concluded between the Directorate for Aliens and Migration Issues and other agencies involved in the management of migration-related issues, as well as international organizations with competency in the field of migration and non-governmental organizations;
- improvement as regards the return, from Romania to countries of origin, of persons with illegal stay and of finally rejected asylum seekers;
- establishment of the legal and practical foundation for the integration of recognized refugees and the reintegration of Romanian citizens returned from EU MS.

Investment Results
- creation of a system of regional accommodation centres for illegal migrants;
- improvement in the functioning of the informatical systems that manage data on aliens with legal and illegal stay.

3.4 Activities

• Development of the legislative and institutional framework in the field of migration (twinning)
According to EU expert opinion and the findings of the Report on Illegal Migration of 6 March 2001 (Annex 6), the current legal and institutional framework, the procedures and practices in the field of fighting illegal migration and the forms and methods of co-operation between the relevant authorities are not as yet fully in line with EU regulations, procedures and best practices. Consequently, it is of utmost importance that the legal, institutional and organisational framework related to migration issues (emigration and immigration) is reviewed, with emphasis on preventing illegal migration, in order to improve inter-departmental mechanisms of co-operation and relevant practices, as well as in order to identify efficient means to implement sound integration, reintegration, return and repatriation programmes.

This component will therefore provide long-, medium- and short-term technical advice in relation to all project objectives as follows:

• Creation of a legal framework for a better management of migration, approximated to the EU acquis as regards the regime of aliens.

The activities foreseen to achieve this objective will be:
- to draft enforcement regulations and methodologies in relation to legal provisions in the field of migration, in line with similar migration systems within the European Union;
- to develop migration related practices and procedures in line with those used by similar institutions in the EU MS;
- to draft relevant regulations with a view to preparing participation in the Schengen Information System.

• Further development of the institutional framework of the authorities dealing with immigration issues
The activities foreseen to achieve this objective will be:
- to carry out an analysis of structures and functions as regards relevant state institutions with particular focus on the Directorate for Aliens and Migration Issues (DAMI);
- to present suggestions for possible structural adjustments and submit them for approval;
- to implement approved structural adjustments.

**Elaboration of a coherent National Migration Strategy, including fight against illegal migration for Romania**

The activities foreseen to achieve this objective will be:
- to conclude Protocols with other Romanian agencies involved in the migration field and establish measures to improve inter-agency cooperation;
- to develop a unitary concept and procedures on granting entry visas for third country citizens;
- to develop a unitary concept and procedures on granting the right of residence depending on the purposes;
- to develop a unitary concept and procedures on tracking, apprehending and returning illegal migrants and illegally working aliens;
- to evaluate needs as regards the operational capacity of the involved institutions.

**Developing legislation and programmes for integration of recognized refugees and other aliens with legal stay in Romania as well as Romanian citizens returned from EU member states. This part of the project could be carried out in co-operation with Romanian NGOs.**

The activities foreseen to achieve this objective will be:
- to analyse and further develop the relevant legal framework in relation to integration/reintegration programmes;
- to review co-operation agreements/arrangements with relevant central and local state institutions;
- to draft and implement specific integration/reintegration programmes in co-operation with NGOs;
- to prepare and launch a public awareness campaign focused on the integration of refugees and the possibilities of Romanian citizens travelling to the EU.

**Promotion of international co-operation to combat illegal migration**

The activities foreseen to achieve this objective will be:
- to draft, negotiate and start the implementation of co-operation agreements between MoI and IOM, UNHCR and other international organizations;
- to draft and implement programmes with a view to encouraging voluntary return to countries of origin for aliens with illegal stay and finally rejected asylum seekers.

**Tasks of the Pre-Accession Advisor (PAA):**
- to advise on the drafting of the national migration strategy;
- to provide technical advice on reviewing the current legal and institutional framework in line with the latest EU developments in the field of migration-related issues;
- to promote inter-agency co-operation and joint working;
- to co-ordinate medium and short term assistance from EU Member States for the successful implementation of project activities.
Profile of the PAA:
- solid background in the development of national migration strategies;
- sound knowledge of the situation in Romania regarding migration issues;
- sound knowledge of relevant EU legislative and institutional requirements related to migration issues;
- sound communication skills and previous experience of working in a multi-disciplinary and multi-national team;
- previous experience as project co-ordinator/ project manager;
- good command of English; knowledge of French would be an asset.

Duration of the assignment of the PAA:
The PAA is supposed to be seconded to the Directorate for Aliens and Migration Issues for a period of 15 consecutive months.

Three medium-term experts and short-term expertise will be required in order to carry out the above mentioned activities as follows:

- medium-term expert I will focus on legal and co-operation issues;
- medium-term expert II will focus on institutional and structural issues;
- medium-expert III will focus on integration, reintegration, return and repatriation programmes.

The medium-term experts will be seconded to the Directorate for Aliens and Migration Issues for a period of 2 to 6 months and will be assisted by short-term experts who will also be involved in study visits and seminars to address the management of illegal migration (legal and administrative issues, procedures, practices etc.). The experts will work in close co-operation with the PAA, the Head of the Directorate for Aliens and Migration Issues, dedicated members of the Task Force and short-term EU MS experts in order to meet specific objectives as set out above.

Profile of medium-term experts:
- solid background in relation to their specific tasks;
- consultancy experience in an international context;
- sound knowledge of EU regulations and policies in relation to the specific sector;
- sound communication skills;
- good command of English; knowledge of French would be an asset.

The project implementation period for this project will be 15 months, but the project will have to end not later than the expiry date of the disbursement period as laid down in the 2001 Financing Memorandum.

The Directorate for Aliens and Migration Issues will create a Task Force for the elaboration of the National Migration Strategy, including fight against illegal migration (hereinafter referred to as the “Task Force”). The Task Force will co-operate on a daily basis with the team of EU experts and provide them with their expertise and all additional information on operational migration issues required for meeting the objective of the project. The members of the Task Force will be full-time available for the duties to be undertaken for developing such an integrated migration management strategy. The Task Force will be mandated by the management of the Directorate for Aliens and Migration Issues to collect any kind of relevant information for the project, as well as for the drafted strategy, policy papers, working documents etc. up to the stage of
the final drafts. The task force will consist of four to six highly motivated migration officers, and its members will be selected and appointed during the drafting of the project covenant (in consultation with the EU MS twinning partner(s)).

**Profile of Task-Force members:**
- fluent in English; knowledge of French would be an asset;
- sound knowledge in relation to migration issues;
- abilities for negotiation with various institutions;
- experience of working in project teams (preferably multi-national project teams);
- access to all staff, premises, reports, and records from the MoI institutions, necessary for the effective delivery of the inputs of this projects.

The PAA and Head of the Task Force should arrange regular joint meetings (at least one per quarter) with representatives of all the institutions involved in the management of migration-related issues.

Besides the Head and other members of the Task Force, the PAA will also maintain close contacts with other EU experts (technical assistance), representatives in Romania of international bodies involved in migration issues (IOM, UNHCR), representatives of non-governmental associations and the Project Implementation Unit (PIU) within the Directorate for Aliens and Migration Issues and the National Refugee Office.

• **Strengthening the operational capacity of DAMI in relation to the management of migration issues (Investment)**

The implementation of the National Migration Strategy, including the fight against illegal migration, need to be supported by an investment component. This component must ensure the development of the present informatic system and the improvement of accommodation facilities for illegal migrants through:

- procurement of IT equipment so that territorial units could get connected to the central data base, and to other systems;
- related training for prospective system operators and administrators;
- engineering works for the finalisation of the Bucharest-Otopeni Accommodation Centre and the rehabilitation of two buildings in the eastern and southern border areas (Iasi and Giurgiu) to be used as accommodation centres.

These new centres will fulfill the obligation assumed by Romania through the NPAA.

4. **Institutional Framework**

The main beneficiary of the programme is the Ministry of Interior (MoI) through the Directorate for Aliens and Migration Issues and the Romanian National Refugee Office, which are in charge of enforcing, in a unitary manner, the legal provisions on migration-related issues.

The MoI will support the implementation of the project by:

- providing the organizational environment required for the success of the project, including the pre-requisite personnel;
- covering the cost of the national experts, the necessary building infrastructure and related running and administrative costs.
5. Detailed Budget

*(in MEURO)*

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>Phare support</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Investment Support*</td>
<td>Institution Building**</td>
<td>Total Phare (=I+IB)</td>
<td>National Co-financing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Development of the legislative and institutional framework in the field of migration (twinning)</td>
<td>-</td>
<td>1.00</td>
<td>1.00</td>
<td>0.15</td>
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<tr>
<td>2) Strengthening the operational capacity of DAMI in relation to the management of migration issues</td>
<td>1.90</td>
<td>0.10</td>
<td>2.00</td>
<td>0.50</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1.90</td>
<td>1.10</td>
<td>3.00</td>
<td>0.65</td>
</tr>
</tbody>
</table>

(*) In relation to infrastructure, equipment, software, related developments, installation, testing and documentation

(**) In relation to changes in management, procedures, legislation, enforcement, training and general activities and services as a result of investments.

detailed twinning budget *(EURO)*

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>PHARE SUPPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Institutional Building</td>
</tr>
<tr>
<td>Long-term assistance and overall twinning project management (PAA)</td>
<td>400,000</td>
</tr>
<tr>
<td>Medium-term and short term TA in the field of legislation and co-operation issues</td>
<td>200,000</td>
</tr>
<tr>
<td>Medium-term and short term TA in the institutional field</td>
<td>100,000</td>
</tr>
<tr>
<td>Medium-term and short term TA on integration reintegration/return/repatriation programmes</td>
<td>150,000</td>
</tr>
<tr>
<td>Seminars and study visits</td>
<td>150,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>

6. Implementation Arrangements

The implementing authority is the MoI. The Central Financing and Contracting Unit (CFCU) within the Ministry of Finance is responsible for procedural aspects of tendering, contracting and payments.

A Project Steering Committee (PSC) comprising senior representatives of the MoI, the Directorate for Aliens and Migration Issues, NRO, IOM, UNHCR, NGOs and international experts will be established. The PSC will monitor, supervise and co-
ordinate the over-all progress and implementation of the project, will provide guidance for different components of the project, will approve the results and will define priorities.

The Project Implementation Units (PIU’s), which have already been set up within the Directorate for Aliens and Migration Issues and the National Refugee Office, will carry out the day-to-day management of the project, including planning and identification of tasks, reporting, preparation of terms of reference, participation in tendering, monitoring and evaluation of activities. The PIUs will report to the PSC.

The MoI, through the Directorate for Aliens and Migration Issues and the National Refugee Office, will provide the pre-requisite internal resources (staff and premises) for the implementation of the project.

**Contact Points:**

Ministry of Interior  
Attn. Mr. Radu Dobre, Deputy Director  
Directorate for European Integration and International Relations  
Str. Mihai-Voda 3-5, Sector 5, 70622 Bucharest, Romania  
Phone: 0040 1 312 4102;  
Fax: 0040 1 312 1333;  
e-mail: diri@mi.ro

Directorate for Aliens and Migration Issues  
col. Marian TRISCARU, Director  
Str. Nicolae Iorga 27-29, Sector 1, Bucharest, Romania  
Phone: 00401-659 66 11;  
Fax: 00401-312 15 00;  
e-mail: DSPM@DGPSPM.SOFTNET.RO

Romanian National Refugee Office  
it. col. Corneliu ALEXANDRU, Deputy Director,  
Str. Iuliu Maniu nr. 69, Sector 6, 76239 Bucharest, Romania  
Phone: 00401-3102744  
Fax: 00401-3102745  
e-mail: onr@totalnet.ro

7. **Implementation Schedule**

7.1 Start of tendering/call for proposals: January 2002

7.2 Start of project activity: June 2002

7.3 Project completion: not later than the expiry of the disbursement period as laid down in the 2001 Financing Memorandum.

8. **Equal Opportunity**

The Ministry of Interior is an equal opportunity employer. Equal participation in the project by women and men will be assured and women’s participation will be enforced
at the start of the project. All periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to this equal opportunity for women and men and will provide measurements of achievement of this goal.

9. Environment

The investment component under this project will not have environmental effects. Engineering works will be carried out in due consideration of relevant national and European provisions related to environment protection.

10. Rates of return

While rates of return are difficult to work out at this stage for the activities within the investment component (“Strengthening the operational capacities of DAMI in relation to the management of migration issues”), it is envisaged an estimative rate of return of about 4.5 years.

11. Investment criteria

11.1 Catalytic Effect

The investment will generate improvements in the management of migration related issues. It should help to comply with the accession priority related to preventing illegal migration, enabling full participation in the Schengen Information System, and ensuring a better co-ordination between law enforcement bodies. This priority cannot be complied without:

- continuing the investments in strengthening the Government’s capacity to better comply with the European standards attached to the EU accession conditions;
- further development of the Romanian structures responsible for migration related issues;
- development of Romanian Ministry of Interior’s skills and competencies, increased flexibility and transparency.

Although the Ministry of Interior allocates from its own funds resources for modernisation and reform, these resources are very limited. The Phare contribution will accelerate the process.

11.2 Co-financing

Phare must use its grants to attract as much co-financing as possible from all sources.

11.3 Additionality

This project is complementary to the programmes listed under item 3. PHARE grants shall not displace other financiers, especially from the private sector or IFIs.
11.4 Project Readiness and Size

The sub-projects in this project will only be financed by Phare if they are ready for contracting and when all necessary technical studies have been completed. Investment projects are complying with minimum project size requirements.

11.5 Sustainability

The Romanian Ministry of Interior will take responsibility to include the running costs and related maintenance costs in the Ministry’s budget starting from 2002. The investments will be sustainable in the long term, i.e. beyond the date of accession and will comply with EU norms and standards in line with EU norms and standards and be in line with EU sector policy acquis. They have no adverse effects on the environment.

12. Conditionality and Sequencing

Twinning Component

The Twinning will be launched on condition that the current responsibilities and organisational structural position of DAMI are not fundamentally changed.

Investment Component

The Phare engineering works contract will be launched after the elaboration, by the MoI Design Group, of a relevant feasibility study. The expenses incurred by the elaboration of this feasibility study will be included in the contribution of the Romanian Government to this project.

The Phare supply contract will be launched on condition that the appropriate database-related software application is developed by Romanian experts. The expenses incurred by the elaboration of this software application will be included in the contribution of the Romanian Government to this project.

Support for the upgrading of centres for accommodation of illegal migrants is provided on the basis that the Romanian authorities will demonstrate that the rules regarding detention and return of illegal immigrants and rejected asylum-seekers are compatible with the European Convention on Human Rights and the EU acquis in this area prior to contracting of the assistance for the above-mentioned accommodation centres.
Annexes

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period)
4. Budget Details
5. List of other relevant programmes
**LOGFRAME PLANNING MATRIX**

"Strengthening the management of the migration phenomenon in Romania"

**Programme name:**

**Contracting period expires:** 30.11.2003

**Disbursement period expires:** 30.11.2004

**Date of drafting:**

11 April 2001

**Total Budget:** 3.65 MEURO

**Phare contribution:** 3.00 MEURO

<table>
<thead>
<tr>
<th>Wider Objective</th>
<th>Indicators of Achievement*</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>To enhance Romania’s alignment to and implementation of the EU acquis at the level of legislation, regulations, procedures, central administration, and inter-agency co-operation in the field of migration.</td>
<td>Reduction of the level of illegal migration Legal framework enforced, in line with the EU acquis</td>
<td>European Commission’ services, the Ministry of European Integration and the Ministry of Interior (MoI) at the end of the project. Reports of European and international organisations, e.g. Europol, Interpol, UN High-Commissariat for Refugees, IOM etc.</td>
<td>Government maintains consistent policy towards the EU integration. National legislation in line with EU legislation and best practice enacted. Close co-ordination with other initiatives in the sector.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Immediate Objectives</th>
<th>Indicators of Achievement*</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Creation of a legal framework for a better management of migration, approximated to the EU acquis as regards the regime of aliens.</td>
<td>Reduction of the level of illegal migration Legal framework enforced, in line with the EU acquis.</td>
<td>The European Commission’ services, the Ministry of European Integration, Ministry of Interior, together with the Ministry of Finance/CFCU, by various reports and statistics, during the implementation of the project and after its completion. Reports of the international organisations, e.g. Europol, Interpol, UN High-Commissariat for Refugees, IOM etc.</td>
<td>Government maintains its commitment to implement EU and international standards. Timely approval by the Ministry of Interior and the Romanian Government.</td>
</tr>
<tr>
<td>2. Further development of the institutional framework of the authorities dealing with immigration issues</td>
<td><em>Increased effectiveness of aliens’ management structures, in accordance with EU standards, procedure and best practices</em></td>
<td>The European Commission’ services, the Ministry of European Integration, Ministry of Interior, together with the Ministry of Finance/CFCU, by various reports and statistics, during the implementation of the project and after its completion. Reports of the international organisations, e.g. Europol, Interpol, UN High-Commissariat for Refugees, IOM etc.</td>
<td>Government maintains its commitment to implement EU and international standards. Timely approval by the Ministry of Interior and the Romanian Government.</td>
</tr>
</tbody>
</table>
### Annex 1: Logframe Matrix for project: RO0107.17

<table>
<thead>
<tr>
<th>Practice</th>
<th>Statistics, during the implementation of the project and after its completion.</th>
<th>Government maintains its commitment to implement EU and international standards.</th>
<th>Interior and the Romanian Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better trained involved staff Reduction of the level of illegal migration</td>
<td>Reports of the international organisations, e.g. Europol, Interpol, UN High-Commissariat for Refugees, IMO etc.</td>
<td>Timely approval by the Ministry of Interior and the Romanian Government</td>
<td></td>
</tr>
<tr>
<td><strong>3. Elaboration of a coherent National Migration Strategy, including fight against illegal migration for Romania</strong></td>
<td><strong>The European Commission' services, the Ministry of European Integration, Ministry of Interior, together with the Ministry of Finance/CFCU, by various reports and statistics, during the implementation of the project and after its completion. Reports of the international organisations, e.g. Europol, Interpol, UN High-Commissariat for Refugees, IMO etc.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
</tr>
<tr>
<td>Reduction of the level of illegal migration Strategy enforced, and operational, compatible with the EU acquis</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4. Developing legislation and programmes for integration of recognized refugees and other aliens with legal stay in Romania as well as Romanian citizens returned from EU member states, in co-operation with Romanian NGO's.</strong></td>
<td><strong>The European Commission’ services, the Ministry of European Integration, Ministry of Interior, together with the Ministry of Finance/CFCU, by various reports and statistics, during the implementation of the project and after its completion. Reports of the UN High-Commissariat for Refugees, IOM.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
</tr>
<tr>
<td>Reduction of the level of illegal migration Legal framework enforced, in line with the EU acquis</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>5. Promotion of international co-operation to combat illegal migration</strong></td>
<td><strong>The European Commission’ services, the Ministry of European Integration, Ministry of Interior, together with the Ministry of Finance/CFCU, by various reports and statistics, during the implementation of the project and after its completion. Reports of the UN High-Commissariat for Refugees, IOM.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
</tr>
<tr>
<td>Reduction of the level of illegal migration.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6. Strengthening the capacity of DAMI in relation to the management of aliens, including fighting illegal</strong></td>
<td><strong>The European Commission’ services, the Ministry of European Integration, Ministry of Interior, together with the Ministry of Finance/CFCU, by various reports and statistics, during the implementation of the project and after its completion. Reports of the UN High-Commissariat for Refugees, IOM.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
<td><strong>Government maintains its commitment to implement EU and international standards.</strong></td>
</tr>
<tr>
<td>Aliens management functioning at European standards. Improved capacity of DAMI and its sub-structures to receive and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government maintains its commitment to implement EU and international standards.</td>
<td></td>
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<tr>
<td><strong>Timely approval by the Ministry of Interior and the Romanian Government</strong></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
### Annex 1: Logframe Matrix for project: RO0107.17

<table>
<thead>
<tr>
<th>Outputs</th>
<th>Indicators of Achievement*</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>migration and implementing appropriate measures regarding return of illegal migrants</td>
<td>process and accommodate aliens with illegal stay in Romania.</td>
<td>statistics, during the implementation of the project and after its completion. Reports of the international organisations.</td>
<td>Interior and the Romanian Government</td>
</tr>
</tbody>
</table>
| - The national migration strategy approved and implemented  
- a legal and administrative system concerning the stay of aliens, functioning in a logical coherent and unitarian way and approximated to the EU standards and procedures;  
- conclusion and implementation of agreements, protocols, memoranda of understanding concluded between DAMI and other agencies with migration competency as well as international organizations with competency in migration and non-governmental organizations;  
- improvement as regards the return, from Romania to countries of origin, of persons with illegal stay and of finally rejected asylum seekers;  
- establishment of the legal and practical foundation for integration of recognized refugees and the reintegration of aliens with illegal stay in Romania. | Reduction of the level of illegal migration  
New legal instruments developed in line with the Acquis and enforced;  
Co-operation with international agencies with migration competency, international organizations with competency in migration and non-governmental organizations in place;  
Assistance programmes developed and implemented jointly by Government and NGOs;  
The regional accommodation centres for illegal migrants in place and operational, providing adequate facilities to meet special needs of women, children, elderly and disabled. | The Ministry of Interior, together with the Ministry of Finance/CFCU and the European Commission’ services will regularly review and monitor the evolution of the project implementation, the indicators of achievement, the outputs and the implementation plan. | Full commitment of the MOI. Involvement of the relevant NGOs. Co-ordination with the related past and ongoing programmes. |
of Romanian citizens returned from EU MS;
- creation of a system of regional accommodation centres for illegal migrants;
- improvement in the functioning of informatical systems as regard aliens with legal and illegal stay;

<table>
<thead>
<tr>
<th>Inputs</th>
<th>Indicators of Achievement*</th>
<th>How, When and By Whom Indicators Will Be Measured</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Internal contribution: 0.65 MEURO</td>
<td>Financing Memorandum approved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Phare national contribution: 3.00 MEURO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Inputs</td>
<td>1998 Phare Border Management Twinning Programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Phare Horisontal Programmes</td>
<td>2000 Phare Border Management Programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- ODYSSEUS Programmes</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

* Must be quantified and measurable
"Strengthening the management of the migration phenomenon in Romania"

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>ASO ND</td>
<td>JFMAMJA</td>
<td>ASO ND</td>
<td>JFMAMJA</td>
</tr>
<tr>
<td>Programme set-up - Project Implementation Units (PIUs) in place</td>
<td>DDDDD</td>
<td>CCCCC</td>
<td>CCCCC</td>
<td>I I I I I I I I I I R X</td>
</tr>
<tr>
<td>1. Development of the legislative and institutional framework in the field of migration (twinning)</td>
<td>DDDDD</td>
<td>CCCCC</td>
<td>CCCCC</td>
<td>I I I I I I I I I I I I R X</td>
</tr>
<tr>
<td>2. Strengthening the operational capacity of DAMI in relation to migration management</td>
<td>DDDDD</td>
<td>CCCCC</td>
<td>CCCCC</td>
<td>I I I I I I I I I I I I R X</td>
</tr>
</tbody>
</table>

D = Design
C = Contracting
I = Implementation
R = Review
X = Closure
"Strengthening the management of the migration phenomenon in Romania"

All figures in million EURO

<table>
<thead>
<tr>
<th></th>
<th>31/03/02</th>
<th>30/06/02</th>
<th>30/09/02</th>
<th>31/12/02</th>
<th>31/03/03</th>
<th>30/06/03</th>
<th>30/09/03</th>
<th>31/12/03</th>
<th>31/03/04</th>
<th>30/06/04</th>
<th>30/09/04</th>
<th>31/12/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACTED</td>
<td>-</td>
<td>-</td>
<td>1.00</td>
<td>3.00</td>
<td>3.00</td>
<td>3.00</td>
<td>3.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>DISBURSED</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.20</td>
<td>0.80</td>
<td>1.20</td>
<td>1.80</td>
<td>2.30</td>
<td>3.00</td>
<td>3.00</td>
</tr>
</tbody>
</table>
Total investment budget – 2,00 MEURO

I. Creation of the accommodation centres system:

1. Rehabilitation of the existing building in Giurgiu to be used as an accommodation centre for aliens detected with illegal stay.

Estimated budget: 0,65 MEURO

- **Construction**
  - site arranging within the building;
  - interior spaces rearranging according to the future destination;
  - interior and exterior final arrangements;
  - structure works for buried installations;
  - objective surrounding.

- **Plumbing, sewerage and sanitation**
  - major overhaul, central heating installation, satination, gas, electricity.

- Equipments, technical and functional equipments with assemblings, including electronic installations for the objective and surroundings surveillance.

- Furniture endowments, equipments and independent equipments on long term services.

2. Rehabilitation of the existing building in Iasi to be used as an accommodation centre for aliens detected with illegal stay.

Estimated budget: 0,65 MEURO

- **Construction**
  - site arranging within the building;
  - interior spaces rearranging according to the future destination;
  - interior and exterior final arrangements;
  - structure works for buried installations;
  - objective surrounding.

- **Plumbing, sewerage and sanitation**
  - major overhaul, central heating installation, satination, gas, electricity.

- Equipments, technical and functional equipments with assemblings, including electronic installations for the objective and surroundings surveillance.

- Furniture endowments, equipments and independent equipments on long term services.

3. Finalisation of the Otopeni Accommodation Centre workings.

Estimated budget: 0,20 MEURO

- interior sites arrangements;
- adequate surrounding;
- appendages - architecture and resistance;
- equipments and technological equipments including electronic surveillance equipments.

II. **Necessary equipment for the development of the informatics system for the management of aliens and related training**

Estimated budget: 0,50 MEURO

- IT equipment enabling access to the database on aliens and inter-connection with other informatics systems on migration (0,40 MEURO):
  a) servers, working stations, routers, communication lines, modems;
  b) basic software necessary for the operation of IT equipment;

- training for system operators and administrators (0,10 MEURO).
The 1998 Phare Border Management Programme (Twinning RO9806.01-01b), which focuses on institution building of the central border administration featuring legislation, structural and organisational development, management, etc. which will be provided through a general twinning between the Romanian and German Border Police. The twinning project started in January 2000. The programme also assists the Refugee Office in improving the legislative framework (amendment of the Refugee Law), implementing on of the National Action Plan, developed under PHP, improving of the asylum procedures and methodology for inter-agency co-operation in handling asylum matters and procedures, through a twinning with the Danish Immigration Service.

The 1999 Phare Border Management Programme (RO9907.01.), which focuses on training and education, supply of mobility and tactical support equipment and small-scale strategic advice. The programme is implemented through twinning, traditional technical assistance and supply procurement, having as main components:

- RO9907.01.01-01 – Developing a training system for the General Inspectorate of Border Police (twinning);
- RO9907.01.01-02 – Management training for border police (technical assistance);
- RO9907.01.02-01 – Mobility;
- RO9907.01.02-02 – Tactical support;
- RO9907.01.02-03 – Technical assistance and procurement to support the project implementation units at the Ministry of Interior and General Inspectorate of Border Police;
- RO9907.01.03-01 – Support to the Ministry of Interior for the development of the 2000 programme;
- RO9907.01.03-02 – Communications feasibility study.

The 2000 Phare Border Management Programme (RO000.16) focuses on strengthening border management and asylum through twinning, traditional technical assistance and supply procurement, having as main components:

- RO-0006.16-01 - Development of training function and infrastructure;
- RO-0006.16-02 - Communication systems;
- RO-0006.16-03 – Mobility;
- RO-0006.16-04 – Surveillance;
- RO-0006.16-05 - Tactical support;
- RO-0006.16-06 - Visa information system;
- RO-0006.16-07 (RO2000/IB/JH/03) - Technical Assistance for the National Refugee Office;
- RO-0006.16-08 - Improvement of infrastructure for reception of asylum applicants, refugees and illegal migrants.

A Phare Multi-country Programme to facilitate the flow at the border (common programme with the Romanian Ministry of Transport and the Customs authorities) also focused on the control of illegal migration on the East – West route in the period 1993 - 1997.
Annex 5: List of relevant international assistance programmes for enhancing border management and migration management for Project: RO0107.17

The 1996 Cross Border Co-operation Programme (Romania and Hungary), concentrated on the control of illegal migration on the East – West route, through modernisation of border crossing-points at the Western border.

The 1999 Cross Border Co-operation Programme (Romania and Hungary), concentrated on the control of illegal migration on the East – West route, through modernisation of border crossing-points at the Western border.

The 2000 Cross Border Co-operation Programme (Romania and Bulgaria), concentrated on the control of illegal migration on the North – South route, through modernisation of border crossing-points at the Southern border.

The 2000 Cross Border Co-operation Programme (Romania and Hungary), concentrated on the control of illegal migration on the East – West route, through modernisation of border crossing-points at the Western border.

Odysseus programme, focus on asylum: 1) access to the territory and the RSD procedure - exchanges with The Netherlands and Germany; 2) accommodation/assistance to asylum-seekers - exchanges with Denmark and Sweden.

BAFl-led project, under the Phare Horizontal Programme resulted in gaps analysis and a National Action Plan in the field of asylum, towards harmonisation of Romanian legislation and practice with the Acquis.

German bilateral co-operation programmes have provided for training and equipment to strengthen the operational capacity of the Romanian Border Police.

French bilateral co-operation programmes have provided for training to strengthen the operational capacity of the Romanian Border Police.

The Impact programme, funded by the Dutch Organisation for International Co-operation in the Fields of High-level Education and Justice and Home Affairs, focuses on training of personnel working in the field of European integration.
Annex 6

ROMANIA

MINISTRY OF INTERIOR

Report on Illegal Migration

March 6th 2001
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1. General Considerations

One of the major dimensions of the democratisation process of the Romanian society after 1989 was the step to modify and adopt the legislation and practice of the Romanian authorities with a view to adjusting them to the international provisions in the field of Human Rights, including the establishment of a system meant to adopt and implement the provisions of the humanitarian law.

The effective exercise of the right to free movement of persons throughout the Romanian territory placed our country within a new and complex regional migration context determined by several factors: economic, political, demographic and cultural ones. Very soon the Romanian authorities faced new challenges, which had not existed before. That was why they were not in the possession of an appropriate legislative and state body framework.

Although at the level of all competent bodies and authorities in the field of migration there was a permanent preoccupation to bring the Romanian legislation and practice in line with the European standards, the process knew, in general, an independent development resulting in the settlement of many specific problems of a certain field of activity, but it failed to create the necessary mechanisms for the functioning of a national system in the field of migration, able to lead to a substantial decrease in illegal migration and particularly to its control.

The questionnaire on the visa issue, which has been recently transmitted to the Romanian authorities by the European Commission in order to be filled in, and the preliminary Report made on the basis of the answers given to this questionnaire have revealed that at present Romania is not in the possession of a policy in the field of illegal migration, which should rely on a scientific survey, rather than on an anachronistic and erroneous perception. Many European states have come to the conclusion that migration cannot always be considered a negative phenomenon, as there are states which, by means of a controlled migration policy, positively act upon the negative situation of some domestic demographic indicators. In the context of multicultures and globalisation, a certain kind of migration proved to be an important element for the economic growth of many states of the world. On the other hand, uncontrolled illegal migration proved a real danger to the national security, public order and democracy itself.

The effort of the national authorities to draw up and implement a coherent policy in the field of asylum and migration, harmonised with the relevant policy of the European Union and with the policies of the Member States, must be included in the process of Romania’s accession to the European Union. Romania’s responsibilities in the field of migration control must be taken into account within the context of European integration. They derive from the adoption and implementation of the relevant community acquis, which involves the restructuring of the legal framework, of the state bodies, and of the relevant domestic practice.

The list with the definitions of specific terms used in this text is enclosed in Annex 1.

1.1. Illegal Migration – a Risk to the Democratic Stability, National Security and Public Order.

The right to free movement refers to the possibility of a person to leave his/her country of usual residence, but it does not include an obligation of the country of destination to receive that person, unless he/she meets the requirements provided by the law for his/her admission to its territory.
The overall conditions imposed on aliens for their admission to the national territory represents an attribute of the state sovereignty and relies on the interest and obligation of this state to safeguard its national security and public order.

According to the existing conditions in each country (economic conditions, material assistance, and opportunities for the labour market, legislation for aliens) and to the interest of the migrants, countries may be divided into **countries of origin, destination countries and transit countries**. Such a classification is however relative, as a country may simultaneously be a migrant producer country, a transit country and a destination country, the difference among them being given by the number of persons who emigrate to a country, who transit it and of those who enter and settle on its territory.

The lack of a relevant policy in this field may trigger long term negative consequences. One of the most significant negative effects is the alteration of the social structure of the population (in the Federal Republic of Germany, as a consequence of immigration, the Turkish population represents 5-6 %; in the Republic of Moldova more than 20 % of the population of Romanian origin has migrated, being replaced by a population coming from the former USSR States; it is also known that very many people migrated from Romania, many of these being highly qualified in their professions).

The illegal entry to, and stay in Romania of a great number of aliens pose a real danger to the national security and public order, because these persons are not registered with the authorities and, therefore, cannot be controlled. Many of these are migrants for economic reasons and lack any means subsistence. They are either illegally hired or commit crimes. Although Romania is primarily a transit country, many persons become victims of the criminal networks trafficking in human beings and are abandoned on the territory of our country, and are forced to stay here for extensive periods of time, due to the lack of the necessary means to continue their journey to the countries of destination.

The lack of a functional system in combating illegal migration is often perceived as an element of attraction for the criminals wanted by Interpol, and for the persons who committed crimes against humanity or against the United Nations Chart, and for the persons posing a danger to the national security, and for the persons belonging to terrorist groups and criminal organisations, as well as for the persons involved in the trans-border criminal phenomenon.

The absence of a coherent policy and of a mechanism meant to carry on an adequate control of the migration phenomenon generates several negative consequences, such as:

- the presence on the national territory of some foreign communities that are extremely heterogeneous from an ethnic, linguistic, religious and educational point of view implies great difficulties for them to adapt to the relations with the natives and constitutes potential conflict sources among the groups of aliens (Pakistanis and Indians, or between these and the aliens coming from Bangladesh, between Turks and Kurds, or between Iraqis and Iranians etc.);
- the involvement of some mafia-like structures in trafficking in human beings and the possibility for migrants, given their critical situation, to be easily recruited by organised crime structures with a view to using them to traffic in drugs, arms, ammunition and stolen cars, thus resulting the so-called "import of crimes";
- the tendency of many aliens lacking any means of subsistence; they will procure them by committing crimes, often with the complicity of native criminals;
- the emergence of an increasing number of trading companies having a fictitious address, which actually hide illegal activities;
- the possibility for the migrants to transmit some diseases specific to the areas they come from;
- some migrants are supporters or even members of some extremist and terrorist organisations of fundamentalist Islamic origin;
- the cash payment from the national budget of the expenses necessary to return illegal migrants to their countries of origin, and to accommodate and assist the asylum seekers and the aliens who were granted refugee status (since 1999 till 31.12.2000 an amount of 1.7 billion ROL was spent to return as many as 177 aliens, for whom no other financial means could be found from other sources);
- the material assistance granted to the asylum seekers amounted to about 1.6 billion ROL. To this, another 10 billion ROL must be added, representing the sum allotted for the establishment and functioning of the receiving and accommodation centres for asylum seekers and refugees - vulnerable categories, thus resulting an overall amount of about 15 billion ROL.

Romania’s forthcoming accession to the EU will turn it into a target country, which will be subject to a much higher pressure, as compared with the one generated by its present state of a transit country.

The following pressure factors should be taken into account:

a) the development of the migration phenomenon, due to the increase in the "source countries" and due to an intense growth of migration motivation;

b) the countries in western and northern Europe with highly developed economies, as well as USA and Canada will be substantially affected, as they become favourite targets for the massive groups of migrants coming from poor areas (Africa, South Asia and Central America), or from violent conflict areas (Iraq, Lebanon and Pakistan, Sudan, etc.); consequently, they will adopt additional protection measures against illegal migration;

c) transit countries, such as Romania, which generally do not have the economic capacity to host, even temporarily, the influx of migrants, will be highly affected;

d) the qualitative changes in the development of the migration phenomenon and the self protection measures taken by the target countries or by the transit countries have mainly manifested lately through illegal activities;

e) the steps taken at the governmental level aiming to the integration in the EU and Schengen area have turned Romania into a target country, a possible "launch pad" towards countries with strongly developed economies.

1.2. International and Regional Level Situation

Most international experts in the field of migration agree that one of the important elements that influence migration is the demographic growth. If we take into account the other important elements that influence migration, such as the economic situation in the main migrant producing states, the domestic or international warfare causing many a time humanitarian crises, the massive influxes of persons in need of international protection, but also the significant number of economic, political and other migrants (according to a survey made by the Centre for International Development and Management of Conflicts, there are more than 33 countries at war, most of them in Africa and Central Asia, while other 46 states are listed as presenting a high potential for the occurrence of internal conflicts), the conclusion is the same: migration increases continually.

In this context, most states in the region are crossed by migration routes from East to West and from South to North.
This flow is not constant; it changes permanently according to the specific situation in every country. Thus, the specific and efficient measures taken to combat migration in a certain country will lead to a growth of the migration flow along other routes and will consequently lead to a growth of migration in the other states of the region. For example, the specific measures taken to combat migration in Hungary resulted in a growth of the number of aliens residing illegally in Romania, as a consequence of the fact that they could not continue their journey through Hungary; many of them were returned to Romania, after they had been caught attempting to illegally cross the border to Hungary.

The system of readmission agreements concerning third parties, mostly concluded with western countries, as well as the prospects to further extend the Schengen area and the application area of the Dublin Convention will result in an increasing number of returned aliens from the western states (we are referring here to aliens who had legally transited Romania, or who had had the right to reside in Romania). As a consequence, our country will have the task to return these persons to their countries of origin. This is the current situation in some EU Member States that have a less developed migration policy, as compared with that of other countries (Italy, Greece, Spain, Portugal, etc.).

Due to the lack of national programmes to return illegally residing aliens, and to the lack of readmission agreements concluded with the main migrant producing states, and due to the difficulties in identifying some persons and in procuring travel documents with the view of returning them, we can say that the migration phenomenon in Romania, especially illegal migration, will highly increase. Many aliens who transit or leave the Romanian territory, aiming to illegally enter and reside in the countries they have chosen as their destination, will subsequently be returned to Romania, which will be then accountable for their illegal transit throughout our country.

1.3. International and Regional Initiatives

IOM

The International Organisation for Migration was set-up in 1951 having the mandate to grant relevant assistance in the field of international migration, with a particular emphasis on securing the organised movement of migrants throughout the countries that legally accepted them, and on their integration; taking the necessary steps for the voluntary transfer and return of migrants, of refugees or of displaced persons to their countries of origin or to other countries accepting them; facilitating the co-operation with the states and international organisations interested in the field of migration policies; providing migration and counselling services regarding the legal possibilities for migration.

In November 1991, Romania was granted the status of observer at the meetings of the IOM.

Since 1992, under the Agreement concluded with the Government of Romania, and approved by the Governmental Decision No. 568/21.IX.1992, the IOM has been carrying out its activities in our country through its office in Bucharest.

Romania accepted, under Law 123/19.06.1998, the constitution of IOM, being admitted as a member with full rights on 23.11.1998.
Romania is strongly committed and is actively taking part in the works of the United Nations Organisation meant both to assist the persons forced to leave their countries of origin, and to remove the causes determining the uncontrolled movement of persons. In December 2000, Romania signed the ONU Convention on Transnational Organised Crime, its Additional Protocols on Combating Trafficking in Human Beings, which will be implemented upon their coming into force, as well as the Palermo Declaration of the South-eastern European States against Trafficking in Human Beings of December 2001. The representation in Romania of the UNHCR operates under the mandate of this specialised body of the United Nations to provide support for persons forced to leave their homes and states of origin, according to Law No. 46/1991 by which Romania acceded to the Geneva Convention and to the New York Additional Protocol, and to the Agreement concluded between UNHCR and the Government of Romania, signed in Geneva, in 1992. The representation of UNHCR in Bucharest is particularly involved in assisting refugees, and has a very good co-operation with the Ministry of Interior, bringing its contribution to the development of programmes for asylum seekers.

**OECD**
The Organisation for Economic Co-operation and Development established a workshop on migration in 1978. This Workshop is directly subordinated to the OECED Council and its activity is particularly focused on issues relating to the labour market and economic policies in the Member States.

**OSCE**
Since January 2000, Romania has been in the OSCE Troika, and on January 1st 2001, it took over the presidency in exercise of the organisation. This position involves the undertaking of an international mandate which must be carried out by our country on a co-operation basis with all Member States and with the Secretariat of the Organisation. The Romanian presidency of the OSCE shall face a series of problems, especially in the field of conflict prevention. Repeated signals have reached the Romanian Ministry of Foreign Affairs that Romania’s forthcoming accession to the Euro-Atlantic Community will greatly depend on how successfully it will carry out its tasks as president of the OSCE. The OSCE places a great emphasis on the issues pertaining to the trafficking in human beings, particularly women and children. In this respect, ODHHR has drafted a set of recommendations for the Member States authorities.

**BSEC**
Romania is actively taking part in the bilateral and multilateral co-operation with the signatory countries of the Agreement on the Black Sea Economic Co-operation. In the period 27th-28th April 2000, our country hosted the 4th meeting of the Ministers of Interior from the signatory countries of the BSEC Agreement. The reunion was preceded by the works of a group of experts carried out in the period 23rd-26th of April, 2000. In December 2000, a second meeting (at expert level) of the working group of BSEC on the co-operation in the field of combating organised crime took part in Istanbul. During the meeting, issues referring to the trafficking in human beings and illegal migration were discussed. On this occasion, a proposal made by the Romanian party on the establishment of a regional centre to prevent and counter transborder crimes was taken into account, given
that aliens identified along the borders of the signatory states of the BSEC Agreement were coming from migrant producing countries.

**SECI**
With the inauguration in Bucharest, in November 1999, of the Regional Centre for Combating Transborder Crime of the South-eastern European Co-operation Initiative, Romania aims to become a central point for the creation of a stability area in the Balkans, especially in the field of fighting trafficking in human beings and, implicitly, illegal migration.

A Task Force, launched as a follow-up to the Istanbul OSCE Summit of 1999, and focused on combating trafficking in human beings, particularly on women and children, is operating within the Regional Centre.

**Stability Pact**
Romania participates in the activities and initiatives of the Stability Pact in the Balkans, the Ministry of Interior being involved together with the Ministry of Justice, the Public Ministry and other bodies specialised in the programmes carried out under the Round Table 3.

In this context, the participation in the initiative of the Stability Pact against Organised Crime, SPOC, is relevant. The SPOC initiative includes components which also target actions to combat trafficking in human beings and transborder crime.

**Co-operation with European Union**
One of the key elements of the EU common policy in the field of asylum and migration (also mentioned at the Tampere Meeting of October 1999) is represented by the management of migration flows through:

- the development of the co-operation with the countries of origin and with the transit countries by providing an information campaign on the current possibilities for the migration and on preventing the forms of trafficking in human beings, and the development of an active common policy on forged documents and visas;
- the combat against the sources of migration, particularly against trafficking in human beings and against the economic exploitation of migrants;
- a close co-operation in the field of border control (exchange of programmes and transfer of technology);
- legislative harmonisation to meet the provisions of the Schengen acquis and of the acquis in the field of asylum, as well as the measures adopted on this basis;
- assistance provided to the countries of origin and to the transit countries for the development and promotion of voluntary repatriation, as well as assistance for the authorities of these countries, with a view to strengthening their capacities to combat trafficking in human beings.

All the above-mentioned organisations and fora carry out concerted actions in the field of fight migration. Many of these aim at political actions likely to trigger a positive change in respect of the regional stability elements, and at the economic initiatives meant to result in increasing the living standards in the countries of origin by unfolding assistance programmes for these states, and by improving the situation related to the observance of human rights, and by developing the democratic bodies in these states. In addition, there are assistance programmes for the transit countries, particularly for the candidate countries, for which the assistance consists of financial, logistic and expertise support; then there are training programmes in progress for the staff within the
competent bodies in the field of migration, programmes meant to set up bodies and to harmonise legislation. All these initiatives are meant both to reduce the migration generating elements, and to develop the capacity of actions in the field of removing the consequences of migration. At national level the priority objectives set forth by Romania are: securing the national borders, asylum issues and combating illegal migration. In order to achieve these objectives, EU assistance has been required, by means of PHARE specialised programmes:

- EU ODYSSEUS UNHCR Programme, in the field of asylum (The Netherlands, Germany, Denmark, Sweden);
- PHARE Programmes:
  Twinning:
  Phare 1998 – Asylum, Migration, Border Control (Germany, Denmark)
  Phare 2000 – Asylum (Denmark)
  Border Control (Spain, France)
  Bulgaria (1999 – 2000)
- Exchange of information in the framework of CIREA, CIREFI and preparation for EURODAC.

**Bilateral Co-operation.**

Bilateral co-operation programmes on asylum issues are currently in progress with the authorities in Sweden, Germany, Switzerland and Denmark, as well as with Germany on border control issues.

In order to stop illegal migration and to combat the so-called “gang crime” phenomenon in respect of both identification of perpetrators and the necessary evidence, the specialised structures within the Romanian Police has had an extremely efficient co-operation with B.K.A. WIESBADEN, so that as many as 14 actions were carried out and completed in 2000.

The majority of the co-operation agreements in the competence of the Ministry of Interior, concluded at governmental or departmental level contain provisions in the field of combating illegal migration and related crimes; these agreements are applicable and are applied whenever needed. In this respect, the actions fulfilled by the touring liaison officer to solve the situations related to the illegal stay of some Romanian nationals on the territories of the Czech Republic, Germany, the Slovak Republic, in 1999-2000, represent the most illustrating example.
2. The present situation of the migration phenomenon in Romania

According to the analysis of the border events, the Romanian territory has six areas in which the migration phenomenon particularly manifests itself. In each of these, apart from the general principles characteristic of these activities, one can find some peculiarities determined by the characteristic features of each area, by the means and methods used to fulfil their purpose and to reach their destination (source country, target country, transit country).

Thus, in the Eastern Area (at the border with the Republic of Moldova) an illegal crossing tendency through the Romanian border is seen, especially by the Afro-Asian citizens guided by both members of some criminal organisations from the former member states of C.I.S. (especially Russians, Ukrainians and Moldavians) and by natives.

The main favourite routes used by the offenders are the following:

- in Botosani Border Police County Inspectorate area: Odessa-Kiev-Berza, Moscow-Kiev-Manoleasa or Moscow-Kiev-Cernowitz-Herta-Racovat;
- in Iasi Border Police County Inspectorate area: Moscow-Kiev-Kishinew-Iasi-Bucharest or Moscow-Kiev-Kishinew-Iasi-Timisoara/Arad/Oradea;
- in Vaslui Border Police County Inspectorate area: Moscow-Kiev-Kishinew-Râsesti-Stanilesti(Albita)-Bucharest;
- in Galati Border Police County Inspectorate area: Reni (where the Prut flows into the Danube)-Chiscani-Bucharest;
- in Braila Border Police County Inspectorate area: Reni-Gura Prut-Stancuta-Bucharest.

Another area in which this phenomenon occurs is the western part of Romania (on the border with Hungary), where the Afro-Asian persons who have entered the country through the east and south of Romania, as well as some Romanians, try to illegally cross the border; when they are caught, they admit to have tried to go to the western countries. The main routes used by these networks are:

- in Satu-Mare Border Police County Inspectorate area: Istanbul-Sofia-Bucharest or Moscow-the Eastern border of Romania-Bucharest, then to Satu-Mare on two directions: Bucharest-Cluj Napoca-Zalau-Baia Mare-Satu Mare or Bucharest-Timisoara-Oradea-Satu Mare;
- in Bihor Border Police County Inspectorate area: Bucharest-Oradea-Cairei;
- in Arad Border Police County Inspectorate area: Iasi-Bucharest-Orad or Giurgiu-Bucharest-Orad. The railway route Bucharest-Curtici-Lokoshaza-Budapest is also used.

The third area where activities of illegal trafficking in persons has increased is the southern area of the country (the border with Bulgaria), used by some persons of Afro-Asian or Kurdish origin to illegally enter Romania. By transiting our country, they intend to reach a western country; the same area is used to illegally leave the country by some aliens or Romanians who want to reach Greece.

Within this area the following routes are used:
- in Giurgiu Border Police County Inspectorate area:
  Edirne-Varna-Giurgiu-Bucharest or Edirne-Varna-Tolbuhin-Russe-Giurgiu-Bucharest;
- in Constantza Border Police County Inspectorate area:
  Istanbul-Duran Kulak-Vama Veche-Bucharest-Arad, Oradea or Timisoara, using especially false or forged Bulgarian passports to facilitate the entry into Hungary for Kurds;
- in Dolj Border Police County Inspectorate area:
  Timisoara-Bechet-Bulgaria-Greece, where the characteristic crime is the trafficking in human beings made by Romanian, Bulgarian and Serbian citizens, who use ships to illegally cross the Romanian border; they also conceal persons in lorries, which cross the border through the border crossing point in that area.

The next area is the border with Ukraine on its southern-eastern part and the Romanian seaside area, where persons from the former Soviet Union or Afro-Asian persons act for both the illegal entry into or exit from the country. The criminal groups use the following routes:

- in Tulcea Border Police County Inspectorate:
  Moscow-Kiev-Odessa-Ismail-Bucharest-the western border or southern-western border of Romania towards western European states;
- in Constantza Coast Guard County Inspectorate:
  Here Romanians or Afro-Asians who have tried or have succeeded to enter into or leave the country illegally, concealed in ships leaving the Romanian maritime harbours.

Illegal border crossing activities guided by very well organised international criminal groups are also found in the southern-western part of Romania (the border with the Federal Republic of Yugoslavia). The networks in this area aim at both the transit of aliens or Romanians through the territory of former Yugoslavia to Greece or Italy, as well as to the trafficking in human beings, especially young women from the former Soviet Union (Russians, Ukrainians and Moldavians) and from Romania. The used routes are:

- in Mehedinti Border Police County Inspectorate:
  Drobeta Turnu Severin (the organising point to leave Romania for Greece), than “Portile de Fier” Border Crossing Point, Serbian cities Vegotin and Presova, through Macedonia, up to Gevgelija (on the Macedonian border), the final destination being Athenes.

The members of these international networks are Romanians, Macedonians, Serbians and Greeks. At the same time, in the area of competence of this inspectorate, Romanian and Moldavian citizens involved in trafficking in human beings have been detected smuggling young women from the Republic of Moldova to help them across the Danube border illegally, in motorboats, in order for them to practice prostitution in Yugoslavia. For these activities, the following routes are used:

Iasi-Bucharest-Craiova-Drobeta Turnu Severin-Moldova Veche or Kishineu –Galati-Bucharest-Drobeta Turnu Severin-Orsova-Svinita;
in Timis Border Police County Inspectorate area: 
Timisoara-Jimbolia, Timisoara-Moravita-Vatin, Timisoara-Sânnicolau Mare and 
Timisoara-Beba Veche;

The northern area (the border with Ukraine) presents an outstanding importance for 
the analysis of this criminal phenomenon, due to both the trafficking in persons carried 
out in this area, and to the great number of Afro-Asians on the territory of Ukraine. 
According to the figures given by the Ukrainian competent authorities, there are 50,000 
illegally residing aliens registered in this country and it is estimated that present the 
number of illegally residing aliens on the territory of Ukraine is 1,300,000 (of which 25% 
are from Afghanistan, 14% from Iraq, 13% from India, 9% from Sri Lanka, 7% from 
China and Iran, the rest being from Egypt, Pakistan, Turkey, Syria, etc.). These migrant 
groups make intensive preparations to illegally cross the border into Romania and 
Hungary, a fact that led to the emergence of some Mafia-like gangs, headed by the 
chiefs of the Russian underworld, trained in special centres in Great Britain and Greece, 
with transnational branches.

In the northern part of the country, the illegal crossings or attempts to cross the border 
illegally from Ukraine to Romania directly affect the Siret Border Check Point, Racovat, 
Halmeu, Negresti and Tarna Mare areas; the offenders try to arrive in Hungary along 
the Tisa, Somes and Crasna rivers and along Homorod channel. 
Illegal crossings were also detected from Ukraine to Romania across the 
Tisa river, in 
the area of the localities Remeti, Sapanta and Valea Viseului, in Maramures County.
The crossing of the state border by the groups of migrants is done both legally, through 
the Border Check Points, and illegally, by using false or forged documents, with the help 
of guides from the neighbouring country or from Romania, guides that belong to the 
international networks carrying out trafficking in persons.

A general conclusion is that the illegal migration phenomenon, consisting of violations of 
the state border, is significant in all its aspects, Romania still being a transit area for the 
illegal migration, with the tendency to become a target country. Pressure is put upon 
the eastern and southern-eastern border to enter the territory and upon the western and 
southern-western border to exit the territory. The analysis of the statistics regarding the 
events recorded at the border in 2000 shows quite a stable equilibrium between illegal 
immigration/illegal migration, the weight being more important for the illegal entry into 
the national territory.

To prevent the illegal entry of aliens into our country with obvious migration intentions, 
as well as of those without means of subsistence, the structures of the Ministry of 
Interior have increased their exigencies in checking aliens who applied for visa (their 
number has increased by 28%, compared to the first semester of 1999) and in detecting 
the aliens staying in Romania illegally.

In the first semester of 2000, an important increase in the number of visas issued ex 
officio by our embassies has been registered, namely, by 62% (as compared with the 
first semester of 1999), from 848 to 2,239. Of these, 1,732 were issued for nationals of 
countries with a high migrating potential, of which, only 40 had invitations agreed upon 
by the competent Romanian authorities.

Taking into account the relatively great number of aliens illegally staying on the territory 
of Romania who received ex-officio visas (316 in 1999), in the first semester of 2000 
surveys were carried out concerning the way in which entry visas were issued for the 
nationals of the countries with a high migration potential, especially in China and 
Pakistan, known as some of the most prolific countries concerning the migrants’ exodus 
towards Romania, without legal motivation.
The consequences of migration, in general, and of the illegal one, in particular, at the Romanian borders have turned Romania into both a turn-table for the clandestine networks trafficking in persons, and into a “waiting country” and a “transit country”, to achieve their final purpose: their arrival in the western European countries.

To enter the national territory, the Afro-Asian migrants make use of the services of the very well organised international networks specialised in trafficking in persons. They generally use the following routes to arrive at the Romanian borders: Moscow-Kiev-Kishenew, Odessa-Ismail-Edirne-Varna-Russe, Edirne-Varna-Tolbuhin.

A certain “dilution” of the activity on the Polish route is evident, following the strengthening of Poland’s possibilities to combat illegal migration, due to the substantial financial support received from the European Union, and to the re-orientation of the actions of the networks trafficking in persons towards the routes crossing the Romanian territory.

The crossing of the national border by the groups of migrants is done both legally (through border check points) and illegally, by using false documents, and with the help of the guides from the neighbouring countries.

The majority of the foreign nationals who illegally exit or try to exit Romania using falsified travelling documents enter our country with valid documents and entry visas, then they destroy them, thus making their identification, investigation and return to their country of origin very difficult.

A special aspect concerning the migration phenomenon is represented by the elements pertaining to the proceedings of granting the refugee status.

The importance given to this subject is justified by the fact that as concerns asylum, Romania is considered now, a transit country which, in a very short time, will become a target country. Most asylum seekers lodge their applications in Romania as provisional measure, i.e. when they have not the necessary means and possibilities to arrive in other European countries. In the perspective of the European Union enlargement, by the accession of Hungary, the measures taken to ensure the impermeability of the external borders will determine the stay of the potential migrants who have come to Romania with the intention to reach the western European countries, and implicitly of the aliens who will seek refugee status.

Since the signing and ratification by Romania of the Geneva Convention until December 31, 2000, as many as 9,228 applications for the acknowledgement of the refugee status were registered, of which 1,596 were approved. In January-February 2001, 388 such applications were lodged, of which only 8 were approved. The results of the analyses on the asylum applications in Romania, for the period 1991-2000, shows a growing tendency in respect of the number of such applications.

To have a better picture of the evolution of asylum in our country, a great attention should also be paid to the relevant evolution within some candidate states. Thus, in Hungary, the number of asylum applications is decreasing, but it is still high (12,000 applications in 1999 and 7,800 in 2000); the first three countries of origin are Yugoslavia, Bangladesh and Afghanistan. In the Czech Republic an increasing tendency of the asylum applications has been observed (2,000 in 1997, 4,000 in 1998, 8,700 in 2000). The main countries of origin of those who lodge these applications are Afghanistan, Yugoslavia, India, Iraq, Pakistan, Bangladesh and Syria.

Therefore, one can see that the evolution of asylum in these countries is similar to the situation in Romania, and the main countries of origin of the asylum seekers are the same.

We underline that 90% of those applying for the refugee status have illegally entered Romania, via the notorious routes: Russia-Ukraine-Moldavia and Iran (Iraq)-Turkey-Bulgaria.
The general tendency and the above mentioned data on the asylum applications show a specific ascendant curb also relevant to the tendency within the main European Union states. Within the last year, the first ten countries that produce asylum seekers in Europe (Yugoslavia, Iraq, Turkey, Afghanistan, Somalia, Sri Lanka, Iran, China, Algeria, Romania) partly correspond with the asylum seekers producing countries which are relevant for Romania (Bangladesh, Yugoslavia, Afghanistan, Iraq, Pakistan, India, Iran, Syria, Turkey, Congo). However, it is noticeable that five countries that produce asylum seekers are present in both lists of countries (Yugoslavia, Iraq, Turkey, Afghanistan and Iran). The fact that the applicants from Bangladesh are no more present in the top listed by the European Union Member States demonstrates that they have no more the possibility to penetrate the Schengen area, given the fact that some networks of illegal trafficking in persons have been suppressed. The asylum seekers in this country still continue to be present in great number in some of the countries at the external borders of the European Union (Hungary, Slovakia and Czech Republic). The fact that the asylum seekers from China have not lodged many applications in our country demonstrates that they consider their right to reside taking into account the legislation for foreign nationals and that they prefer to apply for asylum in some other European countries.

An objective analysis of the elements triggering the increase of the number of asylum applications proves both the existence of certain external and internal causes, as well as other causes with a long term action, and circumstantial causes.

The main external cause derives from the issues related to the observance of the human rights as a whole, and in particular, of the refugees. This situation has illustrated a very widespread and complex phenomenon that has enhanced over the last years, as a result of both armed conflicts on ethnic and religious grounds and of obvious violations of the human rights. In some countries it has been ascertained that the refugees represent only a small part of the population that legally or illegally migrate to other countries, seeking for a better life. It is obvious that the elimination of the causes that led to the appearance of the refugees has to be taken into account simultaneously with the measures taken at regional, national and international level for the protection of refugees. A global approach of the problems of the refugees must lead to the decrease and eventually to their suppression, in the context of full protection and observance of the human rights. The success of such an approach is at present neither simple, nor easy to achieve. Consequently, from the occurrence of this phenomenon in the international life up to present, the western states - as the main artisans of the solutions concerning the refugees - have chosen to take steps against the consequences of the causes resulting in the appearance of refugees.

As established during the Summit in Tampere, the European Union Member States debated on the setting up of a unique asylum system in the community area and, in parallel, on finding a valid solution to establish a partnership with migrant producing states in order to support them financially, with a view to enabling them to reduce and stop the flows of migrants. At the same time, stronger measures have been taken to fight the increasingly specialised networks in the trafficking in persons which have developed a real trafficking “industry”, with benefits of tens of billions of dollars, yearly. In the context of the recent great and diversified flows of emigrants, the international community has failed to take measures to solve their dramatic situation and the states, especially the developed ones, have been cautious in receiving them. To motivate such an attitude, they invoke the fact that the admission of a great number of persons would create distortions in the economic mechanisms of the receiving countries and also some other kinds of problems, such as the danger of the outbreak of some infectious disease, vandalish and terrorist acts, etc.
Since the European Union Council will strive to rapidly put into practice the Conclusions of the Tampere Summit, we can expect an increase of the number of asylum applications lodged in our country in the near future. The increase of the living standard in Romania, the emergence and development of some business opportunities could also determine, in the future, a greater number of asylum applications. Turning into a point of attraction for the asylum seekers, Romania will be transformed from a “transit” country into a “target” country. On the other hand, an increased standard of life for a wider category of persons and the emergence of business opportunities would lead to the foundation and development of powerful communities of aliens likely to attract asylum seekers.

A very important element, with a long term effect, is the great migration flows from east to west and from south to north, with branches transiting Romania as well. As shown above, it results that the most significant category of migrants in Romania is represented by nationals from Bangladesh and, recently, by Afghans. The asylum seekers from these countries, present a particular feature, namely they arrive in Romania in large groups (20 to 30 persons) and illegally cross the eastern border (recently the northern one). Then, they ask to be recognised as refugees, only to settle somehow their stay in Romania, until they find a way of continue their travel to the western European countries. The groups of Afghans are made up of large families, with many children up to the age of 10.

A global survey of the illegal migration phenomenon indicates a foreseeable intensification of this process, firstly as a result of the wider economic gaps between the states of the world. This situation should necessarily result in a balanced feedback consisting in modifying and improving the forms and methods to operate of the bodies involved in the fight against this phenomenon, in a more sustained international cooperation and in providing a logistic support to the front line countries, Romania included. Only a stronger control of this phenomenon in Romania shall prevent large numbers of aliens to reach their target countries within the European Union area.

For short term, there is a circumstantial situation brought about by the modification of the policies in the field of migration, especially in the neighbouring or target countries. These changes rapidly brought about a switch of routes used by the traffickers of persons. The current number of asylum seekers is far below than the number of illegal migrants but a significant change, in the policies of the neighbouring countries on combating illegal migration, such as the enlargement of the Schengen area up to the western border of Romania, could modify this proportion. In other words, more and more illegal migrants will try to take advantage of the status of asylum seeker, to temporarily justify their presence on the Romanian territory.

To stop this phenomenon, the European countries have tried to prevent any potential abuse by means of a series of legislative measures aiming to simplify and shorten, as much as possible, the administrative and juridical proceedings, to conclude readmission agreements with the main migrant producing countries, to increase exigency in the policy of visa issuing, to improve border management and border control, to develop automated systems for the registration of aliens and persons applying for the status of refugee. Partly, Romania has also adopted such measures. Thus, the new regulations concerning the status and regime of refugees allow shorter proceedings and faster solutions for either obvious ungrounded applications or abuse. For the future, however, as practical steps, it will be necessary to largely use the information systems which allow a rapid examination of the fingerprints of persons applying for the refugee status, thus deterring the tendency of some persons to lodge asylum applications under false identity. These systems must include the fingerprints of the illegally residing aliens and of those who illegally crossed the border. We shall also have to take into account the
fact that Romania has to create its own information system, similar and compatible with the system that will be used within EURODAC.

2.1 Case studies

In 2000, the Border Police discovered as many as 1,544 Romanians and aliens using forged or falsified travelling documents, as follows:

- aliens  
  - entry: 360 forged or falsified passports, 75 forged or falsified visas  
  - exit: 178 false or falsified passports, 48 forged or falsified visas

- Romanian citizens  
  - entry: 273 forged or falsified passports, 20 false or falsified visa  
  - exit: 508 forged or falsified passports, 82 forged or falsified visas

For the first two months of 2001, the statistics also indicates 183 such cases, of which:

- aliens  
  - entry: 49 forged or falsified passports  
  - exit: 35 forged or falsified passports

- Romanian citizens  
  - entry: 53 forged or falsified passports  
  - exit: 46 forged or falsified passports

In 2000, the border with Hungary was particularly subject to the pressure of groups which, by means of the above-mentioned methods, sought to illegally arrive in Western Europe. Thus, flows of migrants coming via:

Afro-Asian countries-Russia- Republic of Moldova -Hungary-Western Europe  
Afro-Asian countries-Russia- Republic of Moldova -Romania-Hungary-Eastern Europe  
Turkey-Bulgaria-Romania-Eastern Europe  
Yugoslavia-Romania-Hungary-Eastern Europe,

moved towards this particular area.

In 2000, apart from these traditional routes, Constantza Harbour Border Police was confronted with the activity of some Romanian and aliens who intended to arrive in western Europe hidden on maritime ships which sailed to ports in Spain, Portugal, Italy, etc.

Some Romanians belonging to the underworld (hosts, guides, intermediaries) back up this criminal activity as it represents a substantial source of gain, and they do not fear great risks, given the rather insignificant punishments inflicted upon them when caught by the authorities, if compared to other types of trafficking (weapons, false currency, drugs).

In 2000, the Romanian Border Police was again confronted with the illegal crossing of the green border by Romanians and aliens, as part of its operative work.

The operative situation illustrates an increased number of attempts to illegally cross the border, especially along the borders between Romania and Ukraine, the Republic of Moldova and Yugoslavia, in order to enter the territory, and along the borders with Hungary and Yugoslavia, in order to leave the territory. There were discovered and seized 2,306 persons, of which 1,260 Romanians, 845 aliens, while and 201 persons could not be identified.
**The illegal border crossing** by persons hidden in transport means (road, railway and naval means of transportation) has been used as follows:

<table>
<thead>
<tr>
<th></th>
<th>In 2000:</th>
<th>In 2001- until February 28th:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romanians</td>
<td>exit: 102 persons</td>
<td>14 persons</td>
</tr>
<tr>
<td></td>
<td>entry: 6 persons</td>
<td>3 persons</td>
</tr>
<tr>
<td>aliens</td>
<td>exit: 50 persons</td>
<td>36 persons</td>
</tr>
<tr>
<td></td>
<td>entry: 11 persons</td>
<td>12 persons</td>
</tr>
</tbody>
</table>

The distribution of events on each border is as follows:

a) At the border with **Yugoslavia**:
- 819 Romanians in 2000 and 2 in the first 2 months of 2001;

b) At the border with the **Republic of Moldavia**:
- 819 Romanians in 2000 and 0 in the first two months of 2001;
- 415 aliens in 2000 and 0 in the first two months of 2001.

c) At the border with **Bulgaria**:
- 3 Romanians in 2000
- 2 aliens in 2000 and 1 in the first two months of 2001

d) At the border with **Hungary**:
- 392 Romanians in 2000 and 12 in the first two months of 2001;

e) At the border with **Ukraine**:
- 37 Romanians in 2000;
- 5 aliens in 2000.

Compared to 1999, the situation registered in 2000 is as follows:
- the number of persons involved in events at the border increased by 26%;
- the number of illegal crossing detected increased by 12%;
- the number of persons detained and handed over to the border authorities of the neighboring countries increased by 39%, while the number of persons returned by these authorities increased by 21%.

For the first two months of 2001, the trends recorded by comparison with the similar period in 2000, are as follows:
- the number of persons involved in such events increased by 41%;
- the number of detected offences increased by 24.3 %;
- the number of persons detained and handed over to the border authorities of the neighboring countries has increased by 2 % ;
- the number of the persons handed over by the border authorities of the neighboring countries increased by 3.8%;
- the number of guides identified and detained increased by 2%.

Further to investigating the citizens of the Republic of Moldova detected and detained after attempting to illegally cross the Romanian border, the following reasons resulted as motives for such offences: the visa obligation introduced by Bulgaria and the subsequent rerouting of the traffic of persons directed towards the former Yugoslavian
states, Greece and Italy. This route crosses Timis, Mehedinti and Caras-Severin counties in Romania, where the fuel smuggling has been replaced by illegal border crossing by women for prostitution.

The activity of the guides is supported by the co-nationals of the migrants legally residing on the territory of the state to be transited (traders, students, asylum seekers, etc.).

Guiding a group of illegal migrants use a scenario as follows: the Ukrainian guides operating at the Ukrainian-Romanian border hand the groups to the Romanian guides who, in turn, hand them over to the Hungarian guides; to illegally cross the Hungarian border, there is a network in operation within each national territory.

It is worth mentioning that a person intending to emigrate from an Asian country (Pakistan, Bangladesh, Afghanistan, Sri-Lanka, etc.) would have to pay approx. USD 5,000. The payment procedure is usually made in several installments, using the services of the Western Union Bank.

In most cases, the guides of these groups of migrants originate form the border areas, they have in-depth knowledge of the terrain, sometimes of the security measures in place, and of the access ways to the border etc. This situation poses a great obstacle for the relevant authorities to prove the guilt of these perpetrators when they are caught and arrested.

In 2000, the Romanian Border Police detained 142 Romanians and 22 foreign citizens involved in guiding activities at the green border. Compared to 1999, their number increased by 31%.

During the same period, 1,363 foreign citizens applied for asylum in Romania, out of which 944 entered Romania illegally (161 across the northern border, 345 across the southern, 425 across the eastern and 13 across the western border), other 242 entered the country legally, 167 have no knowledge of the countries they transited and 9 of them submitted applications to the embassies.

During 1999 and 2000, a total number of 1,382 foreign citizens were investigated for offences related to illegal migration, out of which 1,056 for illegally crossing the border and 326 for forgery and use of forged documents.

From the beginning of 1999 until January 31, 2001, as a result of actions taken by the Directorate for Aliens and Migration Issues, 1,988 aliens were detected and expelled because they could not justify their presence in Romania or because they carried out other activities than those declared when entering the country, or have stayed illegally on the Romanian territory for long periods of time.

### 2.2 Typology

The ways and means used by the Romanian and foreign citizens to illegally enter into, stay or exit from the territory of Romania are:

- Use of false or forged documents or assumption of a false identity;
- Destroying their identity documents, followed by submitting an asylum application, in order to prevent expulsion;
- Obtaining the transit or the collective entry visa for alleged tourist purposes;
- Legally entering the country and receiving the residence permit, motivated by alleged trading activities, their actions being in fact illegal and covered by some phantom firms;
- Use of false or forged visas;
- Hiding themselves in transportation means – road, railway and naval vehicles and vessels;
- The illegal crossing of the green border with the help of guides that, as a rule, are part of criminal networks specialized in the trafficking in human beings and illegal migration.

The above mentioned methods are favored by the following aspects specific to the activities of the authorities competent in the field of migration that impede the effectiveness of illegal migration control:

- at the border – the discovery of an alien who has illegally entered the country entitles the units of the Border Police to detain such a person for 24 and, if the act is defined as a crime, such person can be detained on the basis of the warrant for arrest issued by the public prosecutor and further approved and extended by the Court. In practice, it has been ascertained that, as a rule, a warrant for arrest is not issued for those illegally crossing the border, and such persons are being investigated at large, even if that person does not possess valid identity documents and legal permit for staying on the Romanian territory. After the completion of the preliminary stage of the investigation, the person involved illegally travels on the Romanian territory or succeeds to illegally cross the border, heading westward;

- a contravention fine can be charged to foreign citizens illegally staying in Romania only if he/she entered the country legally and did not apply for the extension of the visa in due time;

- in the case of the convicted aliens, subject to an order of expulsion, in the case of those who refuse to leave the territory when the residence visa is no longer valid, of those that have to leave the territory based upon public order or national security reasons, in the case of the asylum seekers whose applications have been definitively and irrevocably rejected (definitive and executive— for accelerated procedure) or in case of final and irrevocable decisions to withdraw or to repeal a certain form of protection granted, the Ministry of Interior does not have legal provisions to enforce restriction of movement for such persons, with due observance of the legal guarantees stipulated by the Romanian Constitution, by the international law and, last but not least, by the jurisprudence of the European Court for Human Rights at Strasbourg, even if in practice, this measure is applied without a legal background;

- there are controversies at present concerning terms such as “expulsion”, “expelling from the country”, “rescinding the right of residence”;

- the lack of uniform practices in granting the right of staying on humanitarian grounds, others than those stipulated in the law concerning the refugees (art.8 of the European Convention of the Human Rights, concerning the family unity);

-as for the western border, many persons legally or illegally staying on the territory of Romania, including the asylum seekers or the persons that are under protection, according to provisions of GO no. 102/2000 concerning the status and regime of refugees, when are caught in an attempt to illegally cross the border or are returned from Hungary after having illegally crossed the border, the authorities are compelled in most cases to set them free, lacking a warrant for arrest issued by the public prosecutor and to continue the investigations with the perpetrators at large; these situations lead to difficulties in solving such cases, many persons being repeatedly caught in an attempt to illegally cross the border;
- in approximately 90% of the cases, the persons found illegally residing, having illegally entered or applying for refugee status, have no identity documents on them, which could result in a serious threat for the national security and public order, as they might be under pursuit by INTERPOL, terrorists, members of extremists organizations or of organized crime networks etc.;

- from the analysis of the operative situation, it results that a great number of those that have obtained entry visas for Romania, originating from countries with great migration potential, as well as those that illegally enter or stay in Romania, are transiting westward and among those detected, a small percentage was returned to their country of origin;

All the above mentioned aspects are well known by the representatives of the European Union and have lead to the promotion of the idea according to which in Romania there is no policy and strategy in the field of migration.

It has also to be mentioned the fact that Romania continues to be amongst the main countries in Europe that produce asylum seekers (the 11-th place, with 8,600 asylum applications submitted by the Romanian citizens in 1999 and 8,740 applications in 2000). The reasons are mainly of economic nature, our country being included on the list of the countries where, generally, the risk of persecution does not exists.

From among the foreign citizens illegally staying in Romania detected by the units of the General Directorate for Computerized Records of Population in 1999 – 2000, more than 850 illegally entered Romania.

In certain cases, the migrants renounced their initial aim and target of their travel, and decided to remain temporarily in Romania, either owing to lack of financial resources or in order to find such financial means to continue their travel.

From the investigation of the cases of the foreign citizens that entered illegally, it can be concluded that they currently use three main transiting routes on the territory of our country. Two of them are organized and have as a starting point Moscow, one on the route Moscow-Chisinau, entering Romania across Prut river, especially in the border area Iasi-Vaslui-Galati and the other one Moscow-Kiev, entering Romania across the Danube in the Tulcea border area, using speed boats. These routes are used by the illegal migrants from Sri-Lanka, India, Pakistan, Bangladesh and Afghanistan.

The third one, called “the Balkan route” is used by migrants from the Middle East (notably Iraq and Turkey). They are organized in Turkey and aim at crossing Bulgaria and Romania in compact groups, using different methods: from concealment in transportation means, to illegally crossing the green border in the area Ostrov-Vama Veche.

The illegal migration Romania is confronted with lately, along the aforementioned routes, was determined by a series of internal and external factors, mainly consisting of:

A. Internal factors:
- the large number of foreign citizens from Middle East, attracted by the transition economic process in our country, hoping that Romania could offer the possibility to surpass the social condition they have in their own countries;
- the Romanian citizens being recruited and subsequently involved in activities of the transborder organized crime;
- the opportunity of recruiting guides from among the nationals residing in the border areas, facilitated by the background of their precarious social condition;
- the adoption by the Romanian authorities having competence in the investigation and punishment of the illegal trafficking in persons, of insufficient solutions and sanctions, with respect to stopping and discouraging this phenomenon.

**B. External factors:**
- the entry visas for Russia and Ukraine are too easy issued to citizens from South-West Asia by the consulates of the above mentioned countries accredited in this area;
- the existence of a large network of Russian Federation airlines, charging extremely convenient air fares, thus resulting in its extensive use by the criminal organizations that organize and control the illegal migration flows towards Western Europe;
- the existence and intense activity of criminal networks on the territories of Ukraine and Republic of Moldova, with in depth knowledge of the topography of our eastern border and the gaps enabling smooth penetration thereof.

From the analysis of the operative situation specific for this field of competence, we conclude that the criminal organizations of Mafia-type involved in the illegal trafficking in persons are carrying out their illegal activity mainly based on the following operational components:
- the element in charge with recruiting the migrants, operating in the countries of origin or departure. The intelligence available shows that these are recruited by persons in the underworld that have links with national authorities with competence in issuing travelling documents, so that, in some situations, they can offer the solicitants even passports and other false documents;
- the carriers – persons in charge with carrying migrants to the country of their destination or to a transit or waiting country. For example, the route especially used by the illegal migrants from Bangladesh is Dacha-Moscow-Kiev. The travel to Moscow (and sometimes even to Kiev) is carried out in normal conditions, since the migrants possess valid airplane tickets and visas. Local travel agencies that provide them all necessary travelling documents mediate the departure from Bangladesh.
- as a rule, the guides are either nationals of the countries towards which the migrants are heading or co-nationals of the migrants who legally reside in these countries. According to our information, on the territory of Ukraine and the Republic of Moldova there networks, made up of guides, persons of contact and carriers, organised and headed by co-nationals of the migrants who, in complicity with the natives, organise the illegal entry into the territory of Romania. For this purpose they use motor boats when crossing the Prut or the Danube rivers, particularly along the paths adjoining the main routes, bridges and checking points;
- the hosts are recruited from among the natives living in the border areas. Hosts were identified in Bucharest too, in the overcrowded outskirts (like Militari, Balta Alba, Rahova) and in the villages nearby Bucharest (like Glina, Voluntari, Afumati);
- the companies established within the Romanian territory by co-nationals providing to the migrants both accommodation, means of transportation, necessary materials and connection abroad, i.e. on the territories of the states to be transited up to the destination, represent a solid logistic support for the migrants.

In this respect, it is worth mentioning that some specific activities resulted in the identification of several groups of migrants coming from Asian countries and also in the
suppression of a network dealing with the forgery of Bulgarian passports intended to be used by Kurds in their attempt to illegally arrive in the western European countries.

2.3 Legal entry of aliens coming from countries with a high migration potential into the national territory

The figures of the General Directorate for Computerized Population Registration on the number of aliens who have temporarily established their residence for a period exceeding 120 days show that as many as 70,565 aliens are currently on the territory of Romania. A great part of them are coming from countries with a high migration potential. Most of them came to Romania legally, due to the fact that legislation provided for the possibility of aliens to set up commercial companies, starting from a small initial capital, and then to easily obtain the entry and residence visas, given their associate status. In most cases, aliens who acquired a so called investor status are persons with precarious material resources, low education level, unable to speak a language of international understanding. Consequently, they cannot qualify to properly run a commercial society.

At present, a great part of the “investors” coming from the countries with a high migration potential do not carry out legal economic activities in compliance with the purpose they had declared when setting up the firm. Instead, they derive large amounts of unaccounted incomes, implicitly avoiding to pay any taxes, whatsoever. They also use black market labor, they are involved in trafficking in currency, in smuggling, in tax dodging, money laundering and facilitation of illegal migration, etc.

At present, according to the figures of from the Trade Register Office, there are 77,723 founded as joint venture companies with foreign capital. Among them, 38% were found by aliens coming from countries with a high migration potential. Another method frequently used by these aliens to get entry visas is lodging applications to study in Romania. In many cases, there were persons having a low education level and no financial means to afford studies in a foreign country would still easily get approval from the Ministry of Education and Research, oftentimes by the mediation of Romanians. This approach relies on sending photocopies of their diplomas and ID’s. In this context, after arriving in Romania they do not register with the universities, carry out, instead, different activities, some of these likely to jeopardize public order.

In the period 01.07-31.12.2000, as many as 1,233 visa applications from persons, whose countries of origin are recognized as highly migrant producer countries, were lodged for the purpose of study. Out of these, 1,160 were approved. On the basis of these approvals, visas were issued and 847 aliens came to Romania while only 272 of them reported to the local authorities in order to be registered.

3. Legal framework in force

3.1 International regulations

Romania is party to the majority of the international legal instruments relevant to migration and fight against illegal migration. The annexes contain the lists of the main legal instruments to which Romania or the Romanian authorities are parties. Annex no.2-List of the main international legal instruments to which Romania is party. Annex no.3-List of readmission agreements in force, in process of ratification, negotiation or approval of negotiations.
Annex no.4-List of the states with which negotiations for readmission agreements are to be initiated with.
Annex no.5-List of bilateral and multilateral international legal instruments in force related to combating illegal migration, to which Romania, the Ministry of Interior, or other departments are parties.

3.2 Internal regulations (primary, secondary level)
Annex no.6 contains the main high level normative acts and internal normative acts, namely, cooperation protocols between different branches and between different departments. Annex no.7 illustrates the evolution of the legal framework related to the field of asylum and refugees.

4. Concept and strategy for combating illegal migration

In the perspective of Romania's accession to the European Union and in order to meet the European standards concerning the movement of persons, the Ministry of Interior, through its specialized structures dealing with the migration issues, has important relevant responsibilities.

In this respect, relying on its own forces or in cooperation with other structures with competence in this field, measures on both prevention of illegal entry into the country of aliens without reasonable grounds, and combat of illegal residence have been intensified.

In essence, these measures consist of:

(i) Harmonization of visa policy and practices to meet the EU states standards

At present, aliens holding simple tourist passports, coming from 156 states, need visas in order to travel to Romania. For 76 of these states considered with high migration potential, the visa is issued on the basis of an authorized invitation and also conditional upon a bank deposit. For 11 of these 156 states, the visa is issued on the basis of an authorized invitation, but not conditional upon a bank deposit.

At the request of the Romanian diplomatic missions, the Directorate for Aliens and Migration Issues carries out complex verifications of aliens coming from states with a high migration potential and the results are immediately communicated in order to enable the decision making process, whether to accept or not their applications.

During the year 2000, no less than 11,362 such requests were registered with the Directorate for Aliens and Migration Issues of which over 3000 (about 26%) were rejected.

Within the last two years, by applying the new procedures for granting visas, all aliens who obtained entry visas on the basis of an invitation and conditional upon a bank deposit were successfully determined to leave Romania within the term provided by the visa.

The implementation of a system for processing the visa applications on-line is being prepared. The pilot project of this system will be financed by the EU too, through the Phare Programme 2000-2001.

The Ministry of Interior made the following proposals concerning restrictive measures with regard to aliens coming from the states with a high migration potential. These proposals are to be taken into account by the Romanian diplomatic missions and consulates abroad, when granting entry visas. These proposals consist of the following set of criteria:
A. For businessmen:
- a good knowledge of Romanian or of an international language;
- evidence of their solid financial condition in their country of origin, to enable them to open and develop a business in Romania;
- prior similar activities performed in their country of origin;
- the current or future activity carried out in Romania by the commercial company whose associate is the respective applicant must be beneficial for the development of the national economy, that is it a significant contribution in capital, transfer of technology, creation of job opportunities, etc. The companies having production as the main object of activity will enjoy priority;
- acknowledgement of a proper training and professional level to qualify them for the leadership and management of the investment.

B. For aliens accepted to studies by the Ministry of Education and Research:
- a written approval by the Ministry of Education and Research;
- a receipt illustrating the payment in advance of the scholar fee for the first year of tuition;
- financial means of subsistence, the equivalent of at least 250 USD/month, for the first year of tuition;
- evidence of financial possibilities for their repatriation (a bank account), if his/her stay on the territory of Romania, against the background of his/her declared purpose upon arrival in Romania, is not justified any longer.

(ii) Strengthening and developing the border management and control capacity

The reform programme of the Ministry of Interior includes provisions concerning the development and improvement of the activity of the Border Police, with a special emphasis on the institution building and investments in the infrastructure of the management system and border control. These objectives are set forth as a priority in the guiding documents for the relation between Romania-EU, and supported by Phare programmes assistance.

(iii) Implementation of an efficient action system to combat and deter illegal stay of aliens

Development and implementation, on a regular basis, of a checking system, focused on the places frequently attended by aliens, relying on an efficient use of operative data and information, aiming to track down those who illegally stay or carry out illegal activities.

Such actions are currently carried out, with the participation of several specialized structures of Ministry of Interior. They resulted in the removal from the national territory of 1,888 aliens identified as illegally staying or present without motivation in Romania, between 1999 and 31.12.2000

In 2001, as a result of the reconsideration of the weight granted to the operative side of the specific activities of tracking down and taking out of the country of the with illegally residing aliens, throughout a series of 517 complex actions carried out in February 2001, as many as 732 persons who infringed the aliens regime in Romania and 1 general wanted were tracked down. The process continued by taking a number of 53
aliens out of the country, under escort. Other 170 persons were granted exit visas. As many as 136 aliens were forbidden to enter into the country as a result of a disposition to deny their entry for certain periods of time. A number of 626 administrative penalties were inflicted upon, the fines amounting to a total of 468.3 million Rol.

(iv) Creation of a system of receiving, selecting and accommodation centres for the illegally staying aliens who are to be returned to the countries of origin or departure

According to the provisions of the National Programme for the Adoption of the Community Acquis (NPACA), which set forth the creation of a system consisting of three centres for the receiving, selection and accommodation of illegally residing aliens, to such new centres have been established in the southern and western areas of Romania, awaiting to become operational not before long, in addition to the Otopeni centre which has been operating since January 1999.

Also, the procedures of taking over a building in Iasi are continuing. This building is expected to house the 4th centre for receiving, selection and accommodation of illegally residing aliens. As a part of the PHARE 2001 programming exercise, a draft fiche which includes the co-financing of a rehabilitation program for 3 of the above mentioned centres (Otopeni, Giurgiu, Iasi) has also been submitted.

These measures, along with the similar actions taken for the improvement of the procedures in what concerns asylum and asylum seekers (included the co-operation with specialized NGOs) will determine the increasing of the capacity to manage and fight the migration phenomenon, a better delimitation of the competencies, an improvement of the protection level granted to asylum seekers and refugees, and a better social integration of these persons.

(v) Development of a bilateral legal frame to allow return or voluntary return of illegal migrants in their countries of origin

A procedure for the approval to negotiate, on the basis of a frame agreement, the readmission agreement with the majority of the migrants producing states and the states which are on the routes of illegal migration was initiated and methods for the implementation of a program to encourage and support the voluntary repatriation is under considerations.

(vi) Co-operation with the relevant international bodies

Given the growing challenge posed to our country by the migration, firstly as a result of the increasing number of Romanian citizens who have migrated or have expressed their desire to migrate in the Western European countries, and secondly, by the choice of many aliens coming from African and Asian countries as well as from the former Soviet area in their way to Occident, to use Romania as a transit country, it was necessary to develop co-operation with the relevant international bodies.

In order to fight the illegal trafficking in persons, statistic data are monthly transmitted to the EU Centre for Information, Reflection and Information Exchange on Immigration Channels (CIRIEIC) concerning the evolution of illegal migration in Romania. The
participation of experts in the periodical meetings CIREIC-candidate states has also been provided for. A similar position has also been adopted in what concerns the cooperation with CIREA.

It has also been provided for the participation in the activities carried out under the aegis of the European Council, especially to those organized by the European Committee on Migration (ECM), where draft resolutions on migration issues were discussed.

The participation in the International Centre on Migration Policies Development (ICMPD) first as an observer, then as a member with full rights are objectives which are kept in view.

4.1 Initiatives regarding some legal aspects

According to the Constitutional Court Decision No.225/2000, the exception of non-constitutionality of the art.20 of Law No.25/1969 concerning the regime of aliens in Romania was admitted. In order to solve the situation, the Ministry of Interior has devised and submitted the reasons for changing the place of the criminalisation from art 20 to art.4 of the same law.

At the same time, the Ministry of Interior has submitted the draft of an Emergency Order to complete of the Law No. 25/1969 on the aliens regime in Romania, according to which: "for the alien who developed, is developing, or there are solid indications to assume that he/she intends to develop activities of nature to endanger the national security or public order, withdrawal or limitation of the residence right shall be decided by the County Courts, or, the Bucharest Municipal Court, at the request of the competent bodies of the Ministry of Interior.”

The Methodological Norms Project for the implementation of the new law regarding the regime of aliens in Romania, which shall be adopted in the next period by the Parliament, is to be finalized.

The Ministry of Interior has proposed the completion of the draft law for the approval of the Emergency Governmental Order No.265/2000 regarding the unilateral abolishment of the visa regime for the EU member states citizens, with a second article which will specify that these citizens can enter Romania without the visa, for a period of 30 days. In the same context the discussions for the elaboration, with the Ministry of Labor and Social Solidarity, of a project of modification of the Law Decree no. 54/1990 regarding the organization and development of same economical activities on the base of free initiative, meaning the excepting from the obligation of establishing the residence in Romania for the citizens of member states of EU and the maintaining of this obligation for the citizens of the third states have been resumed.

Also, a project of an Emergency Order was initiated on providing the necessary emergency medical assistance and drugs for aliens and stateless persons tracked down as illegally staying and taken over by the receiving, selection and accommodation centres, as well as for the asylum seekers and refugees found on the Romanian territory during the entire period of the procedure.

4.2 Combating illegal emigration
With a view to fight the tendency of the Romanians to illegally emigrate and to deter such attempts, the Romanian authorities intend to increase the penalties to be inflicted upon the returned persons, namely consisting in increasing the period of the temporary suspension of the right to free movement for a period varying from 6 months to 3 years. This period is longer than the one provided under the Government Order no. 65/1997 on the regime of passports in Romania (3-12 months), approved as modified and supplemented by Law no. 216/1998.

From 1998, the right to use a passport has been suspended in the case of 59,602 Romanians returned from all the countries Romania has concluded readmission agreements with, as follows:

- 17,968 in 1998
- 19,940 in 1999
- 19,471 in 2000
- 2,223 from 01.01 to 28.02.2001.

As a result of the steps taken in what concerns the suspending of the right to use a passport, the number of Romanians returned from the EU countries Romania has concluded readmission agreements with is continually decreasing, as follows:

- 1,324 during the first two months in 1999
- 1,275, during the first two months in 2000
- 1,224 during the same period, this year.

In the same context, the Romanian authorities are monitoring the situation of the Romanians who commit offences abroad. These offences are communicated by the diplomatic missions or by the consular offices of Romania, with the aim to keep informed the police forces and in order to suspend their right to use a passport if they are expelled in Romania from other states territories.

From 1998, information have been received regarding 29,946 Romanians who committed offences abroad, as follows:

- 6,831 in 1998
- 7,719 in 1999
- 13,345 in 2000
- 2,051 in 01.01. – 28.02.2001.

For the purpose of fighting illegal migration, the Passport Directorate and its territorial branches keep the records of passports declared by their owners as lost or stolen, and convey to the General Inspectorate of Border Police the relevant data concerning these documents, in order to further send this information to the border crossing points for operational reasons.

From 1998, as many as 47,832 notifications on persons and travelling documents were sent to the border crossing points for operational reasons, as follows:

- 12, 479 in 1998
- 17, 794 in 1999
In 1998, the territorial units within the above mentioned structures have also detected as many as 1223 cases of forgery (regarding identity, in declarations, or in official documents), as follows:

- 372 in 1998;
- 459 in 1999;
- 362 in 2000;
- 30 from 01.01 to 28.02.2001.

In all this cases, preliminary actions to substantiate the offences have been taken and the results thereof were sent to be duly solved by the competent police units.

Upon lodging their documents willing to be issued passports, 252 wanted Romanians have been discovered by the territorial passport units, as follows:

- 105 in 1998;
- 66 in 1999;
- 73 in 2000;
- 8 from 01.01 to 28.08.2001.

The respective persons have been handed to police to be subject to the legal relevant penalties.

Another measure taken by the Ministry of Interior in order to prevent and combat illegal migration of Romanians is the elaboration of a Government Decision draft having as object the issuing of a new type of passport provided with security features meeting the U.E. standards and offering guaranties for at least 10 years. This was also a condition for the abolishment of visa obligation for the Romanians who travel in the U.E. Member States, in the perspective of Romania’s accession to the Europeans structures.

4.3 Bodies

At national level, the migration issues are dealt with by the following relevant bodies with direct or indirect responsibilities:

1) Governmental structures:

The Romanian Committee for Migration Issues, which includes:
The Ministry of Foreign Affairs
The Ministry of Interior
The Ministry of Justice
The Public Ministry
The Ministry of Labor and Social Solidarity
The Ministry of Education and Research
The Ministry of Public Administration
The Ministry of Health and Family

2) Competent Departments within the Ministry of Interior:

The Border Police General Inspectorate
The General Directorate for Computerized Population Registration (Directorate for Aliens, Migration Issues and Passport Directorate)
The National Office for Refugees
The General Police Inspectorate (Directorate to Counter Organized Crime)
The General Directorate for Intelligence and Internal Protection.

3) International organizations active in Romania:

The United Nations High Commissioner for Refugees (U.N.H.C.R.) works closely with national authorities, by means of its representation in Romania, to solve certain aspects pertaining to the illegal migration. U.N.H.C.R. has provided a material and financial support for the rehabilitation of 2 accommodation centres in Bucharest, with the capacity of 750 persons, estimated at 270,000 U.S.D.and substantially contributed to programmes for the integration of refugees, and also to a programme for the improvement of the working conditions within the National Office for Refugees. At the end of 2000, U.N.H.C.R. propose to the Romanians authorities a pilot programme for the voluntary repatriation of the asylum seekers whose applications were definitely rejected. Of the IOM will also take part in the implementation of this programme. This draft is now in process of negotiations.

From 1998, Romania is a member with full rights in I.O.M. (International Organization for Migration). Within the Partnership with the I.O.M. office from Bucharest several programmes have been implemented, having as purpose to limit and control the migration flows. As a result a significant number of aliens have been repatriated, with a substantial financial contribution from the Ministry of Interior. From 2000, a common programme M.I.-I.O.M. has been carried out for the transfer in the United States of America, via Timisoara, of 8,000 refugees from Bosnia-Hertzegovina and Croatia. For the period 2001-2003 another common programme has been initiated aiming at the social-professional reintegration of women, victims of the trafficking in human beings, as well as a programme for the social reintegration of Romanians returned from Belgium, the Netherlands and Finland.

4) Nongovernmental organisations:

The main active organisations are:

The National Romanian Council for Refugees
The Romanian Forum for Refugees and Migrants –ARCA
Save the Children
The U.N.-Romanian Youth
Jesuit for Refugee Service

4.4 Available resources

Budget allotments(billion Rol)

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL M.I.</th>
<th>% PIB</th>
<th>TOTAL M</th>
<th>%M.I.</th>
<th>G.I.B.P.</th>
<th>G.D.I.R.P</th>
<th>N.R. O.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3(3+6+7)</td>
<td>4(3+1)</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>1999</td>
<td>5,864,1</td>
<td>1,05</td>
<td>690,8</td>
<td>11,70</td>
<td>653,9</td>
<td>33,4</td>
<td>3,5</td>
</tr>
<tr>
<td>2000</td>
<td>10490,9</td>
<td>1,33</td>
<td>1472,3</td>
<td>14,03</td>
<td>1322,2</td>
<td>145,4</td>
<td>4,7</td>
</tr>
</tbody>
</table>
### Available staff

<table>
<thead>
<tr>
<th>No</th>
<th>Structure</th>
<th>Existing personnel</th>
<th>% employment</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Border police</td>
<td>13351</td>
<td>91,32</td>
<td>-there are 5204 military personnel with contract -the personnel of the military schools is not included</td>
</tr>
<tr>
<td>2</td>
<td>Aliens and Migration Issues</td>
<td>392</td>
<td>81,32</td>
<td>-includes the personnel of the Centres Otopeni, Giurgiu, Arad</td>
</tr>
<tr>
<td>3</td>
<td>Passports</td>
<td>381</td>
<td>96,94</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Refugees</td>
<td>75</td>
<td>89,28</td>
<td></td>
</tr>
</tbody>
</table>
Logistics: level of endowment

<table>
<thead>
<tr>
<th>Unit</th>
<th>Firearms, ammunition, chemicals, specific public order means</th>
<th>Transportation</th>
<th>Information technology</th>
<th>Average value (estimate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Interior</td>
<td>52,4</td>
<td>68,2</td>
<td>59,0</td>
<td>30,7</td>
</tr>
<tr>
<td>Border police</td>
<td>87,0</td>
<td>62,6</td>
<td>58,0</td>
<td>27,0</td>
</tr>
<tr>
<td>Aliens, passports</td>
<td>80,0</td>
<td>61,0</td>
<td>67,8</td>
<td>32,0</td>
</tr>
<tr>
<td>Refugees</td>
<td>75,0</td>
<td>73,0</td>
<td>35,0</td>
<td>15,0</td>
</tr>
</tbody>
</table>

Other sources: Phare programmes

The Ministry of Interior and the Ministry of Foreign Affairs, within the national Phare programmes 1998, 1999, 2000, 2001 have specific projects to improve border management and border control systems, the policies and procedures in the field of visa, asylum and migration, and also the relevant infrastructure. The amount of the external non-reimbursable allocations for those projects, which represent priorities at a national level, are: 30,050 Meuro, with an amount of 6,351 Meuro. financed from the national budget.

These projects are supplemented by Twinning Projects, carried out at the level of the National Phare Programmes 1999 and 2000 which are projects within the CBC Phare Programmes (Border Crossing Co-operation) with Hungary and Bulgaria, in 1999,2000,20001 and, respectively, within the Horizontal Phare Programmes JHA 2001-2002, with a particular emphasis on border, migration and asylum issues.

5. Conclusions on the results of the analysis of the effectiveness of the system

- The criteria for the effectiveness of the management and control of the national border are not in line with the relevant similar criteria within the EU Member States in respect of the same risk category subject to the assessment. The system is permeable. Many cases of penetration of the security system have been recorded both along the green border and through the Border Crossing Points.
- Throughout the Romanian territory and on the territory of the neighboring states, as well, there are organised criminal networks that are operating. They are specialised in illegal activities resulting in a significant growth of illegal migration. These networks consist of persons who recruit subjects, guides, hosts, carriers, providers of logistic support and forged documents, , procurers.
- The current legal and institutional framework, the procedures and practices in the field of fighting illegal migration, the forms and methods of co-operation between the relevant authorities are not uniformed. There are elements of inconsistency and improper match with the real situation as well as breaches which are exploited by the perpetrators in such a way that it is difficult to take adequate steps to suppress or
significantly reduce the risks posed by the illegal migration to the national territory. The system of sharing competencies and jurisdictions between the responsible Romanian bodies is ambiguous; the available resources are not in balance with the amount of duties; the acts related to the illegal migration are not indicted or they are improperly indicted under the penal law; the registration and statistical system for the evidence of crimes is not homogeneous/compatible at the level of all competent structures while the relevant practice is permissive;

- The conception, the legal and institutional framework, the procedures, practice and allotted resources for the implementation of the national policy in the field of visa, relevant for the control of the national border crossing, are not adequate to meet the level imposed by the EU/Schengen requirements. There are frequent situations when aliens who intend to illegally migrate, legally enter the national territory, given the fact that one cannot rely on the services of an early forewarning or blocking of these persons in their countries of departure;

- For short and medium term, one can expect a substantial growth in the number of persons requesting the protection of the Romanian state, along with an increased pressure over the eastern, northern and southern borders by those who will attend to illegally enter our country. Undoubtedly, the trend of the migration phenomenon is rising, as long as the causes triggering migration are not removed and resolute steps to tackle this phenomenon are not taken. Henceforth, the necessity for Romania to be financially assisted by the European Community in order to supplement the national effort for the achievement of Romania's own programme for securing the national border and efficiently combating transborder crime;

- Romania is making preparations in the perspective of its accession to the European Union when it will have to become a party to the Dublin Convention, of June 15th, 1990, which set forth the obligations of the state responsible with the processing of asylum applications within the EU area. Implicitly, Romania will be obliged to receive all the aliens who will enter the EU area via our country and to solve their asylum applications whatever the country within the EU they lodged this application in. Simultaneously, greater efforts will have to be made in order to return the persons readmitted by Romania in their countries of origin, under the agreements concluded with the Member States;

- At the same time, consequences deriving from our oncoming participation into the Schengen Convention will have to be examined in respect of the criteria which must be fulfilled to meet the security standards required for the external border of the EU.

6. Proposals

As mirrored above, migration defines itself as a complex phenomenon which has to be subject to a global and integrated approach, requiring a national strategy based on the experience of states with a more extensive expertise and on elements linked to the national characteristics.

In the opinion of certain international experts, migration is a growing phenomenon relying, first of all, on the demographic outburst and, secondly, on the ever intense economic gaps between the developed countries, the developing countries and the third world countries. Today, there are fewer and fewer experts advocating the stopping of migration. Instead, there are growing debates on the management of migration flows. Each state determines its own migration strategy depending upon its domestic needs of demographic, cultural, political and economic nature.
At the same time, some surveys show a certain remission in the visa policy for certain categories of economic migrants (attentively selected on the basis of domestic needs). This remission brought about a reduction of illegal migration and of the number of asylum applications. Many western states have begun to offer attractive opportunities for highly qualified persons coming from countries characterized by a migration tendency. The programme "U.S. Visa Lottery" is well-known, as one of the best systems for controlled immigration in the world which enables the INS (Immigration and Naturalization Service) U.S.A. to permanently monitor the demand for emigration, at worldwide level for the United States, to attentively select the applicants and to record in the data base the objectionable persons intending to emigrate to the U.S.A., in order to prevent these people to ever get there.

With reference to the illegal migration control, the following steps must be necessarily taken:

- Setting-up a workgroup of experts within the competent structures in this field to cooperate in order to draft a National Action Plan against Illegal Migration setting forth objectives, specific measures, terms and well-defined responsibilities in order to identify and solve problems regarding legislation, institutional framework, practice, assessment of the necessary resources;
- Reviewing the legal, institutional and organizational framework related to migration issues (emigration and immigration), with emphasis on fighting illegal migration, in order to improve the interdepartmental mechanisms of co-operation and practices on granting visas, respectively in granting the right to residence on the national territory, extending the validity of the visa, processing the asylum applications and the applications for issuing a residence permit out of humanitarian reasons, other than the one provided by the Government Ordinance, as well as in order to identify efficient means to implement reliable programmes of voluntary and forced repatriation;
- Identifying methods and procedures to discover the illegally residing aliens, on the basis of the involvement and contribution of the other institutions of the public administration which should control the legitimacy to the right to work, education, trustfulness of the financial statement or compliance with the pretended purpose for residing invoked to motivate the application for a visa/a residence permit;
- Increasing the number of human and other resources, granting enhanced competencies to the operative units responsible with the discovery of illegally residing aliens, respectively their employment in the "black labor market";
- Initiating resolute actions and steps to deter the illegal migrants, with due observance of the international legal instruments on the human rights to which Romania is a party, of the procedural and constitutional guarantees, including by drastic penalties to be inflicted upon the illegal migrants and persons involved in the preparation, organization and perpetration of offences related to the illegal border crossing and trafficking in human beings, namely their carriers, guides and hosts, etc (including the possibility to maintain, in detention of illegally residing aliens who refuse to cooperate with the authorities in order to be repatriated, of aliens who are to be removed from the country following a Court Decision and of aliens without documents, within the period necessary to clarify their situation or to identify these persons).
- Maintaining the updating of visa policy, especially in respect of consular principles and orders, aiming at making a clear distinction between visas and residence permits, issuing the residence permits according to the purpose of the residence,
creating the opportunity to grant residence permit qualifying the owner as a "TOLERATED"-in the case of aliens who cannot any longer legally settle their residence in Romania or of those illegally residing, or co-operates with the authorities for the purpose of repatriation, but this is not possible out of reasons for which the alien is not responsible. This right of residence would be withdrawn upon his/her repatriation. Thus, many aliens who are discovered as illegally residing, continue to remain in this condition because the authorities cannot return them. As a temporary measure they might be provided with a legal status which would result in a reduction of the number of illegally residing aliens;

• Developing voluntary repatriation programmes both of our own and in co-operation with IOM, the significance of which to gradually grow in opposition with the forced repatriation programmes themselves;

• Inspiring the NGOs to assist the authorities in finding a solution to the issues related to combating illegal migration;

• Making further approaches for the emergency adoption of the Law on the Status and Regime of Aliens in Romania;

• Enhancing the diplomatic efforts for signing the readmission agreements with the Republic of Moldova, Ukraine, Russian Federation and Turkey, also applicable to the aliens who illegally entered or stay on the territory of the Romania arriving here from the territories of these states.

• Improving the system of co-operation between the internal structures dealing with the asylum procedures and aliens control, respectively between the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Education and Research, Ministry of Finances and Ministry of Labor and Social Solidarity. Due to the lack of co-operation between these state bodies and to the lack of financial and material means, there has not been a coherent strategy, at national level, for combating the migration phenomenon, so far;

• Carrying on the harmonization with the EU Acquis of the domestic legislation governing the activity of the structures within the Ministry of Interior with specific duties in the field of combating illegal migration and asylum issues;

• Improving the system of gathering checking and using of specific information in order to combat with a greater effectiveness the illegal migration and the illegal trafficking in human beings, by the specialized unit within the Ministry of Interior together with other structures with relevant duties;

• Intensifying the efforts to identify and prevent illegal entries/exits from Romania via the green/blue border, in particular in the eastern area;

• Improving the curriculum of border police officers according to the new requirements imposed by their specific activity and their further training to enable them to use the new equipment they are endowed with (video spectral analyzer, anti-drug kits, computers);

• Carrying on the efforts to identify and make available the necessary financial resources to complete the outfitting of the border crossing points in accordance with the level of risk, in particular the endowment with equipment to detect forged documents (video spectral analyzer, microscopes, reliable U.W. lamps) and concealed persons (CO2 detector);

• Carrying on the efforts to obtain a more significant financial assistance from the European Union on order to strengthen the border control along the eastern and southern borders of Romania;
• Strengthening co-operation with other structures of the state involved in combating organized crime on the basis of a mutual and operative exchange of information, in particular those resulted from the investigation of the cases;

• Strengthening co-operation with similar structures from other countries to increase mutual trust in the perspective of Romania's accession to the European Union, concluding protocols on the exchange of data and information with similar authorities in Bulgaria, Republic of Moldova, Ukraine, Hungary and F.R. Yugoslavia with an active participation in the consultation mechanisms with the Schengen states authorities, intensifying the participation in the exchange of data within CIREA and CIREFI and carrying on preparations for the implementation of EURODAC;

• Analysing and, as the case may be, reshaping the specialized structures in order to reasonably supplement the organizational structures and the level of endowment thereof, as well as a budget allotting balanced with the amount of duties and competencies.
## Abbreviations

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<tr>
<th>Abbreviation</th>
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<tr>
<td>CIREA</td>
<td>Centre for Information, Discussion and Exchange on Asylum</td>
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<td>EEA</td>
<td>European Economic Area (Agreement concluded in 1991 on Economic Co-operation between the EC and EFTA)</td>
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<td>ECRE</td>
<td>European Consultation on Refugees and Exiles (an Association of non-governmental Organizations in Europe)</td>
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<td>EC</td>
<td>European Community</td>
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<td>EU</td>
<td>European Union</td>
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<td>ICMPD</td>
<td>International Centre for Migration Policy Development</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>ICVA</td>
<td>International Council of Voluntary Agencies</td>
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<td>IFRC</td>
<td>International Federation of the Red Cross</td>
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<td>IGC</td>
<td>International Consultations in Geneva</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>JHA/JAI</td>
<td>Justice and Home Affairs</td>
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<td>OECD</td>
<td>Organization for Economic Co-operation and Development</td>
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<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<td>PARinAc</td>
<td>Partnership in Action (Co-operation with UNHCR and Voluntary Organizations)</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNRWA</td>
<td>United Nations Relief and Works Agency for Palestine Refugees in the Near East</td>
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<tr>
<td>WFP</td>
<td>World Food Programme</td>
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3. The European Commission Preliminary Report regarding Visa Issue, Drawn up on 30.01.2001, on the basis of the Romanian Government Answer to the Questionnaire sent by European Commission.
5. The Phare Programs Synoptic in which the Ministry of Interior is Involved.
7. Romania’s National Program for Accession to E.U.
8. The Results of Screening 2000.
13. OSCE-ODHR Recommendations on Combating Trafficking in Human Beings.
Annex 1: List of Definitions

Definitions of some important terms

Migration policy
The migration policy represents the principles, rules and agreements relating to the movement of people from one country to another.

*Romania's migration policy, which includes refugee, immigration and returnee policy and is an integral part of its foreign, security, trade and development assistance policies, should be seen as an integrated whole.*

Immigration policy
The immigration policy represents the principles and rules concerning the granting of permission for aliens to take up residence in Romania.

Immigration
Immigration to Romania has been controlled since 1953. The reception of refugees in Romania is only one of several elements of Romania's refugee policy, which comprises a number of measures:

- **Efforts in the United Nations and other international fora designed to contribute to the prevention and solution of international conflicts and maintenance of respect for human rights;**

- support to the UNHCR (the United Nations High Commissioner for Refugees) and other organizations that assist refugees;

- participation in international cooperation with a view to promoting a division of responsibilities among countries, on the basis of solidarity and strengthening the legal protection of refugees;

- the transfer to Romania, in close cooperation with the UNHCR, of particularly vulnerable persons who need a safe refuge from persecution or who cannot return to their home countries (mainly with respect to the conflict in former Yugoslavia and post-conflict movements);

- the acceptance, under certain conditions, of refugees, other than Convention refugees, who are in great need of protection;

- government-financed reception and resettlement programmes for refugees and persons with a similar status, in order to facilitate their transfer to third safe countries;

- support for refugees to whom the refugee status has been conferred and who wish to leave Romania on their own accord and return to their home country or settle in another country.
A generic term for people’s movement over various distances derived from the Latin “migratio”. Used here as immigration and emigration through various countries.

**Asylum**

From the Latin “asylum”: the protection offered by a state on its territory or other area under its jurisdiction. Used here in the sense of a residence permit granted to an alien on the grounds of refugee status under the Geneva Convention, as amended by its New York Protocol.

**Refugee**

A person who is outside his/her country of origin and who has a well-founded fear of being persecuted for reasons of race, nationality or membership of a particular social group or on account of his political or religious views and is unable to, owing to such fear, is unwilling to avail himself of the protection of that country.

The above applies irrespective of whether the persecution is exercised by the country’s authorities or because they cannot be assumed to provide protection against persecution. This definition is included in the EGD no. 102/2000 and is consistent with the definition in the 1951 UN Convention Relating to the Status of Refugees (“the Geneva Convention”).

**Person in need of protection**

A person who has left his/her country of origin because he/she is in need of protection. This term includes, in addition to refugees, persons:

- who have a well-founded fear of being sentenced to death or subjected to torture or other inhuman or degrading treatment or punishment;
- who need protection on account of an external or internal armed conflict or who cannot return to their country on account of an environmental disaster;

**Asylum-seeker**

A person who has traveled to Romania on his own initiative and declares himself to be in need of protection (asylum), with respect to whom a final decision has not yet been taken regarding his/her asylum application.

**Humanitarian reasons**

A person may be granted a temporary residence permit (but not asylum) for reasons directly related to the individual, e.g. serious illness.

**Principle of first country of asylum**

A refugee is expected to apply for asylum in the first country in which he arrives after fleeing, provided that he is protected against persecution and against being returned to the country from which he has fled. Therefore, a refugee who has resided in a first country of asylum before his arrival in Romania is normally returned to that country. This principle is applied by most countries that have signed the Geneva Convention and will become applicable to Romania following its becoming a party to the Dublin Convention.
**Quota refugee**
A person belonging to the special quota of persons in need of protection, as determined by the Romanian Parliament/Government, who are given the opportunity to settle in Romania until the best solution is found for them to be transferred to a third country. Selection of such persons and their journey to Romania are organized by the Romanian National Refugees Office in close cooperation with the UNHCR. The quota is intended for persons who cannot receive protection in any other way and who cannot return to their country.

**Relative of an immigrant**
A person who is granted a residence permit because he/she has close relatives residing in Romania. Spouses and unmarried children under the age of 18 of such persons may be granted residence permits in Romania under the conditions as set forth by law.

**Remigration**
Remigration represents the voluntary return to their country of origin of persons who are legal residents in Romania.

**Return**
Return represents the return to their country of origin of persons who do not, or no longer, meet the requirements for a residence permit in Romania. Return may take place on a voluntary basis or as a result of a refusal of entry or readmission procedure executed by the competent Romanian authorities.

**Expulsion**
Return of a person to the country of origin or another safe country, as a result of an expulsion order executed by the competent authorities of Romania.
Annex 2: List of the Main Legal International Universal and Specific Instruments to which Romania is Party

1. The Universal Declaration of Human Rights
5. The International Convention on the Suppression of Trafficking in Women and Children, concluded in Geneva on 30.09.1921 (ratified by Law No. 23/1925)
6. The International Convention on the Suppression of Trafficking in adult Women, concluded in Geneva at 11.10.1933 (ratified by Law No. 121/1935)
7. The Convention on Suppression of Trafficking in Human Beings and the Exploitation of Prostitution of Another Person and also, the Concluding Protocol adopted by the U.N.O. General Assembly on 2.12.1949 (ratified by Decree no. 482/1954)
12. The International Convention against Hostage-taking (Decree-Law No. 111/1990)
14. The European Convention on Extradition (ratified by Law No. 80/1997)
16. The Government Ordinance No.46/19.08.1999 to Approve Romania’s Participation in the Group of States against Corruption (GRECO), Established by the Council of Europe Resolution No.(99)5 of 01.05.1999 (O.J. No. 401/ 24.08.1999)


23. The Convention of the International Labour Organization (No.111) on Discrimination in the Field of Labour Force and Exercise of Profession—adopted by the General Conference of the International Labour Organization, on its the 42nd Session. Romania has ratified the Convention in 1973


25. The European Convention on Human Rights, Rome, 1950, entered into force on 03.09.1953. Romania ratified the Convention by Law No. 30/18.05.94


27. The Revised Social European Charter, Strasbourg, 03.05.1996. Romania ratified the Charter by Law No. 74/03.05.1999

Annex 3: List of the Readmission Agreements In Force, in process of Ratification, Negotiation or Approval of Negotiations

I. Agreements in force


II. Signed agreements, currently in process of ratification

1. Draft Law for the ratification of the Agreement between the Government of Romania and the Government of the Republic of Finland on the Readmission of Their Own Nationals and Aliens, signed at Helsinki, on 05.11.1999


4. Draft Law for the ratification of the Agreement between the Government of Romania and the Government of Ireland regarding the Readmission of Their Own Nationals and Third Countries Nationals who Illegally Residing in the Territories of Their Respective States

5. Draft Law for the ratification of the Agreement between the Government of Romania and the Government of the Republic of Slovenia on the Readmission of Persons Whose Entry or/and Residence is Illegal on the Territories of Their Respective States

III. Negotiated agreements pending to be signed
1. Agreement between the Government of Romania and the Government of the Kingdom of Sweden on the Readmission of Persons

IV. Agreements the negotiation of which has been approved and started
1. Agreement between the Government of Romania and the Government of the Republic of Hungary on the Readmission of Their Own Nationals and Aliens
3. Agreement between the Government of Romania and the Government of Ukraine on the Readmission of Their Own Nationals and Aliens
4. Agreement between the Government of Romania and the Government of FYROM on the Readmission of Their Own Nationals and Aliens
5. Agreement between the Government of Romania and the Government of the Republic of Moldova on the Readmission of Aliens
6. Agreement between the Government of Romania and the Government of the Republic of Lithuania on the Readmission of Persons Whose Entry and Residence on Their Respective State Territories is Illegal

V. Agreements for which the procedure for the approval of negotiation have started
1. Agreement between the Government of Romania and the Government of the Republic of Albania on the Readmission of Their Own Nationals and Aliens
2. Agreement between the Government of Romania and the Government of the Republic of Afghanistan on the Readmission of Their Own Nationals and Aliens
3. Agreement between the Government of Romania and the Government of the Republic of Bangladesh on the Readmission of Their Nationals and Aliens
4. Agreement between the Government of Romania and the Government of the Republic of Sri Lanka on the Readmission of Their Own Nationals and Aliens
5. Agreement between the Government of Romania and the Government of the Islamic Republic of Pakistan on the Readmission of Their Own Nationals and Aliens
6. Agreement between the Government of Romania and the Government of the **State of Israel** on the Readmission of Their Own Nationals and Aliens

7. Agreement between the Government of Romania and the Government of the **Republic of Austria** on the readmission of their nationals and aliens

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**RECAPITULATING NOTE**

Regarding the situation of the readmission agreements concluded with:

**A. EU member states**

Readmission agreements have not been concluded with the following states which:

- United Kingdom of Great Britain and Northern Ireland - recently, the British authorities agreed to negotiate such an agreement and forwarded a draft
- Republic of Portugal - it has not answered yet the relevant proposals submitted by the Romanian party within the recent years

States requesting the renegotiations of the concluded agreements:

- Austria - a negotiation procedure has been initiated
- Sweden - negotiation completed, pending for signature

**B. Candidate states**

Readmission agreements have not been concluded with the following states:

- Estonia - no motivation to conclude an agreement
- Lithuania - the draft is in process of negotiation
- Latvia - no motivation to conclude an agreement

The following states proposed renegotiations of the agreements in force:

- Hungary – in process of negotiation.

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**Annex 4: List of States Readmission Agreements are to be negotiated with**

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<td>Burkina Faso</td>
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**Annex 5:** List of Bi and Multilateral International and Legal Instruments in force, also relevant for Combating Illegal Migration, to which Romania, the Ministry of Interior or Structures of the Ministry of Interior are Parties


5) Law No. 13.06.03.2000 for the ratification of the Understanding between the Government of Romania and the Government of Cyprus on Co-operation for Combating International Crime, signed in Bucharest on 7 June 1995 (O.J. no. 104/08.03.2000).


25) Decree No. 634/27.03.1908 on Ratification of Convention on Defining the Danube Fluvial Frontier signed in Sofia, at 1/14 January 1908 between Romania and Bulgaria.


36) R.G.D. no. 1166/11.11.1996 on the Approval of the Protocol between the National Guards Unit within the Romanian Ministry of Interior and the State Committee for
State Frontier Security Matters of Ukraine on How to Solve the Ukrainian State Frontier Regime Problems, signed in Bucharest on 26 September 1996.

37) R.G.D. No. 818/20.09.1996 on the approval of the Convention between the Government of Romania and the Government of Ukraine on the Simplified Passing the Common State Frontier by the Citizens Who Reside in the Frontier Counties and Districts, signed in Ismail on 29.03.1996


Annex 6: List of Normative Acts Governing Migration (Asylum, External Borders, Migration-Admission, Migration-Expulsion, Migration Readmission)

1. Constitution of Romania - Art.18, 26
2. Criminal Code - Art.112 and 117
3. Law No. 25/1969 on the Regime of Aliens in Romania
4. Law No.26/1994 on the Organization and Functioning of the Romanian Police
7. Law No. 51/1991 on the National Security
8. Government Ordinance No. 102/2000 on the Status and Regime of Refugees in Romania
13. Law No. 56/1992 on Romania's National Borders
17. Law Decree No. 10/1990 on the Regime of Passports and Travels Abroad
18. Government Ordinance No.65/1997 on the Regime of Passports in Romania
20. Law No 105/1996 on Population Registration and Identity Card
22. Protocol between the Border Police General Inspectorate and the National Office for Refugees on Visa Control at airplane's stairs - approved by the Order of Minister of Interior 26.02.2001
23. Protocol of Co-operation between the Romanian Intelligence Service and the Border Police General Inspectorate of 05.05.2000
24. Protocol of Co-operation between the Border Police General Inspectorate and the Customs General Directorate
Annex 7: Evolution of Domestic Legislation in the Field of Asylum

  - The Romanian Committee for Migration Issues, a co-ordinating inter-ministerial body in the field of migration and asylum, was established by Government Decision No.417/1991
  - The Constitution of Romania of 1991

1992: - The Government Decision No.417/1991 to establish the Romanian Committee for Migration Issues (RCMI) was modified by the Government Decision No. 58/1992, following to which the co-ordination activity of this inter-ministerial body was transferred to the Ministry of Labour and Social Protection.

1993: - By Order of the Minister of the Interior I 05064/01.09.1993, the “Independent Service for Visas, Specific Records on Aliens, and Relations with Embassies and Consular Offices”, providing the main data and information to the technical Secretariat of the RCMI, was established.

1995: - By Order of the Minister of the Interior I 05526/01.07.1995, the Directorate for Aliens and Migration Issues within the General Directorate of Border Police, Aliens, Migration Issues and Passports was established. The Directorate also includes structures both at the level of the service and throughout the territory.
  - By the Government Decision No. 807/1995 modifying the Government Decision no 417/1991, the co-ordination of the RCMI was transferred to the Minister of Interior, while the Migration Office within the Directorate for Aliens and Migration Issues took over the activity to receive and record the applicants for the status of refugee.

1996: - On 02.04.1996, it was adopted the Law No. 15/1996, on the Status and Regime of Refugees in Romania.
  - On 13.11.1996, it was adopted the Government Decision No.1182/1996 on implementing the provisions of Law No. 15/1996, by virtue of which the Office for Refugees was created.

1997: - By Order of the Minister of Interior No. I 07179 of 01.03.1997, the Office for Refugees within the General Directorate of the Border Police, Aliens, Migration Issues and Passports was established.
  - On 07.10.1997, the Minister of Interior approved Regulation No.704 on the organisation and functioning of the RCMI.

1998: - By Order of the Minister of Interior no. I 01055 of 15.12.1998, it was established the Receiving, Selection and Accommodation Centre for Refugees No.1, Bucharest (24,Tudor Gociu Street).
1999: - By Order of the Minister of Interior no. I 01022 of 01.05.1999, it was established the Receiving, Selection and Accommodation Centre for Refugees No.2 (15, Vasile Stolnicu Street), which is about to start operating.

2000: - By the Government Decision No.0490 of 16.06. 2000, it was established the National Office for Refugees, directly subordinated to the Ministry of the Interior.
  - Pending for adoption:
    - a Decision of the Government of Romania approving the methodological norms for the implementation of the Governmental Ordinance no.102/2000 and
    - a Decision of the Government of Romania approving the Regulation for the Organisation and Functioning of the National Office for Refugees.