

Article

# An Overview of the Romanian Asylum Policies

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**Abstract:** Migration flows affecting Europe over recent years have generated a wave of solidarity but also fear and threats. European countries are divided into host countries or countries of transit due to their economic attractiveness but from the beginning, it was clear that asylum policies were far from similar and insufficiently flexible. Although Romania is considered as one of the transit countries for immigrants heading to Western Europe and it has not been confronted with an influx of refugees, it has developed specific policies in line with the *acquis communautaire* in order to be prepared for any situation of influx. The purpose of this research is to assess how asylum policies have been implemented in Romania and what improvements are necessary in order for them to become more sustainable. In Romania's case, we used a SWOT analysis in our research methodology. This study aims to address relevant topics regarding the recent increasing trends of asylum applications and to analyse how the asylum policies in Romania can generate an adequate response. Furthermore, specialized institutions may consider our recommendations on how to improve the management of the asylum system in Romania.

**Keywords:** refugees; immigration; asylum; European funds; policy; integration

## 1. Introduction

Migration is a phenomenon that has always existed, starting with the great Greek colonization and the Roman conquests and continuing today, being a challenge that requires an integrated management system in all countries of the world. Free movement of individuals, free trade worldwide, financial stability of certain countries and the major differences between rich and poor countries, have motivated large masses of people move to wealthy areas of the world.

Thus, over 2.7 mil people have arrived in Europe from 2015, causing a serious immigration crisis. It is a crisis of unprecedented dimensions, which has forced millions of men, women and children to leave their homeland, seeking protection and a decent living in other countries. Refugees and migrants continue to move in large numbers from Sub-Saharan Africa to North Africa and across the Mediterranean Sea to Europe. Libya remains the main point of departure for the majority of refugees and migrants from Africa hoping to reach Europe. While on the move, refugees and migrants face intolerably high risks of grave human rights violations and death [1].

Migration is increasingly seen as a high-priority policy issue by many governments, politicians and the broader public throughout the world and has become a newsworthy topic [2].

In this context, the terms “refugee” and “migrant” have invaded media and public discourse, even if they have distinct and different meanings. Refugees are defined and protected in international law. The 1951 Geneva Refugee Convention defines the concept of a refugee and outlines the basic rights which States should grant refugees. One of the most fundamental principles laid down in international law is that refugees should not be expelled or returned to situations where their life and freedom would be under threat. Migrants choose to move not because of a direct threat of persecution or death

but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to returning [3].

Therefore, if we return to the European situation and the large numbers of people arriving in recent years by boats in Greece, Italy and elsewhere: what is their status? Are they refugees or migrants? As a matter of fact, they might be both. The majority of people arriving in Italy and Greece have their origins mainly in countries mired in war or which are considered to be “refugee-producing” and therefore they need international protection. However, a smaller proportion come from elsewhere and for many of these individuals, the term “migrant” is the correct one.

In May, because of the massive number of immigrants arriving in Europe, the Commission proposed to relocate 40,000 people from Italy and Greece and in September, another 120,000 people from Italy, Greece and Hungary. European institutions considered that the refugee relocation system would be the proper response to the immigration problem but the mechanism has been challenged since the beginning, splitting the Union into two sides—those who welcome the refugees and those opposing them. At the EU summit in Brussels in December 2017, Angela Merkel criticized the refusal of some Central and Eastern European states to receive extra-community immigrants, pointing out that there cannot be only “selective solidarity” at the level of the European Union. On the other hand, European Council President Donald Tusk had declared before the summit that the system of mandatory quotas for the distribution of extra-community immigrants was inefficient and divided the EU countries.

On 18 March 2016, EU Heads of State or Government and Turkey agreed on the EU-Turkey Statement to end the flow of irregular migration from Turkey to the EU and replace it with organised, safe and legal channels to Europe. The core principle of the EU-Turkey Statement was that all new irregular migrants or asylum seekers crossing from Turkey to the Greek islands will be returned to Turkey, after an individual assessment of their asylum claims in line with EU and international law. For every Syrian being returned to Turkey, another Syrian will be resettled in the EU from Turkey directly. One year on, the EU-Turkey Statement was delivering on its main objectives of reducing both the number of persons arriving irregularly to the EU and the loss of life in the Aegean whilst providing safe and legal routes to the EU for those in need. The Statement has become an important element in the EU’s comprehensive approach to better manage migration as set out in the European Agenda on Migration [4].

Overall, Member States have faced a series of particularly serious crises that have put European solidarity to the test. Among them we mention: serious delays, with dramatic accidents, caused by the way EU Member States responded to the flows of refugees that came either on the Mediterranean Sea or through the Balkans; the terrorist attacks in France, Belgium, Germany and Spain. It has been repeatedly said that new asylum seekers arriving in Europe are a potential source of attraction for extremist and jihadist networks operating in many European countries, which increased the resentment of the population towards the wave of recently arrived migrants.

Taking into consideration the geographical position of the country, Romania is at the confluence of the migration routes that have as a starting point the southern areas of the globe and is mostly used as transit space for illegal immigration to more developed countries in the western EU. Half of Romania’s borders are with non-EU countries: Moldova, Ukraine and Serbia and the other borders are with two EU countries: Hungary and Bulgaria.

Perhaps we have witnessed a “declaration of war” between the Romanian and Hungarian governments due to the actions of our Hungarian counterparts who have decided to build a wall to stop the migrants, however in the case of Bulgaria and Serbia, Romania has had a close cooperation on the refugee crisis given our geographic proximity and the cooperation at a governmental level.

Initially Romania was not, during 2015–2016, on the map of transit routes to western EU, especially that it is not part of the Schengen agreement yet. Addressing the expansion of the Schengen zone, Mr. Juncker, the president of the European Commission argued: “A more united Union also needs to become more

inclusive. If we want to strengthen the protection of our external borders, then we need to open the Schengen area of free movement to Bulgaria and Romania immediately [5]. Instead of this affirmation, Romania received in 2017 another 12 new regulations to incorporate into its Schengen requirements and Bulgaria 17, mostly concerning securing more independence for courts and combating cross-border crime and corruption [6].

Even if Romania did not have a significant role on the migration map in the period 2015–2016, this crisis had a similar effect on the Romanian political landscape as it made us re-evaluate our own values and ideals and has exposed our fears as well as our aspirations. We have witnessed an increasing lack of confidence in the citizens of our country and in the European institutions, because of the sometimes-chaotic approach to the refugee crisis. At the same time, fears have been expressed that this could favour the anti-European political parties and movements. This idea is strongly supported by the dramatic increase in the percentage of Romanians who are against receiving refugees in Romania: from 52.6% in September 2015 to more than 75.8% in December 2015 [7].

Against a negative background to Romanians' attitude towards immigration, the year 2017 brought an increase of 151% in asylum applications compared to 2016, raising questions about new immigration routes at the border with Serbia and the Black Sea. Thus, on a national and international level a question has arisen: how prepared is Romania for a wave of refugees and how the national migration policies may sustain an efficient management of the phenomenon? Minos Mouzourakis, Coordinator for the European Council on Refugees and Exiles says "Very little is known about the workings of the asylum procedure and reception conditions in Romania at the moment and regardless of how we translate the latest increase of arrivals, that gap needs to be filled. The country has not particularly been under the spotlight on the migration map but there are indications that standards should be more closely monitored" [8,9].

Our research aims to contribute to ensuring an integrated vision of asylum policies in Romania through a SWOT analysis in order to assess the weaknesses/strengths of the asylum system and opportunities/threats which can influence its implementation. This study aims to address relevant topics regarding the recent increasing trends of asylum applications and to analyse how the asylum policies in Romania can generate an adequate response. We propose the following steps to improve the asylum system in order to ensure its sustainability in the long run.

The analysis is based on the most recent data provided by governmental/European institutions official reports, relevant research studies in the field and national/international legislation. Relevant authorities may use the results of our work to improve their strategies especially when facing the events that generate a state of crisis.

## 2. The Asylum Phenomenon in the Specialty Literature

The EU security environment is changing dramatically and the Union has to deal with the problem of immigrants continuing to enter Europe, terrorist attacks but also environmental threats (floods, forest fires, industrial accidents, etc.) and incidents of intergovernmental aggression by external hostile factors which are more and more frequent and obviously offensive [10]. In a context full of challenges, international studies and research has developed, especially in global migration, asylum procedures, integration policy, institutional cooperation or terrorism threats.

As far as the asylum system is concerned, studies conducted so far have revealed that the basic pillar of the asylum system in Europe is undoubtedly the Common Asylum System (CEAS) and the legislation adopted by European institutions that was incorporated by the member states. The first decade of CEAS implementation has not produced simple solutions for European countries since there are differences in the implementation of all its provisions [11]. These differences have become even more visible in the countries seriously affected by the economic crisis, which has become an important reason for the decision not to grant certain rights to asylum seekers due to the lack of available funds [12]. Under the existing framework, asylum seekers are not treated uniformly and recognition rates vary, which may encourage secondary movements and asylum shopping [13].

In the current international context, in a study published by the Migration Policy Institute, Elizabeth Collett believes that it is imperative that EU institutions improve their policy-making mechanism to deliver effective and impact-oriented results, current tools being focused only on the short-term solution. She also came up with longer-term solutions, such as to invest in leadership, improve coordination, invest in human resources, develop end-to-end monitoring and evaluation processes, identify and utilize benchmarks for success that are practical and not just formal standards and take specific, national context into account [14].

Recent studies analysed the effects of push and pull factors on the direction and level of asylum flows finding that the level of conflict and terror at the origin, as well as the economic development in both the sending and receiving countries, have a strong impact [15]. Strengthening the binomial of solidarity/responsibility is the solution that will create effective practices in meeting the humanitarian needs of refugees and sharing burdens between the Member States [16]. In the framework of new accurate EU migration policies, migrants can play a decisive role in enhancing economic welfare for host countries [17,18]. Policy inconsistencies between the EU's asylum and the EU's labour migration policies make a call for stronger convergence [19].

Waves of immigrants in Europe have also increased concerns about the imminent risk of national security measures to the detriment of those in need of international protection. The balance between these two values—the safety of the receiving community and the protection of fundamental rights of third-country nationals seems to be especially significant in the current situation, when the EU faces an increased influx of persons seeking international protection due to the migration crisis [20].

The relationship between migration and terrorism is a particularly complex one and has been studied in detail by specialists in recent years. Some results show that migration does not contribute significantly to the spread of terrorist attacks and others confirm the opposite. In a study published by the Institute for Security Studies, Roderick Parkes writes that migrants are not “all tourists or terrorists,” as some people call them. But the three categories are not so distinctly separate. Migrants may have previously been linked to radical groups that have given them a status and a job. And, in turn, they can turn to the tourist lifestyle, not least by developing their own means of interconnection. Their status can be balanced between two extremes, being attractive to those powers that want to reorder the global economy [21].

A study conducted by Bove and Böhmelt to determine whether migration is contributing to the spread of terrorist attacks among countries has reached a negative conclusion. The findings indicate, in essence, that when migrants move from one country to another, they assimilate new knowledge and skills and new development perspectives emerge that stimulate technological innovation and the dissemination of new ideas that in turn boost growth economically. There is, however, the reverse. A study, which is based on the analysis of terrorism and migration in 145 countries for a period of 30 years, also shows that countries with the highest levels of exposure to terrorism are those with many migrants from regions with a large number of terrorist incidents. In host countries, extremism spreads from countries with a high incidence of terrorism at both macro and micro levels. At the macro level, terrorists from can exploit the links between members of a group of migrants by radicalizing them. At a micro level, migrants can bring their expertise in terrorist tactics and abilities into their new country, which they can share with groups or individual terrorists in the host country [22].

Moreover, according to Mazzucelli, Visvizi and Bee, the migration-terrorism nexus has come to occupy a prominent position in the dominant discourse on migration and its challenges for Europe and its societies. The nexus evokes frequently hostile approaches to migrants at the level of society and government resulting in acts of xenophobia, border closings, erecting fences and confiscating the valuables of migrants. In this view, the primary goal is to decouple the link between migration and terrorism and instead to focus on the point that terrorism may create migration. Migration on its own does not prompt terrorism. At this point, it is striking that the migration-terrorism nexus as well as the debate in which it is a distinct reference, expose the notion of religion and its role in the

social construction and functioning of contemporary societies. This is an issue as well as a challenge otherwise neglected in contemporary analyses [23].

In our opinion, migration does not contribute to the development of terrorism if states have the capacity to manage this phenomenon through their services of selection, integration and securing borders and society. Therefore, migration does not generate terrorism automatically. States' management capacity to manage this phenomenon is essential and should be strengthened and developed accordingly. Member States have faced terrorism in recent years, mainly because they are not sufficiently prepared for the new challenges caused by the refugee exodus from underdeveloped states and those in military conflict [24].

There have been researchers who have said that to avoid the risk of becoming an uncontrolled phenomenon, government policies to manage the flow of migration should aim to address and achieve the following objectives: prevention of the entry of false tourists, by ensuring that they are required to obtain a visa; signing readmission agreements with the countries concerned to control immigration; fostering and regulating recruitment in the countries of origin through bilateral migration agreements; strengthening border surveillance [25].

Until 2007 there was little research in this field at a national level. Most studies explored the issue of integrating immigrants and less focused on policy analysis. The research studies conducted were mainly qualitative, with additional quantitative analysis based on areas such as dynamics, statistics or frequencies resulting from surveys or interviews.

The year 2007 is a turning point in terms of immigration management in Romania through membership of the European Union. Romania entered the intra-community mobility circuit and immigration policy focused on the phenomenon of immigration of third-country nationals [26]. From a macro structural perspective, it was considered that the refugee and asylum policies had a positive evolution in Romania in the post-accession period, because the process of correlating the legislative framework with that of the European Union was considered to be a strong point in the field of refugee policies [27].

Ovidiu Voicu stated that although the asylum policies in Romania, as provided for in the National Immigration Strategy 2011–2014, faithfully reproduced the main elements of European policies in the field, their vision for the future integration of immigrants was poor [28].

In the period 2015–2016, studies conducted in the migration field in Romania debated the causes of massive influxes in Europe, as well as the effects, strategies and how an efficient management of policies could solve them. The main conclusion was that imposing common policies, on which there was no unanimous agreement, would undermine the internal structure of the EU and the decision-making power in situations where rapidity is needed and would thus create the prerequisites for building a new wall between West and East [29].

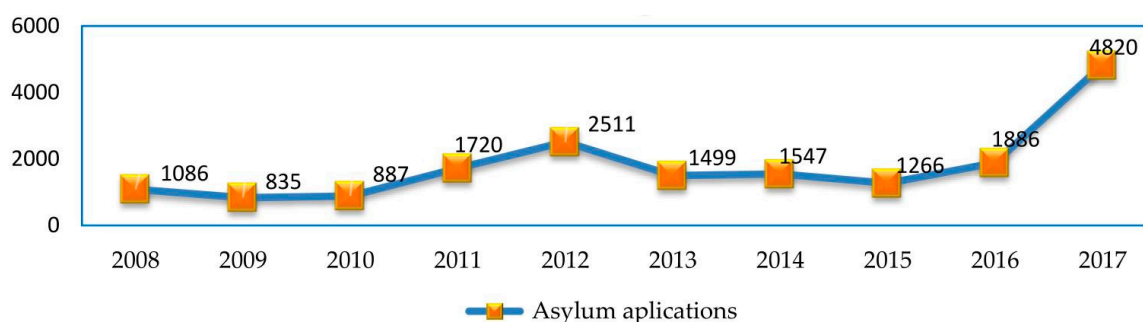
In 2015 Andrei Iacob analysed Romanian perceptions about the wave of migrants in Europe. The results of his survey showed that about 54% of the population does not welcome refugees due to "the fear of the outbreak of violence or social warfare," and their "cultural differences and habits," compared to the European population but also because of a "possible economic instability" at a national or European level [30]. Even so, Kis Alexandru concluded in the report comparing asylum in Romania and Sweden, that immigration policy might be a direct answer to the emigration facts and a potential solution for the population decrease [31].

All the studies conducted in Romania include details related to asylum policies and integration issues but only a few studies mention information about financial resources. In this study, the novelty element will be represented by the modality of spending European funds in the asylum field, in order to present a complete spectrum of financial, social and legislative actions. The immigration budget is sustained to a large extent by European non-refundable financial grants, which can contribute to the implementation of the current national strategy.

### 3. Current National Context

In 2017, with a total of 4820 applications for international protection, the highest number of asylum seekers in the territory of Romania was recorded, such that the asylum system in Romania was subjected to a constant and ascending pressure, with repercussions on accommodation, reception, processing and integration capacity of asylum seekers. This happened in Romania when Member States reported a significant decrease in the numbers of detected illegal border-crossings along the EU's external borders. The 204,719 recorded detections reported by the Member States in 2017 represent a 60% decrease compared with the 511,047 recorded detections of 2016 [32].

In Figure 1 we notice that from 2008 until 2017, the number of asylum application increased by 334% and from 2016 until 2017 by 151%.

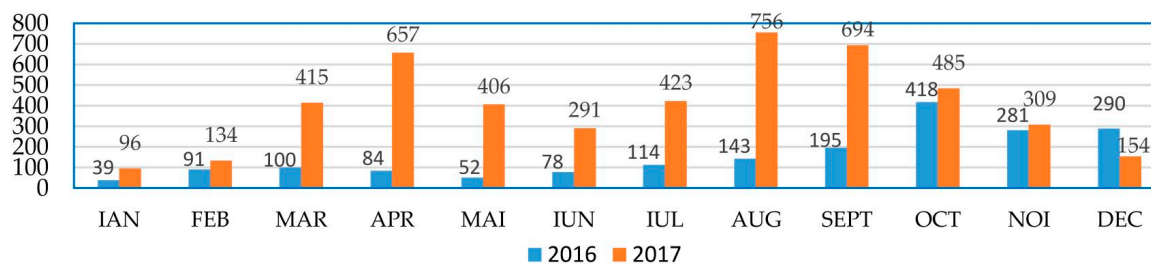


**Figure 1.** Dynamics of asylum applications registered in Romania during 2008–2017; Source: prepared by the authors based on [33].

Most asylum applications have been submitted by foreigners found living illegally at the Serbian border, who were requesting a form of protection on Romanian territory. The desire to move towards Western Europe motivated them to choose Romania as a migration route, especially considering the restrictive policy of Hungary regarding immigrants.

At the border with Serbia migratory pressure was relatively constant throughout the year, while in the second half of last year, the route from the Black Sea was also tested. For example, via the Black Sea six cases were recorded, in which 537 migrants from Iraq, Iran, Pakistan, Syria and Afghanistan attempted to reach Romania illegally from Turkey, with the help of six boats. However throughout 2016, the border guards caught one single immigrant who attempted to enter the country illegally using that route [34]. Migrants choose this extremely dangerous route in order to avoid Greece, where they are likely to be sent back to Turkey as a result of the country's agreement with the EU, thus attracting the development of trafficking networks.

In Figure 2 we can observe that August and September were the peaks of asylum applications in Romania. Numbers increased in comparison with the similar period of last year even by 428%.



**Figure 2.** Number of asylum applications submitted monthly, 2017 compared to 2016; Source: prepared by the authors based on [33].

Taking into consideration the fact that in 2017 there were several instances when over 1000 asylum applications were submitted over a two-month period, an important problem became the limited capacity of accommodation centres and procedures for asylum seekers, which according to Figure 3 is 1162 places. It is important to note that, according to the national legislation relating to the integration of foreigners in Romania, these centres should also accommodate the beneficiaries of international protection during the integration program, so that the availability of places in the accommodation centres is getting worse. According to Figure 3, the average occupancy rate on 31 December 2017 was 62.5%, due to periods with a high number of registered asylum applications as for April, August or September and periods in which the number decreased significantly, as for December, January or February.



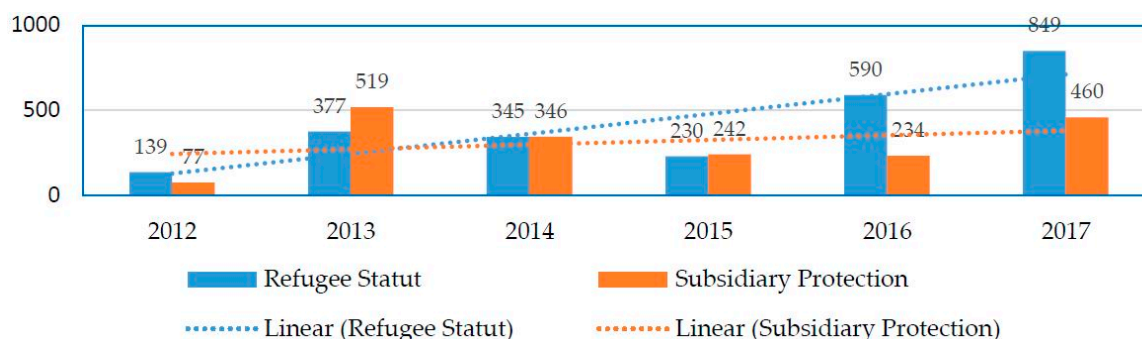
**Figure 3.** Geographical distribution of the 6 accommodation centres and procedures for asylum seekers in Romania, Source: prepared by the authors based on [33,35].

Regarding the representation by country of origin of asylum seekers, it is noted from Figure 4 that the biggest number of citizens is from Iraq, respectively 3428 persons. Taking into consideration the instability of the political situation in Syria and Iraq, as well as the vulnerable situation of agreement between the EU and Turkey, we estimate an increasing trend of asylum applications from these countries in the next period as well.



**Figure 4.** The main countries of origin of asylum seekers in Romania and the number of asylum applications submitted in the past 2 years; Source: prepared by the authors based on [33,36,37].

Of all applications submitted, international protection in Romania was granted to a number of 1309 persons, 59% more than in 2016. Notice in Figure 5 that from 2012 until 2017 an ascending trend was recorded regarding the granting of international protection in Romania, with a 492% increase in the number of positive decisions.



**Figure 5.** Number of decisions to grant international protection in Romania in the period 2012–2017; Source: prepared by the authors based on [33].

#### 4. Presentation of the Asylum Policies in Romania during 2007–2017

Since 1999, the EU has been working to create a CEAS and improve the current legislative framework. Five different pieces of legislation form the core of the CEAS (the Dublin Regulation, the recast Asylum Procedures Directive, the recast Qualification Directive, the recast Reception Conditions Directive and the EURODAC rules on fingerprinting).

The Asylum Procedures Directive (recast) was adopted by the European Parliament and the Council in 2013 and was to be transposed into Member States' national legislation by July 2015. On 23 September 2015, the European Commission adopted 40 infringement decisions against 28 Member States for failing to fully implement legislation making up the CEAS. In cases where any Member State ignored the infringement, the Commission could have referred them to the European Court of Justice to impose additional financial sanctions [38].

However, the current situation is far from harmonized and has been criticised for being too complex and leaving the Member States too broad a degree of discretion to ensure that similar cases are treated alike. For example, procedures for obtaining and withdrawing international protection currently differ between the Member States, for instance as regards the time taken for examining a claim, procedural guarantees provided to applicants and the use of accelerated claims and inadmissible claims.

The European Commission has been given the task under the European Agenda on Migration to find solutions to the migratory challenge. It has proposed strengthening the common asylum policy based on the fact that the EU's asylum policies need to be based on solidarity towards those needing international protection. Furthermore, the full application of the common rules must be ensured among the EU Member States through systematic monitoring. In the European Agenda on Migration, the Commission listed a key recommendation, under the third pillar, "Europe's duty to protect: a strong common asylum policy," to establish a CEAS monitoring system and to provide guidance to "improve standards of reception conditions and asylum procedures" [39].

Compliance with the obligation to incorporate international law into national legislation was a priority for Romania in both the periods: pre-and post-EU accession. These efforts were reflected in programmatic national documents and also in frequent legislative changes.

In 2004 in order to establish a unitary concept on the management of immigration a National Strategy on Migration was drafted in Romania for the first time. This brought all institutions with responsibilities in the field of migration around the same table. The strategy was based on the premise that Romania had made commitments related to humanitarian and human rights in accordance



with European and international standards and represents a mandatory tool in the accession to the EU. Asylum and integration policy was generally presented without any details on accommodation reception or types of assistance which could be provided during the asylum procedure or in the integration phase. The strategy was applicable until 2007 when Romania became a Member State of the EU [40].

On 3 October 2007, the National Immigration Strategy (NIS) 2007–2010 was adopted based on the facts that the quality of Member State assumed by Romania and the expected economic development in the post-accession period would influence migratory flows and would turn Romania into a destination preferred by immigrants. The strategy was improved considerably after 2004, the process of incorporating the national legislative framework in European legislation being considered as a strong point [30]. One of the most important objectives assumed by Romania was joining the Schengen Agreement which would lead to strengthening border security in the struggle against illegal immigration.

Also, in 2007, the Romanian Immigration Office renamed in 2012 General Inspectorate for Immigration (GII) was founded by reorganizing the Office for Foreigners and the National Office for Refugees. The adoption of a common European policy on asylum and migration was one of the requirements imposed by the European Union in the process of Romania's accession.

In 2011, NIS 2011–2014 was adopted with a more detailed version of the previous ones. The strategy had defined strategic and specific objectives as noted in Figure 6, underlying the necessity of an integrated coordination of the institutions with responsibilities in the field by avoiding overlapping and inefficient use of resources.

<b>Strategic objective 2</b>	<i>Strengthening of the national asylum system in order to improve and ensure compliance with applicable national, European and international legal standards</i>
<ul style="list-style-type: none"> <li>• Ensure access to the asylum procedure and respect for the non-refoulement principle</li> <li>• Process asylum applications efficiently and in compliance with national legal standards</li> <li>• Effectively combat abuse of the applicable European and international asylum procedures</li> <li>• Ensure a decent standard of living for asylum seekers in accordance with applicable national, European and international legal standards</li> <li>• Ensure compatibility and interoperability with other Member States' asylum systems, coordination with the European Asylum Support Office as well as strengthen and increase the quality of the asylum procedure and measures to integrate third country international protection</li> </ul>	
<b>Strategic objective 3</b>	<i>Promote Romania's active participation in the efforts of the international community and the Member States of the European Union in identifying sustainable solutions for people in need of international protection and the social integration of third-country nationals</i>
<ul style="list-style-type: none"> <li>• Encourage the social integration of persons who have acquired a form of protection in Romania and of those with legal residence</li> <li>• Accept Romania's obligations as a refugee resettlement state</li> <li>• Continue operations through the Emergency Relocation Center in Timisoara according to the Agreement between the Romanian Government, UNHCR and ILO</li> </ul>	

**Figure 6.** Asylum and Integration Policy (NIS 2011–2014); Source: prepared by the authors based on [41].

Although he has not disputed its fluency, Ovidiu Voicu states the Strategy (2011–2014) was adopted with a significant public consultation deficit. Moreover, the Strategy has barely been made known, not only to the public but also to other public institutions. All this led to the conclusion that the Strategy is a rather formal document, which does not represent a basis for a modern vision regarding immigration. All annual action plans, which could highlight the proposals of the Strategy,

were adopted late: for 2011, in July 2011; for 2012, in November 2012. The situation did not change in 2013, in which the action plan was adopted in August. In 2014, although the action plan was proposed in a public debate in January, it was not adopted until July. None of the plans was accompanied by an assessment of the previous one [28].

Starting with 2014–2015, asylum systems of the Member States have faced unprecedented pressure. Amid events in the Mediterranean, urgent action was taken at European level to save lives, with emphasis on the principle of solidarity and sharing of responsibilities. In this context, in 2015 NIS for 2015–2018 was approved. Given the current regional and global context, the strategy was completed with new objectives regarding the unitary and coherent management of an influx situation, as well as elaborating on the more detailed policy regarding the integration into Romanian society, namely:

- incorporating integration issues into all other relevant policy areas;
- creating an environment to facilitate the integration of third-country nationals;
- managing emergencies in a unitary and coherent manner [42].

#### 4.1. Implementation of the Strategic Objective “Strengthening of the National Asylum System in order to Improve and Ensure Compliance with Applicable National, European and International Legal Standards”

GII has proposed to implement and contribute to the elaboration of a clear and coherent policy in the field of asylum, in which both the European and international obligations and the national interest be respected, striking a balance between the rights and obligations of persons in need of international protection. Law No. 122 of 2006 on asylum in Romania was legally amended 15 times, in order to clarify different aspects but mainly to incorporate all the necessary directives and other CEAS measures into national legislation. Table 1 presents the Romanian legislative modifications in order to implement European directives.

**Table 1.** Directives and other Common European Asylum System (CEAS) measures transposed into national legislation.

Directive/Regulation	Deadline for Transposition	Date of Transposition	Official Title of Corresponding Act
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	27 January 2014	Ordinance No. 1/2014 for amending and completing the Law No. 122/2006 on asylum in Romania and Government Ordinance No. 44/2004 on the social integration of aliens
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)–(5) to be transposed by 20 July 2018	24 December 2015	Law No. 331/2015 for the modification and completion of some normative acts in the field of aliens
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	24 December 2015	Law No. 331/2015 for the modification and completion of some normative acts in the field of aliens
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	24 December 2015	Law No. 331/2015 for the modification and completion of some normative acts in the field of aliens

Source: prepared by the authors based on [43].

The asylum procedure in Romania respects the implementation of all the steps mentioned in the European asylum directives. So, each applicant’s fingerprints are taken and sent to a database called Eurodac (Eurodac Regulation). These data are used to help identify the country responsible for the asylum application (Dublin Regulation). Asylum applicants receive practical material support on their reception, such as housing and food (Reception Conditions Directive). An asylum applicant is interviewed by a case worker, with the help of an interpreter, to determine whether he/she may qualify for any form of international protection (Qualification Directive and Asylum Procedures Directive). If asylum is not granted to the applicant in the first instance, this refusal may be appealed in court.

Following confirmation of the negative first instance decision by the court, the applicant may be returned to his/her country of origin or transit.

The administrative procedure in Romania has become among the lowest registered among the other Member States, in approximately 95% of cases, being a maximum of 30 days [44]. In countries like Hungary, France, UK, Belgium, Austria, Bulgaria, Poland, the administrative procedure exceeds 60 days and in some cases, it reaches even 90 days [45,46].

The basic rights of the asylum seekers during the asylum procedure established by Law 122/2006 on asylum in Romania are as follows:

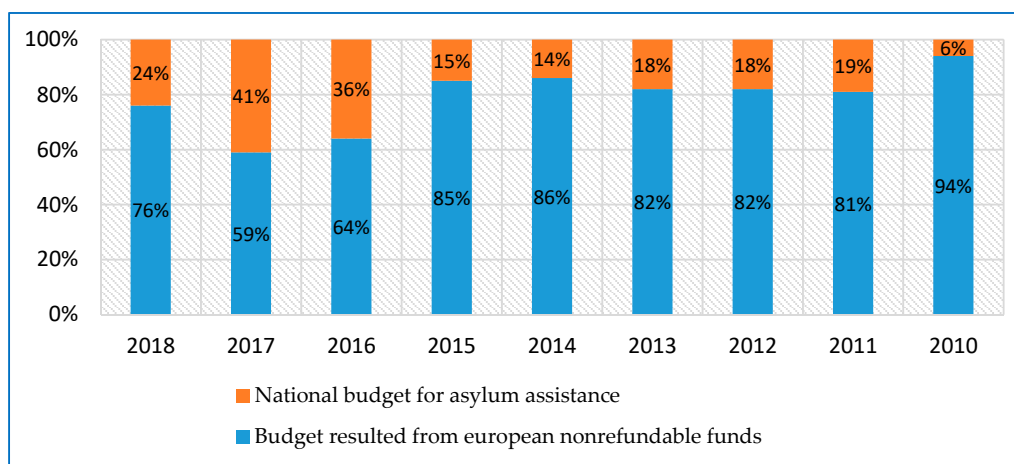
- ✓ the right to stay in Romania until the expiry of a 15-day period from the completion of the asylum procedure, if the request is rejected and protection is not granted;
- ✓ the right to be assisted by a lawyer and/or an interpreter at any stage of the asylum procedure;
- ✓ the right to contact and to be assisted by an official of the UNHCR/non-governmental organizations in any phase of the asylum procedure;
- ✓ the right to participate in cultural adaptation activities;
- ✓ the right to be accommodated in the reception centres and to benefit from practical material support conditions. Thus, the asylum seeker receives food up to 2.15 euro/person/day, clothing up to 14.37 euro/person/summer season and 21.45 euro/person/winter season, plus 1.29 euro/person/day representing local transport expenses, cultural services, press, repair services and personal hygiene expenses. In Bulgaria for example, prior to February 2015, the amount of the cash assistance was only 65 BGN (33.23 €) per month, respectively 1.11 euro/person/day, for both adults and children. This amount, when still provided, was unanimously criticized by UNHCR and refugee-assisting NGOs as completely insufficient to meet even the most basic needs for nutrition. As of 2017 two meals per day are provided in all centres, except to unaccompanied children to whom three meals are served a day [47];
- ✓ in case the accommodation capacity in reception centres is exceeded, the right to grant the amount of 100 euro/person/month in order to rent accommodation. Also, it is provided material assistance to cover maintenance costs, amounting to 25.74 euro/month/person for the warm season and 33.26 euro/month/person for the cold season. The monthly rent allowance decreases by 30% for two-member families and 40% for families with three members;
- ✓ the right to receive free of charge, primary or emergency medical treatment in case of life-threatening or chronic diseases;
- ✓ the right to receive access to the labour market in the terms stipulated by the law for Romanian citizens, after the expiry of a 3-month period from the date of application for asylum, if the asylum request has not been answered during the administrative phase of the procedure and the delay cannot be imputed.
- ✓ the right to education for minors, in order to access pre-primary school, pre-school and compulsory school under the same conditions as Romanian minor citizens, unless an expulsion measure against them or their parents is enforced.

In achieving this strategic objective, incorporating of CEAS into the national legislation has had a decisive role. At the same time, the development and consolidation of the mechanisms related to a unitary and quality practice in the processing of asylum applications at the national level have been continued and constitute a solid guarantee of an efficient and functional asylum system.

One of the problems regarding the national legislation from the asylum seeker's point of view is the lack of access to a normative framework translated into several international languages, which can be consulted in a transparent and formal manner without the help of interpreters.

Much of the asylum procedure developed under this objective could not have been achieved without European non-reimbursable funds provided by the European Commission through the European Refugee Fund (ERF) 2008–2013 and the Asylum, Migration and Integration Fund (AMIF) 2014–2020. As can be seen in Figure 7, more than 70% of the funds for asylum assistance are allocated

from European non-refundable financial grants. Even if 20% co-financing is included in this category of grants, the funds allocated by the European Commission play a decisive role in the efficient management of the asylum system in Romania.



**Figure 7.** Contribution of European non-refundable funds to the immigration annual budget comparative with national financial allocations; Source: prepared by the authors based on [48].

These were measures to improve the reception and accommodation infrastructure, to ensure and modernize the functionality of Eurodac, the national communications equipment and infrastructure.

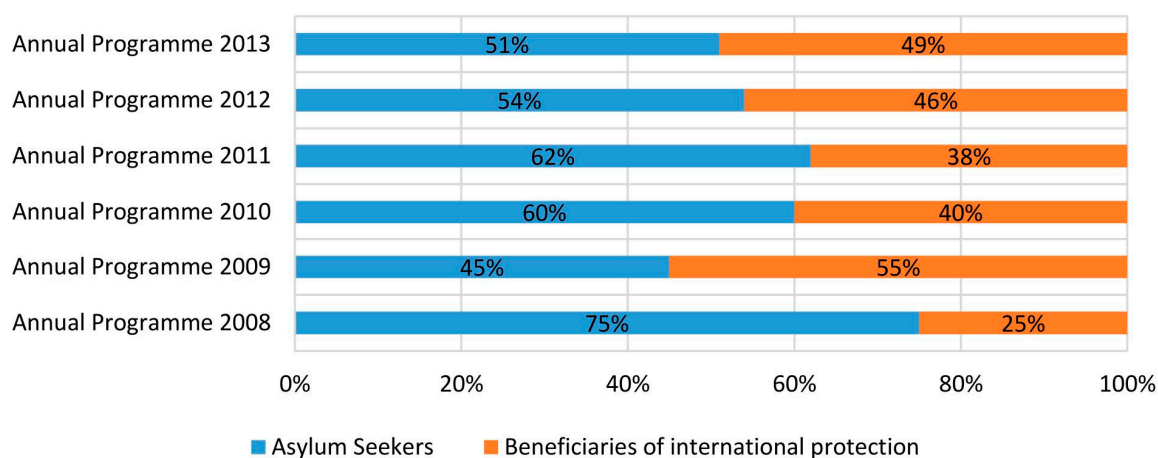
Thus, given the upward trend of asylum requests in 2017, the authorities considered it as a priority to extend the accommodation capacity of asylum seekers by initiating feasibility studies to provide solutions to existing problems and by unblocking the 200 places the Accommodation Centre for Asylum Seekers allocated to the Timisoara Transit Centre. At the same time, GII's response capacity in the case of a migratory influx was strengthened by acquiring mobile camps in a containerized system. The EU funds committed to extending and strengthening accommodation capacity were around 3,000,000 euros. At the national level, there were also steps for taking over of a building with the purpose of accommodating 500 asylum seekers. This is not yet finalized.

Although during 2008–2018 there were projects aimed at improving the accommodation conditions in the regional accommodation centres and procedures for asylum seekers, one aspect that was not fully solved at the national level was the failure to adapt the accommodation conditions for the needs of vulnerable people. The buildings are not equipped with ramps or toilets for disabled people, five out of six centres have shared toilets where hygiene is poor, the centres are not equipped with fire detection, signalling and warning systems and the windows are not equipped with child-proof safety bars. Each floor of the building is equipped with an insufficiently furnished kitchen, electrical appliances or utensils and cooking accessories that are in poor condition. Accommodation conditions in GII centres need improvements to be in line with European standards.

Logistical measures were taken, including the modernization of the IT infrastructure at central and territorial level, with the objective of reducing errors/delays in taking over and processing asylum applications and other operations required to carry out IGI administrative procedures. The main benefit of improving IT infrastructure can be to improve and streamline services to people in need of international protection.

In addition to legislative changes in order to incorporate European directives, institutional consolidation providing assistance for asylum seekers was a major priority. During 2008–2017, non-governmental organisations disbursed grants financed by European funds that provided asylum seekers with legal, medical, psychological, material or linguistic assistance. Thus, at the end of the first programming phase 2008–2013, 3800 asylum seekers received social assistance, while 2700 people were provided with legal assistance. As can be seen from Figure 8, European funds allocated for the

assistance of asylum seekers represented over 50% of the expenditure of most ERF Annual Programmes. This demonstrates that Romanian authorities respect the rights of asylum seekers to assistance and are interested both in their integration and in offering them social benefits.



**Figure 8.** Distribution of European Refugee Fund (ERF) Contracted Funds on Target Group Categories; Source: prepared by the authors based on [49].

Within ERF grants, training sessions for judges, lawyers and interpreters were organized on relevant national and European jurisprudence in the asylum field related to the rights and obligations of asylum seekers. The need to have information sessions with judges involved in the asylum procedure was determined by the non-unitary practice of different courts to interpret relevant concepts and legal provisions. With special emphasis on the asylum procedure, a portal has been created to allow the effective management of information from the countries of origin. The portal hosts information from the countries of origin generated in Romania by NGOs and specialized bodies of the government.

During the implementation of the ERF, the absorption rate over the 2008–2013 period exceeded 74% of the allocated amounts, responding to different categories of asylum policies. The difference between the amounts allocated and the amounts absorbed was influenced by the small number of asylum seekers in that period and certainly by overestimating the budgets of the infrastructure projects which following the implementation of the public procurement procedures, proved to be unrealistic.

Generally, the national and European funds were spent in Romania taking into consideration the principles of unhindered access to the asylum procedure and non-refoulement, the assistance of the target group and the institutional consolidation of the public authorities in order to effectively manage specific activities.

#### *4.2. Implementation of the Strategic Objective “Romania’s Active Participation in the Efforts of the International Community and the European Union Member States to Identify Sustainable Solutions for Persons in Need of International Protection and Social Integration of Third-Country Nationals”*

The integration policy in Romania aims to help beneficiaries of international protection to become independent of the assistance provided by national institutions or non-governmental organizations and actively participate in economic, social and cultural life. Within 30 days of receiving a form of international protection GII supports them by offering a package of services organized under the Integration Program. Unlike Bulgaria where the first National Programme for the Integration of Refugees (NPIR) was adopted and implemented until the end of 2013, the Integration Program in Romania was started in 2004, when Ordinance 44 regarding integration of foreigners in Romania was adopted. The integration program can provide refugees with:

- ✓ accommodation on request in GII centres for the period they are enrolled in the integration program (up to 12 months). In Bulgaria, status holders may be provided with financial support

for housing for a period of up to 6 months as from the date of entry and the decision to grant international protection came into force [47].

- ✓ courses of Romanian language and cultural accommodation sessions;
- ✓ granting for a period of 2 months, material assistance equal to the value allocated for asylum seekers;
- ✓ social counselling to ensure access to their rights in Romania: the right to a job, the right to housing, the right to health and social care, social security, the right to education.
- ✓ counselling and psychological support;
- ✓ financial assistance of 116 euro/person, granted for a maximum of 12 months.
- ✓ financial support for the payment of accommodation outside the centre by settling up to 50% of accommodation costs for a maximum of one year. This may be requested upon the completion of the program.

Actions leading to the achievement of the strategic objective of SNI, were related mostly to the management of the Integration Programme and among the most important ones were the following:

- continuing the implementation of integration programs for third-country nationals residing or domiciled in Romania;
- continuing the training of staff of public institutions and non-governmental organizations with responsibilities in the integration of third-country nationals from Romania;
- informing third-country nationals about their rights and obligations on Romanian territory as well as on the opportunities for integration into Romanian society;
- improving the quality of integration services by creating integration offices in cities with a high number of third-country nationals and local support networks including representatives of all authorities responsible for integration;
- providing specialized assistance to people with specific/vulnerable needs.

In order to implement the directions of activity stipulated in SNI, the Inter-Ministerial Committee “National Coalition for Refugee Integration” was established. Its objectives were the integration and adaptation of refugees into Romanian society, as well as the correct and complete identification of the refugee issue, choosing the best solutions, implementing measures and coordinating them to achieve the proposed objective.

The 2008–2018 actions were financially supported through the European Refugee Fund (ERF) 2008–2013 and the Asylum, Migration and Integration Fund (AMIF) 2014–2020 [50]. Only between 2016–2017, projects with non-reimbursable foreign financing were signed to provide regional assistance to the beneficiaries in the form of international protection to third-country nationals, amounting to approximately EUR 5,300,000. Table 2 presents the total annual EU commitments for the period 2014–2020 with substantial allocations for integration or return, in order to sustain an efficient immigration process.

**Table 2.** Total annual EU commitments (€).

	2014	2015	2016	2017	2018	2019	2020	TOTAL
Asylum and solidarity	1,139,072	1,139,069	1,226,690	1,139,069	1,401,931	1,226,690	1,489,552	8,762,073
Integration or return	2,036,947	2,036,944	2,193,632	2,036,944	2,507,008	2,193,632	2,663,696	15,668,803
TOTAL	3,176,020	3,176,013	3,420,322	3,176,013	3,908,939	3,420,322	4,153,248	24,430,877
Fixed	13%	13%	14%	13%	16%	14%	17%	100%

Source: prepared by the authors based on [48].

At the same time, the concept of an intercultural mediator was developed as a link between the target group, the national/local authorities and the foreign communities in Romania. Although we are only halfway through the 2014–2020 programming period, 95% of the funds allocated by the European Commission for the social integration process in host states were disbursed, while for the improvement of the national asylum system only 58% of the allocated funds were disbursed.

According to the situation of the project as presented on the official GII website, it appears that a local authority submitted and implemented an integration project, although the active participation of the beneficiaries of international protection in economic, social and cultural life of the Romanian society should be positively influenced by a strong partnership between national and local institutions. The local administration authorities have the obligation to support the access of foreigners who have acquired international protection in Romania to social, medical and educational assistance, under the law. We can speak about a lack of interest of the local authorities to get involved in the social integration of foreigners in Romania. Implicitly we can suppose that there is poor preparation in project management that would prevent them from applying for non-reimbursable financing.

Resulting from actions implemented at national level, the dynamics of the beneficiaries of international protection following the integration program increased by 477% from 2014 until 2017 and could gradually turn Romania from a country of transit to one of destination.

Starting with 2016, the actions set out in the NIS have been implemented with the aim of increasing the capacity of relevant actors in social integration, to improve the inter-institutional cooperation mechanism, to encourage annual scientific studies and research in the integration field and to create a positive image among the Romanian population of the phenomenon of immigration through awareness campaigns. These types of activities are particularly important as the negative perception of civil society could contribute to the stigmatization or exclusion of foreigners coupled with disruptions in social networks and experiences of discrimination and racism that can be anti-integrative [51,52]. Also, increasing migration flows require studying a wide range of determinants related to the attitudes of the host population.

Institutional cooperation is of vital importance to the process of social inclusion, as there are only isolated practices of data collection on foreigners and interconnected computer systems. At the institutional level, service monitoring and impact assessment on the target population are not encouraged, so there are no indicators on which to make this assessment. Also, public policies which improve the functioning of social, legal, economic and political institutions, the access of ordinary people to basic amenities and markets restore trust in governments and are crucial not only for creating a fertile ground for development in general but also for compelling more migrants to invest and/or return to their countries of origin [53,54].

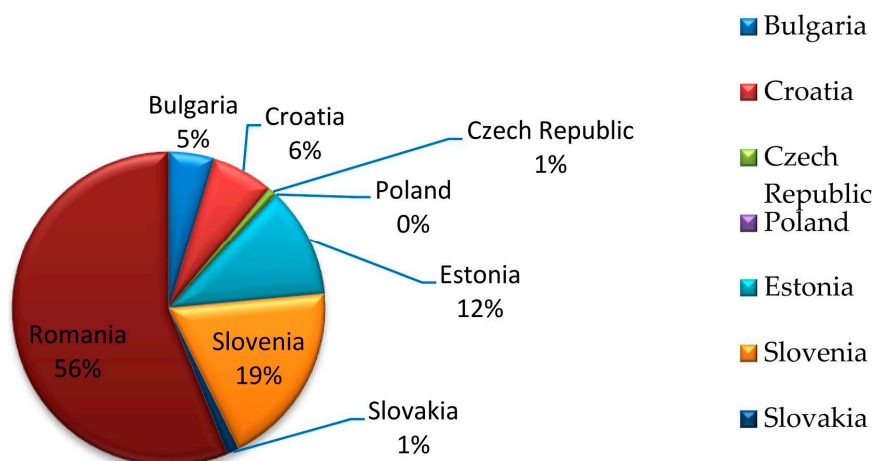
Given that these actions were carried out in the period 2016–2017, we cannot already know their impact, the possible conclusions being particularly important for the construction of the next programming period—the financial framework 2021–2028 which aims for the improvement of the integration process in Romania.

Within this strategic objective, the importance of setting up the national resettlement program has also been addressed. Besides the national resettlement program, the relocation intra-UE scheme initially criticized by Romanian authorities has been of major importance.

Romania was allocated 4188 refugees by the EU, according to the European Commission's 2015 decisions, which laid down so-called mandatory refugee quotas and against which Romania, Hungary, the Czech Republic and Slovakia opposed officially, by voting against in the European Council. Two mechanisms of resettlement for 160,000 refugees from Africa and the Middle East temporarily housed in Italy and Greece would be employed to relocate them to other EU countries in order to take the pressure off Italy and Greece where the situation was in full crisis. However, the figures that have been reached are much lower. In a public controversy over the subject of mandatory refugee allowances and risks to Muslim refugees, the Romanian authorities showed that they could not cope with the immense figure set in Brussels. The accommodation capacity in the 6 asylum centres operating in Romania is approximately 1200 places, compared to the 4180 persons that Romania was due to receive by 2017, with an extension of over 2000 refugees for the years come. Even attempts by authorities to find locations for new refugee accommodation centres have met with protests.

Even though between 2016 and 2017 Romania's attitude was unsettled regarding the implementation of the solidarity mechanism it has shown a solid attitude towards the situation

in the Mediterranean, participating in the joint efforts of the Member States to reduce the pressure of illegal migration. According to the relocation scheme, Romania should receive 2475 people during the first year: 585 from Italy and 1890 from Greece. Another quota of 2171 migrants should be received in the second year. Romania has partially complied with the responsibilities assumed under the Council Decisions (EU) 2015/1523 and 2015/1601 establishing interim measures in the field of international protection for Italy and Greece, bringing in 718 persons but as shown in Figure 9, accounting for 56% of all resettled foreigners in Eastern Europe.



**Figure 9.** Eastern Europe's Support to Emergency Relocation Mechanism; Source: prepared by the authors based on [55].

One of the reasons why the resettlement scheme did not have such a large applicability in Eastern Europe is the fact that one in seven asylum seekers in the EU's flagship scheme to relocate refugees has either refused to be moved or "absconded," refusing to go in the EU's poorer countries like Romania and Bulgaria [56,57].

Overall, this objective should be correlated with Romanian reality in the emigration field [58]. The changes that Romania experienced after the fall of Communism have had various impacts on its society. One of the most visible measures is emigration, which has affected a considerable part of its population. It is a difficult and laborious task to estimate the number of Romanian migrants; some researchers and institutions offer various estimates: an OECD report shows that in 2007, the year Romania joined the European Union, the country held the first position, even above China, when it came to the number of emigrants in OECD countries [59]. Given that Romanian society and economy are heavily affected both by the emigration of the labour force to other Western European countries and by the aging of the population with a medium and long-term effect, it is estimated that in 2041 there will be 3 million employees and 7 million retirees, so integrating beneficiaries of international protection into the labour market could generate real economic and social benefits [60,61].

## 5. SWOT Analysis

From the legislative and policy-making point of view, as shown in the previous chapter, Romania clearly has an immigration management strategy that incorporates EU standards. Asylum seekers benefit from legal, material, medical assistance, accommodation in refugee centres and one of the shortest procedures for obtaining international protection. Beneficiaries of international protection are included in a complex integration program at the end of which foreigners should be able to be independent of state assistance. Although these strategies existed even before EU accession and a lot of European funds were spent, Romania remains currently only a transit area to Western Europe.

In order to design an overall view of the Romanian asylum policies a SWOT analysis was used. The objective of SWOT analyses is to identify the main strengths and weaknesses in the management



of the asylum phenomenon to this moment, the opportunities and threats that will influence strategic planning for the future.

The analysis was carried out taking into account the phenomenon in its entire complexity, both at micro/macro institutional level and at individual level. By “individual” we have taken into account both the host population and the asylum seekers/beneficiaries of international protection.

### 5.1. Strengths

- the short duration of the asylum procedure at the administrative level;
- strengthened institutional capacity;
- expanded and diversified accommodation capacity, including mobile camps;
- modern IT infrastructure;
- legislation harmonized with the *acquis communautaire*;
- efficient provision of assistance on the principle of complementarity for ensuring and respecting asylum standards;
- developing the concept of intercultural mediator as a link between the target group, national/local authorities and foreign communities;
- carrying out awareness campaigns on the advantages of integrating immigrants into Romanian society;
- promoting research and innovation in the field of social integration;
- enhanced capacity of relevant actors to support the process of social integration;
- the high absorption rate of European asylum funds over the period 2008–2013.

### 5.2. Weaknesses

- the unattractive image of Romania, from the economic point of view;
- public consultation deficit in drafting the National Strategy on Immigration, being transformed in that way in formal documents and not in a strategic one;
- Action Plans of the Immigration National Strategy adopted late;
- reduced national budget resources to implement policies and strategies in the field;
- poor involvement of local authorities in the process of social integration of beneficiaries of an international protection form;
- a deficit of inter-institutional cooperation in order to generate a bureaucratic integration process;
- lack of adaptation of the accommodation conditions to the needs of vulnerable persons accommodated in IGI centres;
- lack of access to a normative framework translated into several international languages;
- lack of development of impact assessments by the national authorities for publicly presenting the achievements, failures or risks in operational and financial managing of the asylum phenomenon in Romania, in order to allow civil society to actively participate in the process of identifying solutions.

### 5.3. Opportunities

- obtaining economic and social benefits by integrating the beneficiaries of international protection into the labour market, in particular by balancing the labour deficit resulting from the emigration of Romanian citizens;
- the existence of European non-reimbursable funds that can ensure the implementation of national strategies.

### 5.4. Threats

- increasing migratory flows using the Black Sea as the entry route to Europe;
- political instability in Syria, Iraq and Afghanistan;

- development of human trafficking and migrant smuggling network;
- delay in engaging contractors to execute and complete the works concerning the extension of accommodation capacity for asylum seekers from non-imputable causes;
- the reluctant attitude of Romanians towards asylum seekers/beneficiaries of international protection.

## 6. Proposals for Improving the Implementation of Asylum Policies in Romania

The global analysis regarding the management of asylum in Romania led to the following main recommendations, which, once implemented, could lead to a better management in the field.

- Elaborate specific strategies and policies after prior consultation with civil society, in order to ensure the overall transparency of the direction of these actions and the involvement of all relevant actors who may have the status of policymakers in Romania;
- Develop an annual (n) action plan on the implementation of the National Immigration Strategy so that it will be adopted by 31 December of the previous year (n-1). Thus, the authorities can have a clear implementation plan so that at the end of the year they can analyse the degree of achievement of the results and what can be improved in the next year;
- Develop a long-term strategy for the improvement and modernization of the reception infrastructure so that it meets the minimum standards regarding the necessary condition and rights of asylum seekers, especially for vulnerable categories. In this regard, authorities need to take into account, besides EU standards, the reports of NGO's or international organizations (IOM, UNHCR) on accommodation centres in Romania. Analysing all documents that address this issue can contribute to a comprehensive outlook and can lead to better accommodation assistance to asylum seekers or to beneficiaries of international protection;
- Organize media awareness campaigns on the advantages of migration to Romanian society, to be carried out following impact studies in order to identify the information needs and the stereotypes to be tackled. In a conservative society, accepting people with different religions with different lifestyles can become a challenge. In order to ensure effective immigration management, awareness campaigns on the benefits of integration and multiculturalism can contribute to increasing the population's tolerance and foreigners' adaptability;
- Allocate budgetary or non-reimbursable financial resources through public authorities for translating the normative framework into several international languages to ensure access for asylum seekers and beneficiaries of a form of protection to full and assumed information;
- Train local authorities regarding the access and implementation of funds dedicated to migration in Romania, so that they have the necessary competencies to carry out a social integration process at local level with financing from European non-reimbursable funds;
- Create a common information platform related to all public institutions involved in managing the migration phenomenon, by means of which beneficiaries of a form of protection shall find together all information that might support an effective integration process and the institution can find all the data necessary for the implementation of their responsibilities, without other institutional correspondence.
- Develop an appropriate integration strategy taking into account the labour market, according to which European funds which shall be used for supporting immigrants in obtaining a job and for encouraging them to become financially independent. This strategy should be based on studies on labour shortages influenced by national emigration to Western countries, thus balancing a little the deficit in the Romanian labour market;
- Carry out impact studies with regard to the effectiveness of using European funds in relation to asylum policies in Romania during each financial year. These results should be used in scheduling and prioritizing the use of funds during the following year. Also, this assessment might be a starting point in the National Strategy on Immigration, through including legislative amendments

which may lead to a better implementation of policies and to obtaining all advantages that emerge from an appropriate integration of foreigners.

## 7. Conclusions

Within this general analysis, we have identified relevant issues leading to the conclusion that Romania has made significant progress in recent years in the management of asylum policies but also many problems need to be solved to deal with an influx of asylum seekers and especially, to offer them a sustainable integration process. An efficient asylum policy needs to be drafted by the national authorities sustained by the relevant expertise of the civil society and has to reflect both the national situation and European regulations. Current migration issues in Romania have shown us that we are one of the migration routes to Western Europe. In this context, respecting socioeconomic rights of refugees and asylum seekers, especially their dignity, based on equality and non-discrimination may lead us to a future where immigration can provide more advantages to Romanian society than fears and threats.

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