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**DIFFICULTIES FACED IN IMPLEMENTING THE NEW SET OF RECOMMENDATIONS
ON INTERNATIONAL MIGRATION STATISTICS**

Prepared by the National Commission for Statistics of Romania

I. Background

I.1. Dynamics and main characteristics of international migration in Romania

1. In Romania, international migration knew two phases where the dynamics and the characteristics of this phenomenon were different. This situation was due to the way of observing human rights, in general, and the right to free international circulation in particular. The passage from one phase to another took place at the end of 1989, when Romania "*crossed the border*" towards democracy and market economy.
2. In the first phase, international migration in Romania was almost identical to emigration. Both permanent and temporary migration recorded upward or downward periods, depending on the political and economic domestic or international context. Permanent emigration of this period had a political motivation and a strong ethnic character. Temporary emigration, for working purpose, was carried out only based on governmental agreements concluded between Romania and the countries that accepted foreign citizens for work. In this phase, permanent immigration was almost inexistent and the temporary one was insignificant.
3. This strong unbalance of the main international migration components was alleviated in the second phase (during the '90s). This situation was possible due to the series of legal regulations which were adopted even since the beginning of the period and which led to a fluidity of international migration in Romania.
4. After 1990, the year when the highest number of Romanian citizens who left Romania was recorded, permanent emigration decreased in intensity, recording a relatively low and almost constant level during years. The permanent emigration motivation is now predominantly economic, while the ethnic character grows blurred. Temporary emigration increases its weight as a consequence of the occurrence and increase in the number of agencies supplying working contracts abroad. The number of foreign citizens coming to Romania for various reasons and periods have also increased from one year to another.
5. In this phase, new issues of international migration occurs, such as: Romanians or ex-Romanians repatriation, the applications of some foreigners for granting Romanian citizenship or the refugee status in Romania, irregular migration, all of which are showing upward trends.

I.2 Evolution of international migration statistics

6. Until 1990, international migration statistics only referred to permanent emigration. Data were based on individual, yet anonymous records, obtained from the database of the Ministry of Interior by the National Commission for Statistics. These records comprised information on migrants, concerning the gender, the birth date, the permanent residence, the nationality and the destination country. All these characteristics were recorded on the occasion of filling in the forms necessary for obtaining the visa for leaving the country, which were compulsory for all Romanian citizens. Seen as “*taboo*”, these data were not available for potential users. These were only used within the NCS and only with a view to computing Romania’s “*de jure*” population.

7. The development of international migration statistics achieved by the NCS during the ‘90s is linked to the evolution of international migration in Romania and to its socio-economic effects. Thus, international migration statistics offer new data on emigrants, on repatriated people and, recently, on asylum seekers and on refugees. Likewise, to the demographic characteristics of emigrants, certain social characteristics should be added (marital status, educational level, occupation, profession). For these data, the source is still the Ministry of Interior, but new administrative sources, with supplementary information on various migrants’ categories also identified. Data available at the NCS are now supplied both to domestic and to international users.

II. Anticipated difficulties in implementing the new set of recommendations

8. The activities carried out by the NCS in order to develop international migration statistics were guided by the recommendations suggested, analysed and approved during the ongoing process of preparing the new set of recommendations on international migration statistics. Undoubtedly, the implementation of these recommendations in national statistics entails some difficulties linked to the impact on national practice. These difficulties were identified within various sections of the recommendations and we will refer below to those categories of international migrants that have (numerical) significance for international migration statistics.

II.1. Definitions and categories of migrants

9. The difficulties linked to the implementation of the new set of recommendations on international migration statistics occur even in the definition of international migrant. According to the recommendations, international migrants are “the persons who change the usual residence country”, “usual residence country” meaning “the country where the person lives or spends most of the time”. The problem entailed by this definition is linked to the fact that (in most cases) the usual residence country is not the same as “the country where the migrant has the permanent residence (domicile)”, an information used when establishing the orientation and the intensity of migratory flows. This information is recorded in accordance with the migrants’ passports or travel documents, while usual residence country should be identified by interviewing them. Difficulties would be inherent in this case both for migrants and for the activity carried out by offices that conduct checks on Romania’s border.

10. The second problem when implementing the recommendations on international migration statistics is linked to the categories of migrants - on long and on short term. The period, longer or shorter than 1 year, for which the migrant establishes the residence in a country, other than the one where he has the usual residence, is the criterion for classifying migrants within the two above mentioned categories. This time, the difficulty consists of establishing the total number of migrants of the two categories. More precisely, it is about the long term and the short term emigrants.

11. Since the abolition of the visas for leaving/entering the country for Romanian citizens (at the end of 1989), the quantification of short term emigrants’ category is only partially achieved. Although data

on Romanian citizens leaving the country for purposes of working abroad based on governmental agreements are available, most of the people are leaving for work do so by means of private firms supplying working contracts abroad (usually for a period no longer than 1 year). In this case, the difficulty is linked to data collection from these private firms. The prospect of collecting these data from a single source is provided by creating a Special Commission within the Ministry of Labour and Social Protection, which will co-ordinate, approve and check the activity of these firms.

12. If we refer to the category of long term immigrants, this time the problems are entailed by the legal regulations on the regime of foreigners in Romania. The current legislation on the regime of foreign citizens in Romania (which is in force since 1969!) stipulates the possibility of permanent residence settling for foreign citizens (which, as a rule, exceeds 1 year) and could provide a simple and clear solution for establishing the number of long term immigrants. But, this thing is no longer possible since the institution in charge with the approval of settling the domicile in Romania for foreign citizens was suppressed by the end of 1989 and so far no other institution took over this task. In this case, with a view to identifying the number of long term immigrants it is necessary to have a special (complementary) evidence of foreigners who, by iterated prolongation of temporary residence permit (120 days) reach a cumulated period longer than 1 year.

13. An estimation, unreliable enough, of long term immigrants could be produced based on foreign citizens applications (submitted and only registered for the time being by the Ministry of Interior) for permanent residence settling in Romania and on the applications of foreigners submitted to the Ministry of Justice with a view to obtaining Romanian citizenship (the Law on granting Romanian citizenship stipulates the obligation for foreign citizens to live in Romania for a 5 years period).

II.2 Major information on international migrants

14. The information on international migrants included by the recommendations on international migration statistics is recorded either based on the data inscribed in the migrant's passport or is based on the migrant's statement. The information from the first category is taken over from direct evidences, which could be easily checked and which are characterised by a high degree of reliability. This category comprises data referring to: citizenship country, country (locality) of birth, gender, date of birth, date of arrival in/departure from the country where he has established residence for various periods of time.

15. Within this information category, the problems are entailed by the information on country of citizenship. The difficulty is linked to the situation where the country nomenclature is updated with the newly occurred countries, as a consequence of breaking down some former countries (for example USSR, Yugoslavia), while in some of the passports the name of the former country is still inscribed. This situation entail difficulties when data series are shown, for a longer period, being necessary for the analysis of migratory flows by countries of citizenship. Difficulties could also be encountered in case of information on the country of birth, which is identified according to the name of the locality of the migrant's birth. This refers to the changes in towns' names or in the former territories to which they belonged. However, this information is very seldom used in current analyses or studies on migration.

16. The information obtained by means of migrants' statements refers to: the period they expect to spend in the destination country and the address where they will live, the purpose of their stay in the respective country, marital status, educational level and occupation. This information has a certain degree of uncertainty and, generally, it is not checked with direct evidences, excepting the cases where certain circumstances require it.

17. For this information category, problems occur concerning migrant's intentions (duration, purpose, address) because the experience of the bodies in charge of migrants evidence shows that such information is completely different from the *de facto* situation. Difficulties are also faced in case of

information concerning educational level and occupation, this information needing an alignment with international standards (ISCED, ISCO, TCSE) or the implementation in current evidence of data sources holding complementary information on migrants, according to national specific nomenclatures.

18. Either reliable or showing a certain degree of uncertainty, the information on international migrants captures an important share of the effort made in order to produce data on international migration, while the effects of its use within national migration policy are less visible.

II.3 Changes in migrants status

19. The relevant changes in status are those leading to the change of a short term migrant into a long term one. The compilation of statistics on the changes in the status of international migrants (foreigners) face a lot of difficulties.

20. On the one hand, it is necessary to observe the contingents of migrants changing their status and the accurate setting up of the periods after which their status has changed, followed by data adjustment for previous years, referring long term migrants. On the other hand, the cases of status changes are frequent enough and this situation is mostly recorded for the category of international migrants (foreigners) being in an irregular situation, for whom the duration of their stay in the country where the change in status occurs is hard to establish. The situation becomes even more complex when, on the occasion of controls carried out inside the country by the bodies in charge with foreign citizens evidence, status regulation repeats for the same person during the same calendar year.

21. The case of asylum seekers also involves the change in the status in the situations (frequent enough) where their applications for the refugee status in Romania are examined and rejected. This situation is also entailed by the provision of the Law on refugee status in Romania, according to which foreign citizens being in such situations could not be expelled due to humanitarian reasons.

III. Inventory of available data

22. The available data on international migration statistics are provided by the Ministry of Interior and refer only to the migrants who have changed their domicile (permanent residence) for a longer period. These data are used with a view to computing the external migration balance which, together with vital statistics balance allow the calculation of Romania's *de jure* population at a given time (July 1st and January 1st).

Available data refer to:

- Romanian citizens who have settled their domicile abroad;
- Romanian or ex-Romanian citizens settling their domicile in Romania as consequence of repatriation;
- foreign citizens who have acquired Romanian citizenship and who, implicitly, enjoy the right of settling their domicile in Romania (according to the Law on Romanian citizenship acquiring)

23. As a rule, these domicile changes are definitive or for a long period of time and in this case Romanian or foreign citizens who have changed their domicile are included in the category of long term international migrants.

24. Subordinated to this aim (the computation of *de jure* population), international migration statistics are, of course, poor. Undoubtedly, the administrative sources also hold some other data on international migration statistics, yet not all of them are being produced according to the new set of recommendations. For example, for some data referring to foreign citizens in general or to those coming

to Romania for work, based on individual employment contract, the following problems can be mentioned:

a) When the administrative procedures of releasing residence permits ensure the numerical identification of permits granted to recently entering foreigners, this number could be used as an indicator of foreign migrants' flow. Problems linked to the use and the interpretation of data concerning residence permits arise when these permits are released not only for recently entering foreigners, but also for the ones who have already been in the country for a longer period, and with no distinction being made between the two categories.

b) Since the administrative procedures of renewing a work permit are similar to the ones of issuing it for the first time, it is common that the agency in charge of issuing work permits makes no distinction between the renewal and the original issuance of permits in its statistics on the number of permits issued during a given period.

25. However, for some other data, such as those referring to foreign citizens entering Romania for training purposes (studies) or those concerning Romanian citizens leaving to go abroad for work purposes (based on governmental agreements) or for training, there are not problems of assimilation with the categories of international migrants, who are classified according to the recommendations, depending on the period of absence from the country.

26. Nevertheless, a complete picture of international migration and a *de facto* population of Romania could not be realised now. The missing segment of international migration as a whole, whose size is not insignificant, refers to regular migration that cannot be quantified. This emigration include Romanian citizens leaving to go abroad for work, by means of private firms (part of them continuing to work under irregular conditions after the period provided within the employment contract has expired) or those leaving the country as tourists (non-migrants) and who keep on staying in the destination country for working under irregular conditions or as asylum seekers, while waiting for the accomplishment of procedures necessary for being granted refugee status.

IV. Irregular migration

27. It could be stated that 1990 represent the starting point of irregular migration in Romania. This irregular immigration was favoured by certain factors, such as: Romania's geographical position, the abolishment of visas between Romania and its Eastern neighbours, and the scarcity of legislation on irregular migration.

28. In case of irregular migration, there are no specific statistics as such, but an assessment of this phenomenon is made (at least yearly) by the bodies in charge of foreigners' evidence in Romania. This assessment is based on the reports concerning the number of foreign citizens who attempted to illegally cross Romania's border or whose irregular staying on Romania's territory was identified on the occasion of controls carried out inside the country.

29. Characteristic for irregular immigration in Romania is the fact that irregular migrants, on their travel from East to West, are seeing Romania as a transit route and less as a target.

V. Implementation of international recommendations

30. When implementing the new set of recommendations on international migration statistics, the following should be taken into account:

- a) all data referring to international migration are collected from administrative sources;
- b) most of the data are produced by a single administrative source (the Ministry of Interior);
- c) the terminology, definitions and nomenclatures used by data sources are not entirely aligned to the international ones;
- d) the evidence systems, the structure of individual records and the presentation of aggregated data are defined by the administrative sources depending on the specific of their activity;
- e) the primary evidences of administrative sources are not organised with a view to a longitudinal analysis or to pointing out the relationships between migrants and their families;
- f) the NCS possibilities to have its own statistical system for international migration or to carry out specific surveys are limited.

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31. Under these circumstances, national statistics on international migration could ensure, according to some estimations, at most two thirds of the categories and characteristics of migrants and among them, at most one half according to the definitions provided within the new set of recommendations on international migration statistics.

32. The development of international migration statistics and the harmonisation of its content with the new set of recommendations become, therefore, one of the NCS objectives. With a view to achieving this objective, the NCS will ensure the implementation of recommendations directly to the administrative sources and data collection will be ensured by means of the system of agreements (protocols) concluded by the NCS with these sources (governmental institutions). The transmittal of the (final) recommendations to the administrative sources and the training of the staff which will supply the data necessary for international migration statistics will be ensured by the NCS.

33. At the same time, the completion and improvement of the legal framework concerning international migration, the application of certain institutional organisational measures linked to the activity of administrative sources and the increased efforts aiming at drawing up a national migration policy, harmonised with the international policy in the field, would certainly lead national statistics on international migration towards the European statistical area.