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Why not Romania?
A study of asylum destination choices

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Abstract

The study sets out to understand why do forced migrants who fled to Europe in search for asylum refuse to receive protection and to settle in Romania, although they are given the means to live in peace and with dignity.

The problem formulation is addressed by looking at the factors that affect the asylum seeker's destination choices. The pull factors, which attract the forced migrant to a certain country of destination, are chosen from numerous studies and collected together in a theoretical framework of pull factors.

The framework of pull factors is applied on the data collected from interviews with professionals, statistics, legal documents, academic papers and media sources, having the outcome of showing how the particular group of asylum seekers that refuse Romania as a destination is taking the decisions.

The analysis is divided between four main topics of discussion. The first one addresses the influence of the agent on the destination choice and discovers that, although the agent is directing the asylum seeker towards a different destination than Romania, in some instances, he might be the one who, unintentionally, is responsible for asylum seekers being forced to ask for protection and settle into Romania, because he is the one who is facilitating their entrance on Romanian territory.

In the second section, the importance of asylum policies for the destination choice is discussed. The investigations conclude that while the acceptance rate is not taken into consideration by the asylum seekers, other components of the asylum policies, such as the denial of the right to work for asylum seekers in the first year, play more importance in their destination choices.

The economic factor is discussed next and proves itself to be of high importance for the asylum destination choice. Although the support offered by the state is of very low quality, compared to other EU states, the determinant factor was found to be the economic perspectives for the future, that a refugee has in that certain country- the opportunities that he has to build a new life, to find a job, to have a place to live and to pay back their debts.

The last factor was also found to play a very important role: the presence of a network of friends and family in another country influences the asylum seekers to chose that particular country as a destination.

The investigations shed light on the fact that, on most instances, the asylum seekers use Romania solely as a transit country and already have a different destination in mind when passing through Romania. They would apply for asylum in Romania only if apprehended by the border police and only for the purpose of avoiding being sent in the closed detention center. Even after applying for asylum, some would still manifest their refusal towards Romania as a destination country and continue their journey irregularly to another destination.

The analysis concluded that there are many reasons that contribute to the asylum seeker's refusal of Romania as a destination, but that there is one reason that distinguishes itself, as being more important than all the others and as being the crucial factor. The main factor that is keeping asylum seekers away from Romania is the economic opportunity that they have to build a new life in this country.

Preface

I embarked on the journey of conducting this study in January 2014, while I was working as a researcher and legal consultant for the Romanian National Council for Refugees. At that moment, the whole attention of the humanitarian world from the Balkans was concentrated on the out-of-control situation in Bulgaria, which led to the temporary suspension of Dublin transfers back to Bulgaria, as requested by UNHCR¹. This raised in me the curiosity to investigate how the situation in our neighboring country will backfire in Romania.

As a consequence, I set my mind on investigating in my dissertation the Dublin regulations and the negative consequences they have on this poor country, situated at the border of the EU. All the theoretical ideas I was encountering in my investigation, were leading me to believe that the problems of the Bulgarians neighbors will soon invade us as well and Romania will have more asylum requests than it can handle, all because of the flaws of Dublin.

However, when I moved on to the interview stage of the research, all my theoretical presumptions were shattered by the reality in practice. None of the interviewees considered that the Dublin regulations had a strong impact on the Romanian asylum system, because of the low influx of requests; on the other hand, the problem that all of them were raising was that asylum seekers were “running away from Romania”, that they were avoiding requesting for asylum and settling here, at any price. As they were just as confused as I was regarding the reasons why this phenomenon is taking place, I decided that this was the most appropriate and interesting problem formulation for the dissertation. Therefore, I dedicated the study to discovering the reasons for which Romania is undesired by asylum seekers as a country of destination.

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Acknowledgements go to my former colleagues from the Romanian National Council for Refugees, who have helped me understand the Romanian asylum system, by taking from their time to answer all of my questions and explain all that was not clear for me. Special gratitude is reserved for Ms. Silvia Lobontiu, Mr. Eugen Bogdan Preda, Mr. Pavel and Mr. Nicolae Carcu for offering me valuable insights on the studied topic.

Special appreciation goes to the support offered by my family and by my colleague and friend Laura, with whom I shared many interesting ideas during the process of writing.

¹ For more information, see *UNHCR Observations on the Current Situation of Asylum in Bulgaria*, 2 January 2014, available at <http://www.unhcr-centraleurope.org/pdf/resources/legal-documents/unhcr-handbooks-recommendations-and-guidelines/bulgaria-as-a-country-of-asylum-2014.html>

List of abbreviations

CEAS- Common European Asylum System
DIICOT- Directorate for Investigating Organized Crime and Terrorism
Dublin- The Dublin III Regulations
EASO- European Asylum Support Office
EU- European Union
Eurodac- European Dactyloscopy
GII- General Inspectorate for Immigration
IOM- International Organization for Migration
MS- member state
NGO- Non Governmental Organization
RSD- Refugee Status Determination
UNHCR- United Nations High Commissioner for Refugees

1. Introduction

Over seven years have passed since Romania's accession to the EU, time in which the country has been aligning its asylum policies with the European acquis. However, even though Romania is providing assistance to asylum seekers and refugees in accordance to the minimum standard set by the EU regulations, the influx of asylum requests is still considerably low. Not only that the forced migrants never take Romania as a destination option in their calculations, but when they are presented with the possibility of requesting for protection, they try to avoid it at any price and would rather commit irregularities than settling in Romania as refugees.

When realizing that an asylum seeker refuses the potential protection of one democratic country, where they would be offered the minimal conditions to live a safe and decent life with dignity, the question that comes up is how do the asylum seekers make their destination choices.

The problem of asylum destination choices has been approached before by many studies; however, all of the consulted ones, have set out to find out what is it that makes a country desirable as a destination by the asylum seekers. This study, however, approaches the problem from a different angle, due to the nature of the country chosen as a case study and therefore sets out to understand what is it that makes a country, more specifically Romania, an undesirable destination for a refugee.

Problem formulation

Why do so many forced migrants who fled to Europe in search for asylum and find themselves on Romanian territory refuse Romania as a country of destination?

The *forced migrants* referred to in the problem formulation are defined by three characteristics, which must be satisfied cumulatively:

- they have left their country of origin with the purpose of applying for asylum in a European country; the category does not exclude the people that were forced to leave their country and arrived to Europe without knowing that they have the possibility of applying for asylum, nor the ones who were not forced to leave, as long as they eventually apply for asylum;
- they find themselves on Romanian territory and are presented with the opportunity of applying for asylum in this country;
- they have not yet settled in a country of destination- this means that they have either not applied for asylum yet; or, in the case that they have already asked for

protection from a state, they are planning on departing as soon as possible to another country where they intend to apply for asylum again.²

The country of destination referred to in the problem formulation, is defined as the country where the forced migrant terminates his journey after receiving a form of protection; applying and receiving asylum in that country is a necessary condition, but not a sufficient one- it is also necessary for the asylum seeker to settle in the country of asylum, without intending to migrate to another country, for that country to become the country of destination.

² This category of forced migrants will further be referred to also with the name of *asylum seekers*; this name does not necessarily imply that the person has the legal status of asylum seeker -which is received only after the submission of the application-, but it can refer to any person who has fled their country of origin in search for protection.

2. Methodology

This chapter has the purpose of presenting the design of the study, the manner in which the problem formulation will be explored.

Scope of the research

The subject of the investigation is the relationship between Romania, looked at as a country of asylum, and the forced migrants, as defined in the problem formulation section.

It is not denied that some of the refugees do settle in Romania and perceive it as a country of destination. The study excludes this group of people, which is the exception and focuses only on the majority group- the ones who are using Romania only as a transit country and have their minds set on a western European state as a destination country.

Applied theory

The study is interdisciplinary, as two main branches of knowledge are used to shed light on the answer to the problem formulation.

The key discipline used is social sciences, with particular focus on migration theories. Several studies on asylum destination choices, which were conducted around the world, have been applied on our data. The push-pull migration theory is used to tie all these different studies into one theoretical framework of pull factors, which shed light on the destination choices of the particular asylum seekers who are the subject of the study.

The second discipline used, which follows the first one throughout the investigations, for the purpose of reflecting a complementary view on the subject, is law. Analysis of both domestic and European law regulations and their applications into practice are scattered throughout the whole study and serve above all for giving explanations for certain behaviors of the asylum seekers.

The question of the validity of the theory is addressed in the chapter *Building the framework*.

Applied data

The data used in the study comes from various sources; the study embeds both qualitative and quantitative data taken from primary, as well as secondary sources.

The statistics that were gathered and applied, count for being quantitative and primary data. All the numbers are drawn from official sources and have been mainly used to describe the Romanian asylum system in comparison with other European countries.

Although some of the legal dispositions are used as a tool for analyzing and explaining certain behaviors, other regulations from the domestic law serve a different purpose: as primary data. They are helping portray the situation in Romania and were especially used the section that is analyzing the asylum policies as a factor influencing the destination decision.

The type of data that was used to the highest extent is the interview. Qualitative data was gathered by interviewing three Romanian experts in the field. Two of the interviewees, Silvia Lobontiu and Bogdan Eugen Preda, from hereon referred to as Lobontiu and Preda, are working in the NGO sector. Both of them are counselors for the Romanian National Council for Refugees, an NGO with "*public utility status*", which is the main partner of UNHCR in Romania (CNRR 2009). These two interviews were conducted face to face, were recorded, transcribed and attached under Annex 1 and Annex 2.

The third interview was conducted with a representative of the Romanian Government, more precisely the General Inspectorate for Immigration (GII), Directorate for Asylum and Integration. The interview was conducted through email and the questions were answered by the special officer Ciprian- Constantin Mihai, in the name of the GII. The correspondence has been attached to the study under Annex 3.

As mentioned, secondary data is used as well, particularly through media sources and other academic papers. The newspaper articles are of great use especially in what concerns the case studies used. On many occasions, the information gathered from the interviews regarding cases that the interviewees have encountered in practice is corroborated with information collected from the media.

The design of the study

The investigation is debuting with an empirical section. Firstly, the general context, which characterizes Romania as an asylum country, is presented. Further on, the investigation moves closer to the problem formulation, with the presentation of the empirical evidence on the refusal of forced migrants to apply for asylum or to settle in Romania. This section is based on presenting case studies gathered from the practice of the interviewees and from media sources, which are corroborated with legal explanations from both the domestic and the international law. No theories are being applied on the data provided through this empirical chapter, as this section does not answer the problem formulation directly, but has the purpose to prove the validity of the statements, which were used as part of the problem formulation.

Once it was proved that asylum seekers actually refuse Romania as a country of destination, the discussion goes further and has the purpose of understanding why this phenomenon is taking place. This second part of the study debuts with a theoretical discussion on whether the concept of choice applies for the forced migrants or not. The debate also incorporates the discussion regarding the asylum seeker vs. the economic migrant. No empirical material on the subject of the study is

added to this theoretical discussion, as the purpose of this sub-section is to validate the theory that will further be used.

Once the relevance of the application of the concept of choice for forced migrants is established, the investigations move towards understanding the manner in which this choice is made, section that counts as the actual analysis part of the study and answers the problem formulation directly.

The actual analysis is preceded by a sub-section dedicated to the presentation and validation of the structure of the analysis; this sub-section shows how the theories will be used and how the theoretical framework was built.

The overall method used for shedding light on the manner in which the choice is made was to take a range of factors, which have been discovered by other studies to be influential for the destination choices of asylum seekers, and see how they play in the Romanian context. The analysis part incorporates the presentation of the theory and of the empirical data and the discussion; all three components of the analysis are blended together in a big analysis section, which is structured on four different topics. Each topic contains one or more factors that influence the destination decision of the asylum seeker.

Other auxiliary research methods used in this section, especially for the purpose of understanding the data better, are the case study method, the comparison method-between Romania as a country of asylum and other EU Member States- and the legal analysis.

The factors discovered are mainly characteristics of the country of destination, which is making the investigation process quite straightforward, and, in this way, is strengthening the validity of the conclusions.

The analysis part is followed by a discussion section, in which the actual answer to the problem formulation is given in the shape of the conclusions drawn from the findings of the analysis section.

3. The asylum situation in Romania

Romania, like all the other countries of the former communist block, is a country that has been going through many political and social changes in the past 25 years. The role of being a country of asylum is a fairly new concept for this country, which until recently has been an *“important source country of refugees and asylum-seekers”*, according to the UNHCR (UNHCR 1994) and has seen millions of economic migrants leave the country in the past half a century. Before 1989, Romania was *“uniquely a source of refugees fleeing the communist regime”*, but afterwards, it quickly became an asylum country (European Parliament 1999).

According to UNHCR, around 350,000 Romanians sought refuge in western Europe in the period of time between 1988 and 1993, which made up for 13% of the total number of applications in the area. Although the acceptance rate of asylum applications from Romania hit zero in 1993 (UNHCR 1994), Romanians continued to leave the country, this time as economic migrants. As the transitional period gravely affected the number of available jobs in the domestic labor market, at least two million Romanians moved abroad in search for employment and a better economical situation (Focus Migration 2007: 1). According to Romanian mass media, there are no official and real statistical data showing the percentage of population that has emigrated. However, estimations made in 2007 by the mass media, which were based on surveys conducted both in Romania and the countries of destinations and on the official data of the countries of destination, show that in 2011 around 3 million Romanians were living outside the country's borders (Abraham 2009).

3.1. Romania as a country of asylum

Although Romania's importance as a country of origin for migrants cannot be contested, in the past two decades, its role as a destination for immigrants has increased- foreigners come to Romania for purposes ranging from transiting or temporary settlement to permanent migration in search of qualified or non-qualified labor and evidently, asylum seeking (Michalon 2013).

The creation of the Romanian asylum system

The first stage of Romania's transition from the communist policy of the closed borders to the current policies was marked by very liberal rules for entry and stay, the citizens of the neighboring countries being able to enter the territory using only their identity cards (Michalon 2013). Apparently, it was the international bodies, such as the UN High Commissioner for Refugees or the International Organization for Migration (IOM), which *“began to pressure the Romanian authorities regarding asylum and other forms of migration”* (Michalon 2013).

UNHCR has been present in Romania since September 1989 -two months before the fall of the communist regime–, when it opened a connection office, at the invitation of Romanian government (UNHCR (1) 2014). On the 7th of August 1991, Romania became one of the state parties to the 1951 Geneva Convention relating to the Status of Refugees and to the 1967 Protocol (UNHCR (2) 2014). One year later, in 1992, the UNHCR Office in Romania was established (UNHCR (3) 2014).

Other than UNHCR, another international actor that had a great influence of the Romanian asylum system was the European Union. Ever since the beginning of the state's negotiations regarding its entrance in the EU, member states such as Germany, Sweden and the Netherlands have pushed for changes in the laws regulating migration, fearing that the country would let too many migrants on its territory (Michalon 2013). Under the efforts to create a common immigration and asylum policy of the European Union, Romania reorganized its asylum system, including changing the regulations regarding the entry and stay in the territory, access to nationality and to state protection and creating new institutions, all for the purpose of *"bringing them closer to what exists in the other EU member states"* (Michalon 2013).

The current situation of the Romanian asylum system

It is in this context that the law, which currently regulates asylum in Romania, was adopted in 2006. The law no. 122/2006, also referred to as the asylum law, contains the core regulations regarding asylum, including *"the legal status of the aliens who apply for a form of protection in Romania, the legal status of the aliens who hold a form of protection in Romania, the procedures for granting, termination and annulment of a form of protection in Romania, as well as the procedure for determining the responsible EU Member State for examining the asylum application"* (Law 122/2006: art. 1).

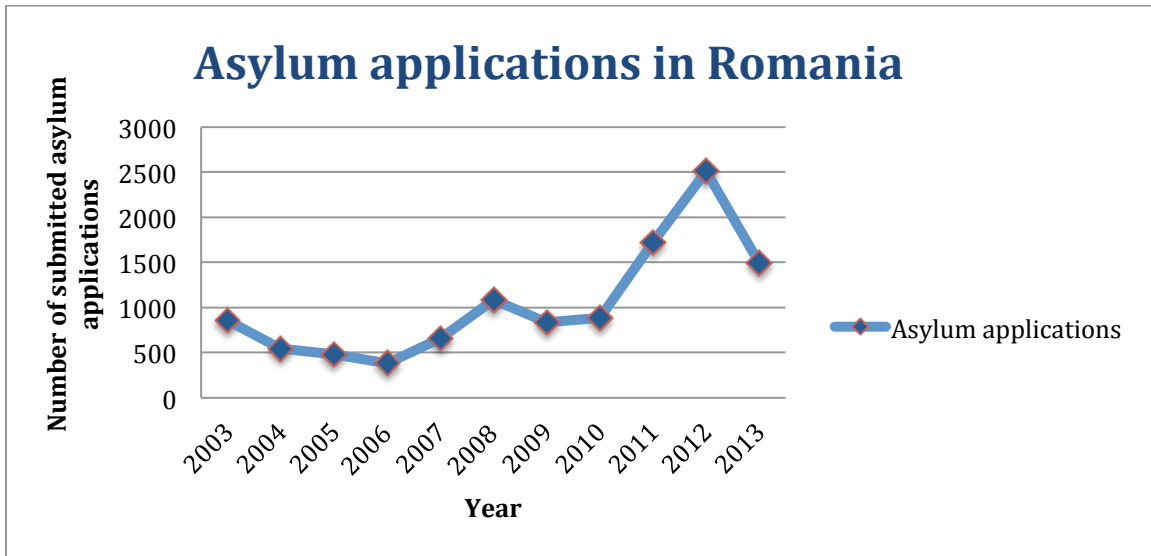
According to the Asylum law, Romania may grant three forms of protection: refugee status, subsidiary protection and temporary protection (Law 122/2006: art. 22). The difference between the first two is that subsidiary protection is granted *"for other reasons than those provided by the Geneva Convention"* (Law 122/2006: art. 2(g)), while the third differentiates itself by its exceptional nature (Law 122/2006: art. 2(h)).

General statistical situation

The dynamic of asylum applications in Romania has shifted over the years, being mainly on an uptrend trajectory. However, the overall number of asylum seekers has still remained very low in comparison to other European countries, including the neighboring ones.

As it can be observed from the chart, in 2013, 1499 asylum applications have been submitted in Romania; the number has decreased in comparison to the previous

year, which registered 2511 applications, but is still 20% higher than the average number of applications of the last ten years.



*Number of asylum applications submitted in Romania from 2003 to 2013 (Annex 3: 69).

Comparing the number of asylum applications submitted in Romania to the figures registered by western European countries, which not only have a different economical context, but also decades of tradition as asylum countries may not be the most relevant method to picture Romania's situation. The number of applications registered in Romania in 2013 adds up to only 1% of the total of 126.705 asylum applications recorded by Germany and around 2% of the figures from Sweden and France (EASO 2013: 109).

However, a comparison that would reflect more accurately the influx level of asylum seekers in Romania would be one made with states that have similar geographical, historical, political and economic context as the country of study. Under these circumstances, the most appropriate examples are the neighboring countries, which are also member states of the EU- Bulgaria and Hungary. Nevertheless, even in comparison with these two states, Romania's influx of asylum seekers is very low. Romania's 2013 figures make up for only 20% of Bulgaria's total of 7.145 and for 8% of Hungary's 18.895 (EASO 2013: 109).

On the other hand, it is very important to note that the situation regarding the number of applications has changed dramatically from 2012 to 2013 for these two neighboring countries of Romania. The statistics show that in 2011 and 2012, the number of asylum applications in Bulgaria and Hungary was lower than the one registered in Romania. However, in 2013, the number increased in Hungary with 777% and with 416% in Bulgaria, while in Romania the number decreased with 40%. The changes were due to inflows of applicants from Kosovo, Pakistan and Afghanistan in Hungary and from Syria in Bulgaria. (EASO 2013: 17).

The conclusion to be drawn from the presented statistics is that the demand for protection from Romania is very low, in comparison to other EU states, including eastern European ones. Moreover, what is even more puzzling is to observe how this huge influx of asylum seekers in the geographical region has managed to circumvent Romania: although the number of asylum applications in Romania reached its highest peak in 2012 (increasing with 30% from the previous year), in 2013, when the number of submitted applications escalated dramatically in the region, Romania presented a decrease in numbers. The explanation for this unattractiveness for forced migrants that Romania is suffering of, is the study's problem formulation and will therefore be addressed directly in the analysis chapter.

3.2. Romania the gate of entry to the West

In order to understand why so many migrants, who fled to Europe in search for asylum, refuse to take Romania as a country of destination, the context in which these persons actually set foot on Romanian soil must firstly be discussed.

There are some factors that play a very important role for the situation of the persons that have fled to Europe for the purpose of asking for asylum, which must be discussed: the geographical position of the country and the Schengen status; and the illegal migration routes.

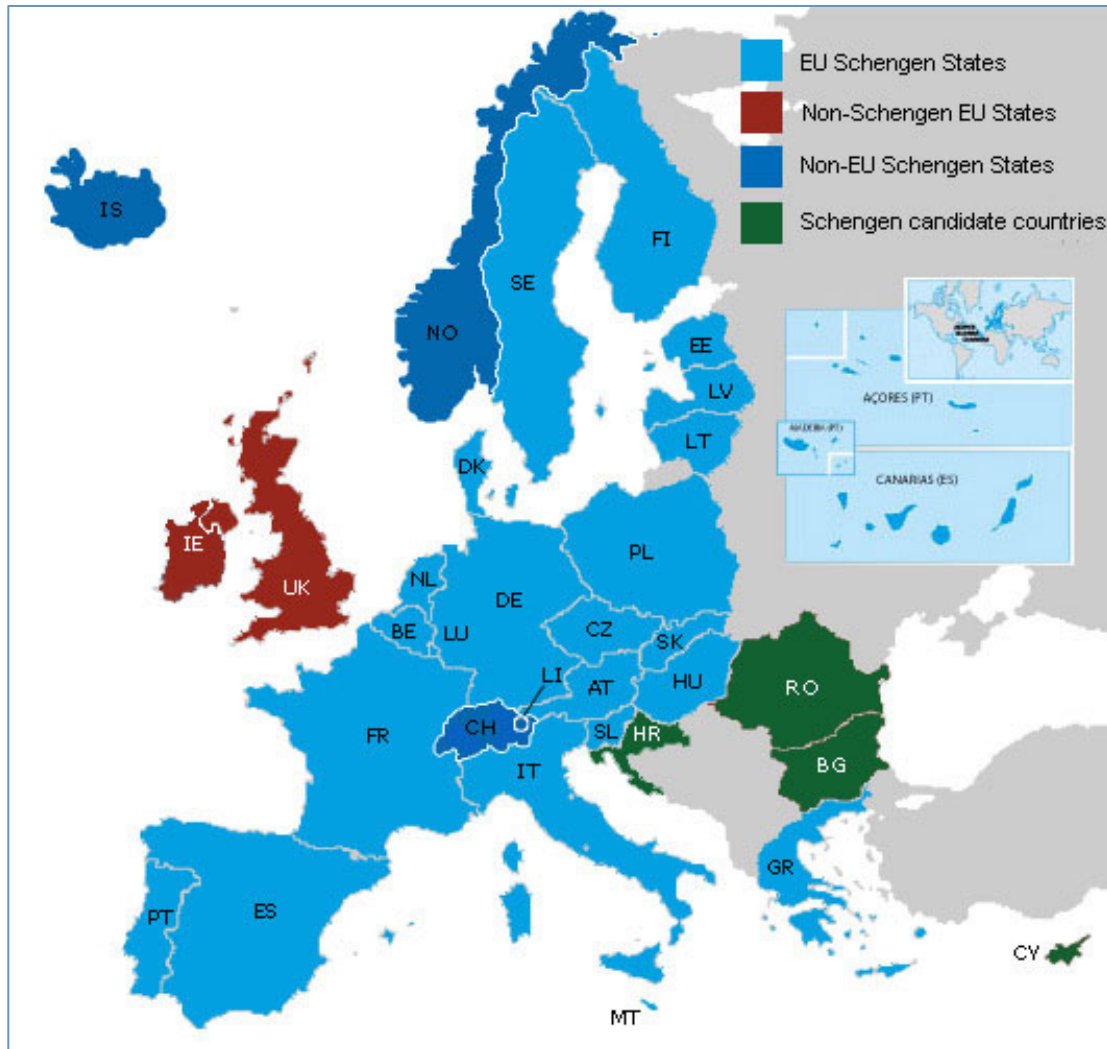
Romania and Schengen

Romania is situated at the south-eastern border of the European Union, right outside of the Schengen area. In the north, the country borders Ukraine and in north-east it borders the Republic of Moldavia. Continuing towards south-east, Romania has a natural border marked by the coast of the Black Sea. In the south, Romania borders Bulgaria, which is a EU Member State, but not part of the Schengen area. Serbia is the south-west neighbor, while in north-west, Romania has a 443 km border with Hungary (About Romania 2012).

After seven years of transition since entering the EU, Romania has still not been offered membership into the Schengen, as several Member States have taken turns in opposing its accession over the years (Romania Insider 2013). Therefore, Romania's current status is *Schengen candidate country*, meaning that any persons crossing the state's borders will be subjected to border checks (European Commission (1) 2014).

The border separating Romania from Hungary represents part of the east border of the Schengen area. As it can be observed from the map, all the western states following the Romanian-Hungarian border are part of Schengen. This means that for a person travelling westbound in Europe, the Romanian-Hungarian border is the last point in which a person is subjected to a border check.

For the understanding of the importance of the Schengen factors for the main subject of the paper, what must be taken into consideration is the fact that most of the people who have fled to Europe in search for asylum, are usually trying to cross the borders in a fraudulent manner, as it will be shown in the following section. The problem of irregular migration is of special application for Romania's case, because once inside the Schengen zone, the problem of crossing the border from one state to another disappears- they can travel freely -without border checks and hence without documents- towards the country where they intend to apply for asylum.



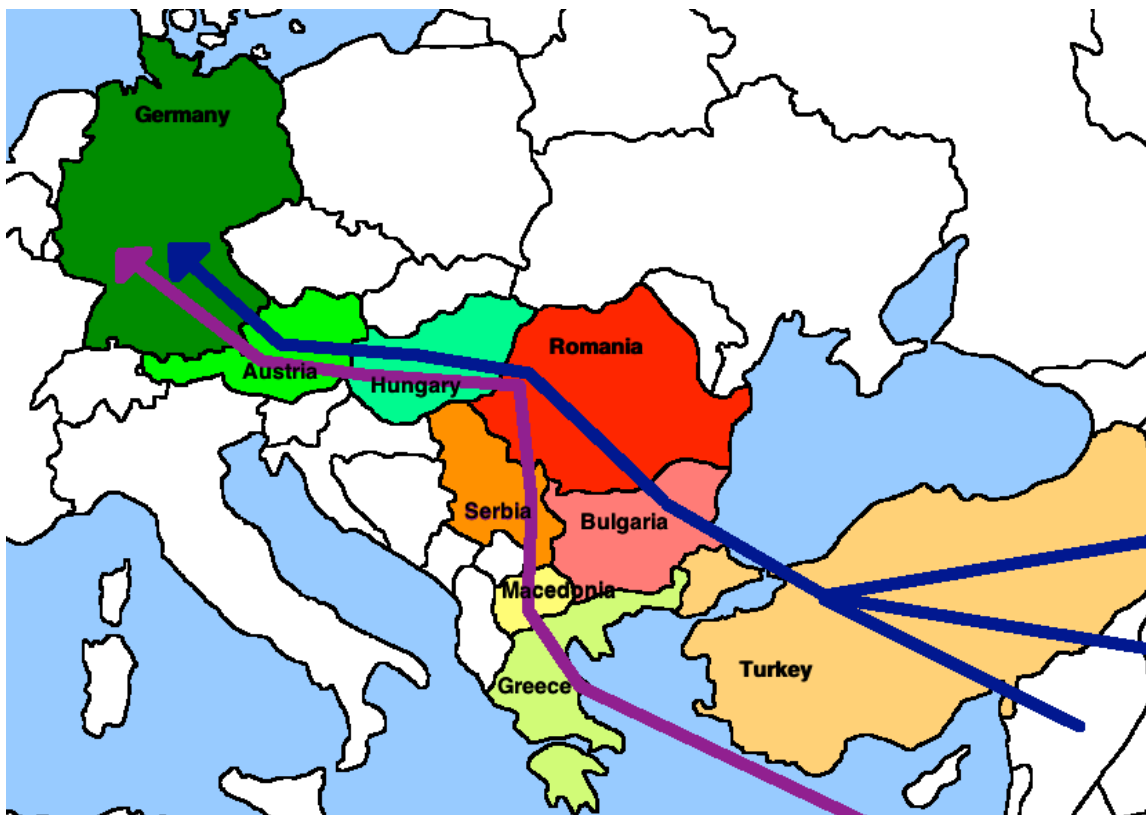
*Map of the Schengen Area as of 1/7/2013 (European Commission (1) 2014)

Irregular migration routes and the modus operandi of illegal migrants

Central and Eastern Europe's status of *transit region* has been acknowledged in the literature on many occasions, as many asylum seekers pass these countries on their way to western Europe (Tychtl 1999; Middleton 2005: 12).

The forced migrants usually have no visa to enter the territory of a European country, or in some cases, even lack any kind of travel documents or identification papers. This brings the need for the migrants to travel irregularly, which creates the setting for migrant trafficking and human smuggling. This is a phenomenon that is starting to develop more and more, both at the global level and in Romania.

A public prosecutor of the Romanian Directorate for Investigating Organized Crime and Terrorism (DIICOT) declared for a media source that *“the Syrian conflict opened a new migration route, which is passing through Romania’s territory as well”* (Digi 24 2014). One of the reasons for which Romania became part of the route seems to be the monitoring system that the Hungarians have implemented for their southern border. Therefore, the migrants travelling towards north-west from Greece or Turkey avoid taking the shorter way, through Serbia and Hungary, because the border between the two is very well protected and thus difficult to cross; instead, they take the alternative of entering Hungary through its eastern border, from Romania (Annex 2: 64). Therefore, their new route is either Greece- Macedonia-Serbia- Romania- Hungary- further west; or, if they enter through Turkey, the route would be Turkey- Bulgaria- Romania- Hungary- further west. The two migration routes are pictured in the following map.



In the same media source, it is also mentioned that the migrants usually enter Romania irregularly travel either through the border checkpoints (for example hidden in cargo trucks) or by sea, crowded in minuscule and unsafe boats.

According to a representative of UNHCR Romania, the ones that opt for these illegal migration routes are risking an extremely dangerous journey; especially the groups that reach the territory through the Black Sea, are travelling in extremely harsh and life endangering conditions (Digi 24 2014).

Studies³ made on the *modus operandi* of migrants coming into Europe to seek asylum also show that crossing Romania's territory is on many instances part of their route. Depending on their point of departure, the different groups of migrants use different *modus operandi*, in regards to transiting Romania:

In the case of persons originated from the Near East and from eastern and western Africa, studies show that their *modus operandi* involves entering Turkey legally, followed by crossing the borders irregularly, first to Bulgaria and afterwards to Romania. Depending on whether they are apprehended by the border police while trying to cross the *green border*⁴, the migrants may or may not apply for asylum in Bulgaria and Romania. Either way, the *modus operandi* includes exiting illegally the Romanian territory either through the *green border* or through the official crossing points by hiding inside a means of transportation. The study also shows that after a successful illegal crossing of the Romanian-Hungarian border, the migrants precede through Hungary and Austria towards Germany and UK, which are the usual countries where they apply for asylum and decide to settle as refugees (Lobontiu 2014).

The *modus operandi* of the migrants originating from countries such as India, Pakistan or Afghanistan is a bit different than the one of the previous group, as they reach Romania through the north border, not the southern one. The migrants usually enter legally the territory of the Commonwealth of Independent States⁵ and pass Russia, Belarus and Ukraine on their way to Romania. They either cross illegally the Romanian north-eastern *green border* or they enter legally through the official crossing points of the airports and applying for asylum straight away. The next step of their *modus operandi* is the same as the one of the previous group: illegally exiting Romania -by crossing the western *green border* or hiding inside means of transportation- towards Hungary, Austria and Germany (Lobontiu 2014). For both of the previously discussed groups, the study shows that a different westbound migration method can be detected: the air route. Migrants fleeing in search of asylum to Europe from African and Asian countries sometimes use either fake Schengen visas for illegal entry or short-term Romanian visas for legal entry, when landing by plane into Romania. They apply for asylum in Romania, but their real purpose is in fact only transiting Romania on their way to western European countries (Lobontiu 2014).

³ Study conducted by Cezar Rotaru- General Inspectorate of the Border Police, *The Directory for illegal migration and trans frontier crimes* for Silvia Lobontiu, Criminality and Migration in Romania;

⁴ The Green Border is defined as any point of the border between two states, excepting the official crossing points.

⁵ CISSTAT, *About Commonwealth of independent states*; The Commonwealth of Independent States is a community of independent states, which include all of the former republics of the USSR, with the exception of the Baltic States.

As a conclusion, due to its geographical and political setting (in the European Union, but outside of the Schengen area), Romania is used by the migrants fleeing to Europe in search for asylum as a transit country and as a gate to enter western Europe. What drives migrants on Romanian soil is in many cases not their desire to ask for protection from the state; what usually brings them in this country is the migration route set by the smugglers.

3.3. The migrants' refusal of Romania as a country of destination

The refusal of forced migrants passing through Romania to accept it as a country of destination has been used as a fact inside the problem formulation. However, before actually answering the problem formulation, the manner in which this conclusion was taken must be presented. Therefore, in the following sections, the refusal hypothesis will be demonstrated with the use of data collected mainly from the interviews.

As discussed in the previous chapter, a very significant part of the ones who have fled to Europe in search for asylum and have step foot on Romanian soil, have done so by illegally crossing the border on their way to western Europe. Having their minds set on a western European state as their destination, it looks like it is not uncommon for the irregular migrants refuse to end their journey in Romania by receiving protection from this state. This refusal can be manifested in more stages of the process of flight to a refugee receiving country, as it will further on be shown. After analyzing the examples given and the cases presented by the professionals in the field, in the interviews that have been conducted, the arrivals' refuse to take Romania as a destination country was categorized according to the stage of the RSD process: before the RSD process begins, during the process and once the process is finalized.

Before presenting how the phenomenon is manifesting in these three stages, some legal explanations are in order: Romania's aliens' law provides that any foreigner who does not have a valid travel document and a Romanian visa (EO 194/2002: art 6) will be refused to enter on the territory (EO 194/2002: art 8) and will have to immediately cross the border back to the country of origin or any other destination (EO 194/2002: art 9(1)). Moreover, the aliens who were caught after illegally crossing the state border will be transferred into public custody (EO 194/2002: art 82), which is "*a measure of temporary restriction of the freedom of movement on the territory of the Romanian state*" (EO 194/2002: art 97).

However, there is one possibility for these irregular migrants to enter the territory without any freedom of movement restrictions. According to the asylum law, the competent authorities shall grant access to the asylum procedure to "*any alien or stateless person located [...] at the state border [...] starting from the moment of expressing her or his will, either verbally or in writing*" (Law 122/2006: art 4). By accessing the asylum procedure, the alien receives the asylum seeker status, which

gives him the right to “*remain in Romania, within a time limit of 15 days term from the conclusion of the asylum procedure*” (Law 122/2006: art 4). In other words, the alien that would otherwise not be allowed to enter the territory or would be held in a public custody closed center, has the possibility of applying for asylum on the spot and be granted free access in the country.

Moreover, any irregular migrant, even if already in public custody, has the right of applying for asylum. If they are applying for asylum for the first time in Romania, the former illegal migrant, who is now an asylum seeker, will be released from public custody the following day (Annex 1: 58).

As far as the enforcement of the law goes, it is very important to note that, in regards to asylum, Romania has one of the most open procedures at the border. Unlike the practices of other states, the procedure implemented by the Romanian border police on a regular basis includes asking each and every irregular migrant if they are in need of the protection of the states, therefore informing them about the rights that an asylum seeker has, including the right to enter the territory without any freedom of movement restrictions (Annex 1: 57).

The refusal before the beginning of the RSD process

As it will further on be presented, the practice shows that part of the migrants caught trying to cross the Romanian border illegally on their way to apply for asylum in western Europe, refuse to ask for protection from the Romanian state. With this refusal, they chose the alternative of going straight back to their country of origin or a country of transit or be kept in public custody until the departure is made possible.⁶

Depending on the border that the migrant has tried to cross illegally, the measures that are taken may vary.

One of the factors upon which the outcome depends is represented by the international relations agreements between Romania and the state from the other side of the border that has been illegally crossed. This point requests a more thorough explanation: there is an obligation under customary international law for a state to readmit on its territory its own nationals, in the case that they no longer fulfill the conditions to enter or reside in a certain state (European Parliament 2010: 13). By contrast, when it comes to third country nationals, the state, from which the person who is not fulfilling the conditions came, is not obliged under customary international law to readmit them (Roig and Huddleston 2007; Charles 2007; Noll 2005 in European Parliament 2010: 13). Therefore, in order to send a third country national back to the country where he came from, certain readmission agreements that would facilitate such a removal, must be signed between states.

Romania has signed such a readmission treaty, for example, with Serbia; this means

⁶ In most instances, the immediate departure is not possible for financial reasons. In this case, the Romanian government pays for the escorted return to their country of origin. However, as this is a lengthily bureaucratic process, the illegal migrant is accommodated in a closed center, in public custody, until the departure is possible.

that the migrants who are caught trying to illegally cross the border from Serbia to Romania, can be returned to Serbia on the spot (Annex 1: 55), unless they exercise their right to apply for asylum. However, when the incident takes place at the border with a country that has not signed a readmission agreement with Romania, the situation can become a bit more complicated, as the departure of the irregular migrant from the territory cannot be facilitated immediately. This situation of impossibility is often fueled as well by the lack of financial possibilities of the migrant. Therefore, the Romanian government must pay for the escorted return of the illegal migrant to their country of origin. As this is a very lengthily bureaucratic process, the irregular migrant is accommodated in a closed center, in public custody, until the departure is possible.

In an interview conducted for the purpose of gathering data for the research, Silvia Lobontiu - a legal counselor of a Romanian-based national NGO that deals with refugees and irregular migration - gave numerous examples from practice of instances in which illegal migrants refused to accept Romania as an asylum country from the moment they were apprehended by the border police for crossing illegally. One of the cases presented involved a group of Afghan migrants apprehended by sea in December 2013 by the Romanian Coast Guard. The migrants were in danger of freezing to death in the Black Sea, as the boat that they were using for crossing irregularly the border to Romania, ran out of fuel and started experiencing technical difficulties (Annex 1: 56). On the small boat, the Romanian Coast Guard found 29 sick and dehydrated persons, who haven't eaten for days. The group included eight minors with ages between six months and eleven years old (Bozintan- Dumitrov 2013) and a travel agent of Turkish nationality.

As the group of people was apprehended trying to cross the border illegally, the Romanian Coast Guards followed the usual procedure and offered the irregular migrants the possibility to apply for asylum in Romania. They refused to apply for asylum and asked to be sent back to Turkey. Sending them back to Turkey or to Afghanistan was not a measure that could have been taken immediately, for the reasons presented at the beginning of this sub-section. Therefore, on the basis of their status as irregular migrants, they were taken into public custody and sent to a closed center right outside of Bucharest- the Otopeni Detention Center for Illegal Immigrants (Annex 1: 57).

As they were moved to the closed center and as the Romanian authorities started preparing the necessary documents for their voluntary return to their country of origin, Afghanistan, some of the irregular migrants had a change of heart. As they realized that being kept in a closed center or being sent back to their country of origin would do them no good, after a couple of weeks they all decided to apply for asylum in Romania (Annex 1: 57).

The irregular migrants that have changed their minds have now gained the legal status of asylum seekers and enter the spectrum of another category, whose situation will be discussed in the following sub-section.

The refusal during the RSD process

This section will present the situation of the migrants that have applied for asylum in Romania and have afterwards fled the country while their application was still being processed by the Romanian authorities.

Firstly, some legal specifications should be noted: a foreigner who applies for asylum in Romania is bound to stay on Romanian territory until his case has been processed, because the asylum law obliges him to “*hand in the travel document used for crossing the state border*” in exchange for a temporary identity document (Law 122/2006: art. 19(d)). Therefore, the only way for an asylum seeker to cross the border, without any travel documents, would be by conducting an illegal action.

Returning to the Afghan migrants case presented in the previous sub-chapter, the course of action that followed for the group of irregular migrants who decided to apply for asylum will be presented:

Once they have asked for protection from the Romanian state, their legal status changed from irregular migrant to asylum seeker and therefore, on the basis of the national asylum law, the group was transferred immediately to an open welcome center for asylum seekers.

In the welcome center, their freedom of movement was no longer restricted, which gave them the possibility of illegally crossing the border. Lobontiu estimated that at the time of the interview (five months after they were apprehended at sea), at least half of them were no longer in Romania. This means that they have left the country while the Romanian authorities were still processing their application. This is very common practice, according to Lobontiu, who noted that: “*I’ve seen migrants that I had in 2011 or 2012, who entered Romania irregularly, did not ask for asylum and afterwards, once they were put in the center, they changed their minds and ask for asylum in order to be free. They were afterwards put in an accommodation center and then they just left illegally*” (Annex 1: 56).

Other instances presented in the interview involved a different modus operandi than the Afghan case. Unlike this particular group of Afghans that ended up spending some time in the closed center before applying for asylum, other migrants apprehended when crossing the border to Romania illegally, apply for asylum on the spot, in order to avoid detention. Lobontiu remarks that after they are accommodated in the open center, the asylum seekers will “*try again to contact their smugglers and renegotiate the price for their illegal journey to western states*” and “*some of them are lucky enough not be caught by the Romanian border police while trying to cross the border to the western states*” (Annex 1: 53).

The refusal after the RSD process is finalized

While the first section had as a subject the persons having the status of illegal migrants and the second had the ones with the status of asylum seeker, this last

section will have as subject persons that have been granted refugee status or subsidiary protection.

This section will show that the fact that a migrant -who was caught crossing the border with Romania illegally on his way to apply for asylum in western Europe-, asked for Romania's protection and obtained it, does not necessarily mean that he accepted Romania as a country of destination. Even after receiving the refugee or subsidiary protection status in Romania, some migrants still follow their initial plan of building a life in western Europe.

Under this hypothesis, the flight to a western country will no longer be carried out through the illegal crossing of the border. Having received the refugee status, the migrant will be able to travel abroad legally, because according to the national asylum law, the holder of a form of protection will be "*issued adequate documents for proving the identity and for crossing the state border*" (L 122/2006: art. 20(1)a)).

Bogdan Preda, a counselor for refugees from a Romanian based NGO, shared in his interview that in his work, he has experienced many cases of legal refugees crossing the border to western European states as a tourist, but with the intention of settling there. According to Preda, once the refugee arrives to a country in western Europe as a tourist, they will "*desperately try to obtain a residence permit there*". The methods used are diverse and include legal methods such as enrolling for education or having an employer sponsor their visa, as well as fraudulent methods, such as marrying a citizen of the country just for the purpose of obtaining a permanent residence. Preda remarks that this last method is very popular amongst refugees, as in the past six months, he has received questions about marrying outside Romania numerous times from the refugees that he is counseling (Annex 2: 66).

Specifications regarding the European law

The perspective of the European law can give new insights on the topic of refusal to take Romania as a country of destination. This discussion will not shed light directly on the problem formulation, task that is reserved for the analysis section. Thus, this legal discussion will not explain *why* the asylum seekers are refusing to take Romania as a country of destination; but it will give explanations to the behavior presented in the previous sections- the behavior of the migrant who has already decided that he wants to apply for asylum in a western country and is trying to avoid having Romania as his country of destination.

As a consequence of the introduction of freedom of movement and open borders, the European Union member states had to commit in 1999 to the creation of a Common European Asylum System (European Commission (2) 2014). The cornerstone of the CEAS is The Dublin Regulation, which clarifies the rules governing the relations between states (European Commission (2) 2014).

Dublin has the purpose of averting the asylum seekers from being sent from one country to another and of preventing persons from applying for asylum in more

European countries, thus abusing the system. The Dublin Regulations set out some hierarchical criteria that will decide the Member State, which is responsible for processing the asylum application in question. In the case that no Member State can be designated on the basis of the criteria listed⁷, the responsible member state will be the first one in which the asylum application was lodged (European Union 2011).

This last provision is of very high importance to this discussion, as it influences very much the behavior of the forced migrant passing through Romania. The country where they lodge their asylum application will most probably be their country of destination. When a person applies for asylum in a EU country, their fingerprints are taken and stored in a database called Eurodac, to which all Member States have access (EDPS 2014). Therefore, if a person applies for asylum in Romania and afterwards goes to another member state to apply for asylum there, the asylum seeker will be sent back to the first country where they lodged asylum- in this case, Romania- through a so called *Dublin transfer* (Forumasile 2014).

One auxiliary specification must be given. According to the provisions of the Dublin regulations, one criteria of determining the responsible MS, which is hierarchically in front of the first country where the first asylum application was lodged, is the state into which the asylum seeker has irregularly crossed the border (European Union 2011). Thus, theoretically, in the cases presented in the previous section, Romania would still be the responsible country regardless of whether they have lodged their application or not.

However, the asylum seekers don't seem to take this provision into consideration and concentrate only on avoiding not being transferred back on the basis of the rule concerning the first country where the application is lodged. Although this may seem curious and out of logic on the first sight, the explanation is quite simple. In order to be able to return the asylum seeker to the country whose border he crossed illegally, the state conducting the transfer must have proof that he actually came from there. Moreover, the migrants are trained by their agents to lie about their route, which makes it very easy to avoid being returned (Annex 1: 57). By contrast, the same does not apply for the case of the country where the asylum was lodged the first time; the Eurodac database and the fingerprints system, make it inevitable for the authorities to find out if the asylum seeker has applied for asylum in a different Member State.

Therefore, once the forced migrant has applied for asylum in one member state, it is very difficult to avoid the transfer from an eventual second country where they applied for asylum; this makes it very important for them to avoid applying for asylum in countries where they do not want to settle.

This is the reason why the Afghan migrants from the case study preferred to be put in the closed center than apply for asylum, as they knew that having their

⁷This would mean that the asylum seeker does not have a family member who is a refugee in another Member State; has no residence permits or visas from another MS; and has not entered the EU area legally or illegally through a different state;

fingerprints taken by the Romanian authorities would jeopardize their plan of receiving protection from a western country. However, being kept in the closed center and sent back to their country of origin would have not made the situation any better, because the costs to travel back to Europe are extremely high⁸ (Annex 1: 57). Therefore, their only option was to pay the price of lodging their asylum application in Romania for their freedom of movement and therefore risk being transferred back to Romania.

Preliminary conclusion

As a conclusion, many forced migrants, who came to Europe in search for asylum, are trying to avoid settling in Romania at any price.

As they are aware of the European regulations, they refuse to apply for asylum in Romania when apprehended by the border police after crossing the border irregularly. Some would rather be kept in closed detention centers or be sent back to their country of origin or the country they came from, than being fingerprinted and introduced in the Eurodac system from Romania, as this would imply that Romania is the EU Member State responsible for processing their asylum claim and therefore, the country where they would have to settle.

Even if they do decide to apply for asylum in Romania in order to avoid detention, they would still rather cross the border irregularly towards west than accepting Romania as a destination country.

The refuse to settle in Romania can manifest even after receiving a form of protection, as many refugees travel westbound legally, as tourists, but with the intention of settling there.

As the hypothesis presented in the problem formulation was proved with empirical data, and it was made clear that in many instances asylum seeker manifest refusal towards Romania as a country of destination, in the following section, the problem formulation will be answered directly. Therefore, the next section will try to shed light on the reasons why this phenomenon of refusal is taking place.

⁸ For more details, look at chapter Economic Factor- Travel Costs;

4. Destination choices of forced migrants on Romanian territory

This section counts as the analysis part of the study. It incorporates the theoretical perspectives, combined with empirical data on the situation in Romania and it sets out to answer the problem formulation directly.

The actual analysis is preceded by a section dedicated to the validation of the theories that will be used.

As in most of the used literature, the forced migrants who are in search of protection are referred to as asylum seekers, regardless of their legal status, or in other words, regardless of whether they have already applied for asylum or not, this study will also stick to this terminology and refer to all the persons entering the study's scope as asylum seekers.

4.1. Preliminary theoretical considerations

4.1.1. Is there a choice?

The discussion over the asylum seeker's destination choice must begin with arguing whether the refugees can actually be put in the position of making a choice.

According to the neoclassical migration theory, migrants are "*individual, rational actors*" and they make rational decisions regarding their destination based on weighting their costs and benefits (Haas 2008: 5). On the other hand, other scholars have argued that in the case of asylum seekers, "*the destination of flight is not a conscious, rational choice between alternative destinations in most cases*" (Broker & Havinga 1998: 4). The discussion on the ability of choice is therefore closely related to the distinction between asylum seekers and economic migrants.

The main difference is that while the economic migrants are driven to leave their country by economic opportunity and the prospect of greater prosperity, the asylum seekers were forced to leave their country of origin for fear of persecution (Spinks: 5).

The factor that makes the difference regarding the ability to choose between the two types of migrants is the conditions in which the departure is made: while the economic migrant has time to plan his journey, the asylum seeker's departure is sudden and its forced character is limiting their influence over their actions (Brekke & Arsett 2012: 25).

In their study, Robinson & Segrott take this discussion further and find more reasons why the ability that a refugee has to choose a country of destination is fairly limited. By making a review of the existing literature, they uncover four main causes for this limitation: the short amount of time that they have available for planning before they are forced to flee; lack of travel documents and financial resources; the

different levels of accessibility from one country to another, caused by transport networks, visa restrictions and other immigration controls; and the influence of agents in the decision making process (Robinson & Segrott 2002: 5).

No doubt, the ability to choose a country of destination is more limited in the case of asylum seekers than in the case of economic migration. Nevertheless, within this limited framework, asylum seekers do make active choices and take decisions (Robinson & Segrott 2002: 5).

It is important to note that just as taking into consideration the economic opportunity of a country when deciding upon his destination does not turn an asylum seeker into an economic migrant (Spinks: 14), neither does the existence of options and the ability of making active choices.

As a conclusion, the concept of choice of an asylum seeker regarding the country of destination does apply; the asylum seekers do have a choice, although it is a choice that bears many limitations.

The analysis of the destination choices of forced migrants passing through Romania must be understood as manifesting inside the boundaries of these limitations.

4.1.2. Building the theoretical framework

The presentation of the push-pull migration theory

The push-pull theory is the main paradigm used in the literature to explain migratory behavior. Although it was designed to explain migration in general, the model has proved its application for the field of forced migration as well, being used by researchers to explain the conduct and decisions of asylum seekers in many studies (Brekke & Arset 2009: 27).

The model has been attributed to Lee's analytical framework for migration, although apparently Lee did not employ this term himself. His framework, which is commonly referred to as *the push-pull model*, argues that the decision to migrate is determined by four categories of factors: associated with the country of origin; associated with the country of destination; the intervening obstacles; and personal factors (Lee 1966 in Haas 2008: 8).

In very limited form, the push-pull model is a combination of the negative factors in the country of origin, such as the economic, social and political hardship, which *push* the people to leave; and the positive factors in the country of destination, which attract or *pull* the migrants to that country (European Communities 2000: 3).

However, when using this model to discuss upon forced migration and more precisely upon the destination choices of asylum seekers, the situation in the home country of the asylum seekers -in this case, the push factors-, are of very low interest for the discussion; in return, the focus is put on "*the characteristics of the destination countries, the pull factors*" (Brekke & Arset 2009: 27).

Using the push-pull theory

One general criticism of the push-pull theory is its analytical use. It was argued that the model was rather a descriptive one, “*in which the different factors playing a role in migration decisions are enumerated in a relative arbitrary manner*” (Haas 2008: 9). However, it is exactly this descriptive nature of the theory that made it so suitable to use in this study, as it offered the level of guidance and respectively the level of freedom that the novelty nature of the study demanded.

In respect to guidance, the framework was a very useful tool even from the very beginning of the research, as it directed the focus for the process of data collection. Afterwards, it was a great tool for organizing the data and for presenting it to the reader.

In what concerns the freedom offered by the push-pull model to create our own theoretical framework, certain specifications must be made. Firstly, what must be discussed is the question of the novelty of the study; afterwards, the reasons behind the need for the flexibility of the theoretical framework must also be addressed. As mentioned, the push-pull theory has been used before in other forced migration studies. However, all these researches were conducted on highly industrialized countries, such as western European states, Canada, USA or Australia; no such papers conducted on eastern European states have been found, even after extensive research. As the previous studies concerned states with very high rates of asylum requests, they were asking the question: *what makes this country so attractive as a destination for asylum seekers?* On the other hand, this study, which is conducted on a eastern European country, with a low influx of asylum requests, is trying to answer the question: *what makes this country so unattractive as a destination for asylum seekers?* This has made it impossible to choose one of the models and just apply it to the case study of Romania without any alterations. For this reason, its “*character of ad-hoc explanations*”, as Haas calls it (Haas 2008: 9), made the push-pull theory the perfect framework to use in this study. It gave the freedom to create the study’s own framework, in which it was possible to combine different factors, discovered from different studies, without forcing the implementation of the factors that by nature could not apply to this case study.

All the factors encountered in the research were taken into consideration, but not all of them were used in the study, as some had no applicability by nature to the case study. For example, a lot of emphasis was put in the other countries on the colonial ties, which cannot apply on a case study as Romania, a country that never had any colonies.

On the other hand, all the factors that were picked up from the previous studies, were applied with a critical eye, taking great consideration at all times of the differences between the subjects of the studies. The main issue that required special observance when applying the theory was the fact that the western countries are taken for granted by the asylum seekers as being democratic and protectors of human rights, as well as being modern and providing opportunities for employment, education and social advancement (Brekke & Arset 2009: 29). However, the same

cannot be assumed about the asylum seeker's opinion on Romania; on the contrary, one may tend to believe that it is quite the opposite. Therefore, these two factors, which are the most important ones for the asylum seeker's destination decision, were not even taken into consideration in the study conducted on the western state (Robinson & Segrott 2002: 62); but in the model created for Romania, they had to be taken into consideration as a priority.

Another issue to be discussed was that some models presented the reasons for choosing a particular country of destination in a certain hierarchy. However, for the purpose of this study, this pull factors will be presented individually, without trying to create any hierarchical connections between them. The previously mentioned models were created on the basis of the research done on one particular country and have therefore reached different conclusions. Therefore, a hierarchy that would apply for the Romanian context would definitely look different as well and discovering it would involve a very complex study, which would have to include interviewing several asylum seekers in Romania. Such a study would go outside the scope of this paper, as categorizing the pull factors under a certain hierarchy would not give a more accurate answer to the research question. However, comparisons between the importance of one factor over the other have been made, when it was possible, without forcing to create a hierarchy where it was impossible to do so.

A review of the used studies

The studies on destination choices of asylum seekers, which have been used as a theoretical basis for this study, vary one from the other from many points of views, such as the state or group of states upon the research is conducted; or the data used, which may be qualitative or quantitative, gathered from interviews or secondary data. However, they are all trying to shed light on what makes one country more attractive as a destination than the other by choosing some pull factors and testing their applicability. There were four studies, which were used as a basis for the theoretical framework:

Understanding the decision-making of asylum seekers is a report conducted by Vaughan Robinson and Jeremy Segrott for the UK Home Office. The researchers have interviewed 65 refugees that were granted protection by the British Government, for the purpose of exploring the reasons why they have chosen to migrate to the UK in preference to other possible destinations (Robinson & Segrott 2002: VII). Using the data gathered from the interviews, they created a generalized model of asylum seeker decision-making (Robinson & Segrott 2002: 61); and a hierarchy of six variables, which asylum seekers take into account "*when deciding the desirability of different countries*": democracy; opportunity for employment, education and social advancement; network of family and friends; language; cultural affinity; and images and perceptions (Robinson & Segrott 2002: 62-3).

Tetty Havinga and Anita Böcker conducted in 1999 the second study used for the theoretical framework. They have asked the question whether an asylum seeker

arrives to a certain country of destination by choice or by chance and have also tried to create a hierarchy of the reasons behind the choice of country of destination by using data from UK, Belgium and The Netherlands. Their research methods consisted of surveying the existent literature, analyzing statistical data and interviewing key informants (Böcker & Havinga 1999: 5-7).

The authors distinguished three groups of factors upon which they built their analytical framework: the links between the country of origin and the country of destination; the characteristics of the country of destination (either real or as perceived by the asylum seekers and their agents); and the events during the flight (Böcker & Havinga 1999: 23). As they discovered that the most important factor varied depending on the country of destination, their conclusion was that the characteristics of the country of destination were not as important as the circumstances of the flight and the situation of the asylum seeker (Böcker & Havinga 1999: 89-90).

Eric Neumayer researched on the asylum destination choice by trying to answer the question of what makes some West European countries more attractive than others. This study is different than the previous two as it takes 15 countries as subject of study and also because it is based solely on quantitative data.

The author first sets out the determinants of the asylum destination choices, by using previous studies, including the ones conducted by Robinson & Segrott and Böcker & Havinga. His model involves a dependent variable, which "*represents the share of asylum seekers coming to the destination country from a country of origin relative to the total number of asylum seekers in western Europe, normalized by population size*" (Neumayer 2004: 14) and several independent variables. The latter variables are set out to capture the economic attractiveness; the importance of colonial ties; the geographic proximity; the migration network effect; the deterrent measures; the welfare generosity and asylum policies of each country (Neumayer 2004: 15-18).

The conclusion the author reached was that the presence of communities was the most important factor, followed by the income level, the asylum policies and only after the geographical proximity, language ties and colonial links (Neumayer 2004: 23).

Harriet Spinks set out to shed light on the asylum seekers' reasons for choosing certain countries over others and the extent to which asylum seekers are able to exercise this choice by conducting a study on asylum seekers in Australia. Spinks' work does not extend to the level of research of the previous three mentioned studies, as it only uses secondary data. However, it serves as a great tool in the analysis, as it gathers together all the ideas set out by the most important studies on the destination choices of asylum seekers. This study was not used as intensively as the previous ones, but it provided with some very interesting and useful general ideas.

Summary of the theoretical framework

As mentioned, the theoretical framework consisted of a number of possible pull factors taken from the literature, which were applied on data regarding the asylum seekers from Romania in order to test the extent to which they influence the decisions of the asylum seekers.

The factors were categorized in four big themes: the agents; the asylum policies; the economic factor; and the network of family and friends.

The first category comprises one single factor- the agent; however, it looks at it from different angles: how it influences the destination directly by offering advice and how it influences the destination unintentionally by deciding upon the migration route.

The second category incorporates the following factors: the perception on asylum policies before arriving; the recognition rate; and the rights guaranteed by the domestic law, with emphasis on the right to work.

The third category includes three factors: the high costs of travel; the reception conditions, which referred to the welfare as well as to the conditions in the welcome centers; and the economic opportunities that the country is offering on the long term.

The last category comprises only one factor: the influence of the presence of family and friends.

In the following sections, the destination choices of the forced migrants passing through Romania will be discussed through the use of this theoretical framework.

4.2. Analysis

4.2.1. The travel agents

The agent is not a pull factor in the sense of the simplified definition, as it is not a characteristic of the country of destination. However, the agent influences the destination of the asylum seeker at a very high extent, reason for which it was used throughout the used literature as a pull factor.

The agent factor was placed at the beginning of the analysis because it has a different nature than the other pull factors. Although they are only partly related to destination choices and more related to the instances in which the destination is forced upon the asylum seeker, regardless of his choice, the explanations offered by the literature regarding this topic shed light on the answer to the problem formulation.

Theoretical perspectives

In all of the consulted studies, the role of agents was included as a very important factor influencing the choice of one country of asylum over another.

In their study, Robinson & Segrott discovered that "*agents were critical determinants of the destination eventually reached by asylum seekers*" (Robinson & Segrott 2002: 19).

The practice of using agents is becoming more and more common amongst asylum seekers, due to the increasingly restrictive immigration policies of industrialized countries from the past two decades. The use of agents has become a necessity for gaining access into such countries (Spinks 2012: 9).

The agents provide three types of services to asylum seekers: the provision of necessary documents (passports, visas, tickets); the actual facilitation of journeys, which may sometimes include even travelling with the asylum seeker; and channeling the asylum seeker towards a particular destination- by giving advice on certain countries, by limiting their options or by giving them specific destinations to choose from (Robinson & Segrott 2002: 19,20).

The balance of power in the decision making process between the asylum seeker and the agent may vary. Robinson and Segrott found that there are three different scenarios of interaction between the two actors, each case picturing a different dynamic of the power of decision:

In the first scenario, the asylum seeker is the decision maker, as his mind was set up on a certain country of destination before contacting the agent; in this case, the agent is only providing the first two of the previously mentioned services, not playing active role in the process of choosing a destination country.

The second scenario is the opposite of the first one, having the agent in the role of the decision maker. The asylum seeker has therefore no involvement in the process of choosing, as he is presented with only one option of country of destination. In some cases, the agents may not even give any indications at all concerning which country it is or where it is situated, labeling it only as a *safe country*.

The final scenario is a combination between the two previous ones, as both parties are active within the decision making process, through negotiations (Robinson & Segrott 2002: 21,22).

The role played by the agent in the decision making process can be manifested through three different types of actions: through the denial of access to certain countries, which is usually caused by the lack of financial resources of the asylum seeker or the lack of direct transportation links; through offering a range of possibilities from which the asylum seeker can choose; and through offering advice on different countries (Robinson & Segrott 2002: 22-25).

Agents and asylum seekers in Romania

In Romania, like in all the other EU Member States, migrant trafficking is a crime. However, although the numbers are constantly growing from one year to the other, no sentences have yet been given for this crime. A very small number of apprehended traffickers are under arrest, but no final decisions regarding their convictions have yet been given. Nevertheless, the practice of smuggling migrants over the border is very common in Romania (Digi 24 2014).

One interesting case that was highly mediatized by the Romanian media involved the smuggling of Syrian forced migrants over the Romanian borders. In 2013, DIICOT apprehended an important network of human traffickers, formed by Turkish, Syrian, German and Romanian citizens. The network had ramifications in all transit countries between Syria and Germany. In every country, they had contracted agents, motels and means of transportation - cars, buses, and boats used on the Black Sea (Szasz 2013).

The network's modus operandi was the following: the Syrian forced migrants were brought to the Romanian city Satu Mare, via Turkey and Bulgaria, by drivers contracted by the members of the network. The agents were afterwards facilitating the migrants either with the crossing of the *green border* to Hungary, where other members of the network were waiting; or with the crossing through the checkpoints, with the use false documents. The prosecutors of DIICOT found that a Syrian is paying approximately 10.000 euros to be transported from Turkey to Bulgaria and another 30-40.000 euros to be transported to Germany. They have also found cases of whole families being abandoned in Romania, if the traffickers were not receiving their money (Szasz 2013).

The influence of the agent in the destination choices of asylum seekers in Romania

In the particular case of Romania -it will further be shown-, the agent can influence or even be the critical factor for the destination selection both intentionally and unintentionally.

The previous discussion regarding the appliance of the concept of choice for asylum seekers will be used as well, as it will be shown that, in some cases, the destination depends on chance rather than choice. Therefore, the discussion is not limited to the *choice of destination*, but it is taken further, showing how the agent influences the destination of the asylum seeker, not only by choice, by also by chance. This approach is taking the discussion away from the problem formulation, but its presence is necessary, because it shows how the limited framework, within which an asylum seeker can make a decision, is created, with the influence of the agent.

The discussion will be split into two directions: the first one regards the influence of the agent on the asylum seeker's entrance and stay in Romania, which is connected to chance, rather than choice; the second direction refers to the exit of asylum seekers from Romania -heading to a western European state that was chosen as a destination country-, which is associated to the choice of the asylum seeker.

All three types of services that an agent may offer, which were presented in the theory section, could be encountered in the practice of travel agents on Romanian territory. The discussion on the three services will shed light on the question of the agent as a factor of influence for the asylum destination, and more specifically on the first direction of the discussion, regarding the influence of the agent on the asylum seeker's entrance and stay in Romania.

The service of channeling the asylum seeker towards a particular destination is applying to the case of asylum seekers passing through Romania in the sense that it is excluding Romania from the range of destinations. The agent is influencing the choice of a different state, most probably a western European one.

In the case study that was presented in the previous section, it can be noticed that the forced migrants who were choosing to use the services offered by this particular network of agents were channeled towards Germany. Furthermore, in what concerns the balance of power between the two actors in the choice of a country of destination, it is clear that the decision is taken by the agent and not by the asylum seeker. As the network was built on the Syria-Germany route, the only option that the agent could offer the asylum seeker was Germany as a destination. Moreover, the only migration route that was offered included passing through Romania. This shows the influence of the agent over the dynamics of the asylum requests and illegal migration in Romania, finding that will be addressed by the following points as well.

The service of providing the necessary travel documents could be less popular in Romania than on other migration routes, for one simple reason: most migration routes that are analyzed in the consulted studies involve travel by air, whilst the majority of asylum seekers reach Romania by ground or by sea (Digi 24 2014). Travelling by plane creates a greater need for documents and therefore for the service provided by the agents of offering false documents; on the other hand, travelling on the ground, offers the migrant options in which they can avoid using documents, such as passing the border through the *green border* or hidden inside a means of transportation. Nevertheless, as it was mentioned by the source, the use of fake documents while passing the checkpoints is a practice in Romania as well, as an alternative to crossing the *green border*.

The final service, of facilitation of journey, seems to be the most relevant and interesting to discuss inside the scope of this study. This category includes, on the one hand, directing the asylum seeker on the route that he is supposed to take and, on the other hand, accompanying the asylum seeker in his journey.

Accompanying the asylum seeker in his journey seems to be a highly used service on the migration route that is passing through Romania. The reason for that could be the fact that this migration route is to be completed on the ground or by sea, making it far more difficult than travelling by plane, for example. Therefore, the presence and guidance of the agent is mandatory for the destination to be reached.

One Romanian NGO worker notes in his interview that "*the people who instruct the asylum seekers or migrants how to cross and where to cross usually recommend Romania*" (Annex 2: 64). This can be explained starting from an argument made in a previous chapter: that Romania became part of the migration route going from south-east towards western Europe as a consequence of the monitoring system implemented in Hungary's southern border, which made it very difficult to cross

fraudulently.⁹ The agent, as the well-informed decision maker (Robinson & Segrott 2002: 5), is the one who gathers this information and sells it as advice to the migrant. Therefore, had it not been for the advice given by the agent, the migrants by themselves would not have known such specific information and would have not chosen to make a detour in order to avoid passing Hungary's south border. In other words, had it not been for the information provided by the agent, the asylum seeker would have never passed through Romania. As their entrance on Romanian territory may lead to their formal request for protection from the Romanian state, the agent becomes a pull factor of the migrants into Romania, although this was not the intention.

It is also of interest to point out another way in which agents can influence the relation of the asylum seeker with Romania: by abandoning them on Romanian territory if they have not received their money (Digi 24: 2013). In this case, the asylum seekers are stranded in Romania and have no other way but to apply for asylum and are therefore forced to choose Romania as a destination country.

It must be observed and stressed out that all the described different instances, the destination country is selected by chance and not by the choice of either the agent or the asylum seeker. The asylum seeker, influenced or not by the agent, has made his decision to travel irregularly towards a certain western European country, where he intends to apply for protection and settle. However, due to certain external factors, which are related to the travel agent, the asylum seeker is forced by the circumstances to apply for asylum in Romania. However, just as discussed in the 4.1.1. section, even in this very limited framework, the agent is taking some sort of active decision-making, as he decides not to fight back his chances and continue his journey, with all the risks that it may imply.

As mentioned in the beginning of this section, when it comes to studying the situation of travel agents in Romania, we can look at the agent as having two dimensions: on the one hand, the agent is the one who is pulling the asylum seeker *into* the country, as it was just discussed; and, on the other hand, the agent is also the one who is pulling him *out*. This double dimension is given by the nature of transit country that Romania has in the vision and actions of the asylum seekers and of the agents.

According to an NGO worker in Romania, it is very common for an irregular migrant that was apprehended by the Romanian police trying to cross the border illegally to apply for asylum just to avoid being put in a closed center and to secure his freedom of movement, in order to afterwards "*try again to contact their smugglers and renegotiate the price for their illegal journey to western states*" (Annex 1: 53). It is questionable whether the decision regarding the country of destination will belong to the agent or to the asylum seeker, but what is important to notice for the purpose

⁹ For more information, see chapter *Romania- the gate of entry to the West*

of the study is that the decision to not choose Romania as a destination country belongs to the asylum seeker.

Undoubtedly, when the agent is influencing the destination in this manner, the asylum seeker is taking active choices, fighting back the aftermath of the chance he was presented with. The asylum seeker refuses to take Romania as a country of destination and uses the services of the agent to travel to a different destination. Without the agent factor, the chances, that the asylum seeker had to travel irregularly by himself, without being apprehended by the border police, towards western Europe, would have been very slim, maybe even inexistent.

The agents are connected to one other very important factor- the economical one. This aspect will be discussed in the following section.

Preliminary conclusions

The agent is a factor that is influencing at a very high extent the destination choice of the asylum seekers passing through Romania. In relation to Romania, the agent can contribute as a factor *pulling into*, as well as *pushing* the asylum seekers *from* Romania.

Firstly, the agent is influencing the destination choice directly, by channeling the asylum seeker towards a certain western European state and away from Romania.

Further, the agent, through his decision and actions, is indirectly influencing the destination, by limiting the framework within which an asylum seeker can make active choices. The agent is doing that by directing the asylum seeker to pass through Romania or by abandoning them on Romanian territory.

Lastly, the agent is contributing to the destination also when he is helping the asylum seeker to migrate irregularly towards a different destination, after he was forced to apply for asylum in Romania.

4.2.1. The asylum policies

The pull factors that will be discussed from hereon have a different nature than the previous one. They are all characteristics of the country of destination and therefore offering more straightforward answers to the manner in which asylum seekers are making their choices of destination.

Theoretical perspectives

Politicians have often assumed that favorable policies for asylum seekers and refugees would further attract an even higher number of entries and asylum requests (Spinks 2012: 13). Therefore, it was not surprising to notice that academicians who have tried to expose which are the factors that make one country of destination more desirable by the asylum seekers than the other, have often discussed over the relevance of such assumptions.

The results presented by the researchers in regards to the importance of the asylum policies in the decision making process are not categorical, for the simple reason that this is “*not a straightforward equation*” (Spinks 2012: 13). Depending on the country of destination that the study was conducted upon and on whether the analysis was qualitative or quantitative, the conclusions regarding the influence of asylum policies on the destination choice differ. Three studies will be presented: the qualitative studies of Robinson & Segrott on UK and Bröker & Havinga on Belgium, Netherlands and UK; and the quantitative study on western European states conducted by Neumayer.

The research made by Robinson and Segrott on asylum seekers in the UK, concluded that the forced migrants did not have a lot of information about the asylum policies in the country of destination prior to their arrival. Moreover, the authors determined that this knowledge, regardless of it being detailed or general, was not an important reason for the asylum seekers to come and ask protection from the UK (Robinson & Segrott 2002: 46,47).

The authors also determined that the positive perception on the asylum policies works on three different levels: at the regional level- as they discovered that the respondents had a generally good opinion about the treatment of asylum seekers in Europe; at the national level; and by comparison with other European states.

Also, the research revealed a link between the perceptions regarding the asylum policies and the travel agent, which can be very useful in shedding light on this study’s research question. They discovered that in some cases, the agents could shape the perceptions of asylum seekers and, in this way, influence directly their final decision regarding the country of destination. The study presents such an example: one asylum seeker that had no supporting documentation for his claim was advised by his agent to go to the UK, as this country was “*more sympathetic towards refugees [and] it was more likely that he would be accepted here than in other countries*” (Robinson & Segrott 2002: 45). This example shows that the agent may take the aspect of the country’s asylum policies into consideration when directing the forced migrant towards a certain country of destination. Therefore, although the asylum policy is not very influential in the decision of the asylum seeker, it can be a very important factor for the agent, when giving advice. The explanation for this occurrence could be that the agent’s decisions are much more informed than the ones of the asylum seeker (Robinson & Segrott 2002: 3).

It is very important to note one aspect regarding the application of this theory on the case that is studied in this paper. In the study conducted by Robinson and Segrott, all the respondents led to believe that they came to the UK having a good general opinion on the country’s asylum policies, feeling it was a “*tolerant country that was sympathetic to asylum seekers*” (Robinson & Segrott 2002: 46). Therefore, the conclusion that was based on such empirical data could only be interpreted in the sense that a positive perception of the asylum policies in a country of destination is not an important pull factor for the asylum seeker. However, if the perception is a negative one, it cannot be assumed that the importance of the factor

stays the same. While a positive perception can be overlooked, it could be possible that a negative perception might have a bigger influence and even make the asylum seeker disregard that certain state as a country of destination.

As opposed to the negative result found by Robison and Segrott in their research, Neumayer's results indicate the existence of a causality relationship between the restrictive asylum policies of one country of origin and the application rates: He uses the recognition rate for asylum claims for the study of the impact of restrictive policies, as any other indicator would be difficult to quantify (Neumayer 2004: 16). Using this method, he concludes "*a higher recognition rate in the past year leads to a higher share of asylum seekers next year*" (Neumayer 2004: 20).

In a previous study from 2003, the same author discusses on the same topic and argues that "*restrictions on welfare benefits and working rights; the risk of one's application becoming rejected due to low recognition rates; limited appeal opportunities; and the threat of forced removal*" (Neumayer 2004: 12) are factors that make a country less attractive for the asylum seekers. Just as in the case of the previously presented source -Robinson & Segrott-, Neumayer's results are not categorical, as the author warns they need to be treated with caution, for the variables are crude (Spinks 2012: 14).

Böcker and Havinga have also discussed asylum policies as a factor influencing the destination of asylum seekers and have concluded that it is a factor, but not the most important one. However, the right to work was found to be a particular important factor, as "*most of the asylum seekers do not like to live on public support; they prefer access to the labor market*" (Böcker & Havinga, 68).

The Romanian asylum policies

The situation regarding the asylum policies in Romania will be assessed through quantitative data -statistics regarding the acceptance rates-, as well as qualitative data- by presenting information gathered through interviews.

In the interview conducted for the purpose of this study, Eugen Preda, Romanian NGO worker, makes some very interesting points regarding the importance of the asylum policies in an asylum seeker's choice of country of destination.

On a general note, he mentions that Romania's asylum policies are very easy to change. The recommendations that come from the UNHCR and the European Union are integrated in the legislation very fast by the Government. In support of this argument, he gives examples such as the issue of the right to education, which was one of UNHCR's fundamental recommendations; the Romanian government adapted immediately to this recommendation and developed programs such as *The Second Chance Program*, which facilitated the access of asylum seekers to primary education (Annex 2: 65).

A very important aspect that should be taken into consideration for the analysis, according to the theory that has just been presented, is the acceptance rate¹⁰ of asylum requests in Romania. For this purpose, statistics made public by the European Asylum Support Office were used. Four other EU MS were chosen for comparison: two countries of destination considered traditionally highly desirable by asylum seekers and two neighboring countries to Romania, which are the most similar to Romania out of all the member states, in what concerns the asylum system.

	Romania	Germany	Sweden	Hungary	Bulgaria
Number of asylum applications	1 495	126 705	54 270	18 895	7 145
Protection granted at first instance	915	17 915	22 895	360	2 460
Acceptance rate	61%	14%	42%	2%	34%

*The situation of asylum applications for the year 2013 (EASO 2013: 109, 118, 119)

From the statistical data that was analyzed, it was observed that Romania's acceptance rate for 2013, which was calculated as 61%, is very high compared to other EU Member States. According to one representative of the Romanian Government, the figures for 2013 are very much influenced by the Syrian conflict, as the highest percentage of asylum seekers and refugees in Romania originate from Syria (Annex 3: 70).

The majority of the successful asylum applications are granted subsidiary protection, not refugee status. However, this makes no practical difference, as the rights guaranteed in both cases are exactly the same (Law 122/2006: art. 20).

In the first trimester of 2014, the situation presents itself in the same parameters as 2013, with a rate of acceptance of 54%, out of which the majority consisted once again of Syrians receiving subsidiary protection (Annex 3: 70).

The indicator was calculated as the percentage of successful applications from the total number of registered applications in the year 2013. The relativity of the results must be kept in sight when analyzing, as they depend on many variables. The acceptance rate can shift dramatically from one year to another as a result of the immigration policies applied by the Government, of the changes from the countries of origin of the asylum seekers and many other factors. Moreover, the relativity of the result is also caused by the differences of the practical capacity of processing the asylum claims from one state to the other; this could distort the accuracy of the result, as the indicator for one country could be lower not because the requests were rejected, but because they were not processed yet. Nevertheless, for the scope of this study, using the rate of successful applications for 2013 gives a sufficient

¹⁰ The acceptance rate includes both the refugee status under the Geneva Convention and to the subsidiary protection under the EU Qualification Directive- the figures represent the sum of successful asylum applications, which were granted any of these two forms of protection, at the first instance.

overall and general idea on the chances one asylum seeker has to be offered protection in Romania.

Preda also confirms the result showed by the table above, by acknowledging that Romania's level of acceptance is very high in comparison to other European states. However, he notices that *"the illegal migrants prefer to have a lower chance and request asylum in Germany than have a bigger chance and request asylum in Romania"* (Annex 2: 65).

Another very interesting point that Preda makes is the link between the number of asylum applications and the acceptance rate- he believes that if the number of requests was higher, the *"government will start to check the asylum claims more thoroughly, more carefully..."* (Annex 2: 65).

Another very important integrating part of asylum policies refers to the actual rights that the asylum seekers are being granted. The Romanian government acknowledges that the applicants for international protection are entitled to subsistence during the asylum procedure, so it is guaranteeing a range of rights: right to free medical care and free education for minors; right to housing, by accommodating free of charge in the special open centers; psychological assistance and counseling and legal assistance and monthly allocation for food, which is extremely small, of almost 100 lei -under 30 euros per month (Annex 3: 69). The level of quality of the assistance that the Romanian state is offering to the asylum seeker will be discussed in the following chapter, which addressed the issue of the economical factor.

Special consideration must be given to the situation of the right to work. In Romania, asylum seekers are not granted the right to work, except for the case in which their application is still being processed one year after their submitted it. Preda considers that the reason behind this asylum policy is that the government is trying to avoid situations in which economic migrants who came to Romania to work are taking advantage of the asylum system; in other words, that they apply for asylum only to benefit from the right to work (Annex 2: 62, 63).

The influence of Romanian asylum policies in the destination decisions of asylum seekers

The recognition rate

On the first view, the conclusion that Robinson and Segrott have reached from their research, that the asylum policies are not an important factor that the asylum seeker is taking into account when choosing a country of destination seems to be applying in the Romanian context as well: although it was proven that statistically the chances of being granted protection in Romania is over four times higher than in Germany, according to Preda, most asylum seeker would still prefer Germany to Romania as a destination country.

However, the discussion may not be as simple as it appears. Firstly, it must be noted that the asylum policy implies so much more than only the acceptance rate. Of

course, for Neumayer, who has conducted a quantitative study, it was normal to take into account only the acceptance rate, because, as he mentioned himself, it was the only quantifiable indicator. Therefore, the acceptance rate is not the only factor to be taken into consideration when drawing a conclusion. However, one conclusion that can be drawn at this moment in the analysis is that in Romania, the acceptance rate is not a factor that the asylum seekers are taking into consideration when choosing a country of destination; in other words, it is not a good enough reason to convince them to apply for asylum in Romania.

The rights guaranteed by the domestic law

The discussion upon the other factors that Neumayer labels as factors that are making one country less attractive as a destination and their application in the situation in Romania could lead to a different conclusion.

Neumayer's conclusion, as well as Böcker and Havinga's, could turn out to apply in the case of Romania, especially in what concerns the restrictions on working rights. As it was mentioned, the Romanian asylum policy does not permit the asylum seekers to work in the first year of their procedure. The very small allocation that they receive for food monthly –which will be brought back into discussion in the next chapter- must also be taken into account. With an allocation this small, any extra income would make a big difference- but if they do not have the right to work, the asylum seekers cannot add to this small income. It would be difficult to state with certainty that changing the policy regarding the right to work would attract more asylum seekers into the country or that it would stop the ones that are already there from leaving; however, it is safe to conclude that this restricting policy is not in any way helping the country be more attractive as a destination and also that in some instances it can influence the asylum seeker's decision to leave and try to ask for protection in western Europe.

The perception on asylum policies before arriving

Robinson and Segrott are also putting emphasis on the perceptions on the asylum policies that the asylum seekers have before coming to the country. The situation in Romania will be discussed according to the three levels on which they discovered that the perception is manifesting.

At the regional level, Romania belongs to eastern Europe. Taking into account the economical situation, the former membership to the communist bloc -which is related to dictatorship and human rights abuses-, but most importantly the lack of tradition as countries of asylum, it is safe to consider that the general perception on the asylum policies that an asylum seeker has prior to their arrival cannot be as positive as the one they have towards western Europe.

The national level could be even more negative; Preda believes that the *“very bad reputation at the global level”* is one of the main reasons for which Romania is not a country of destination. He adds that this *“bad reputation”* is manifesting a lot more at the *“local level”*- the level of the average citizen, than at the *“authority level”*, which makes the previous statement even more relevant for this discussion (Annex 2: 62). There was no data available that referred explicitly to the perception of

asylum policies; however, it can be assumed that this general term of “bad reputation” applies at least to some extent to the asylum policies as well.

As for the third level, which concerns the comparison with other European states, brings back the arguments used on the first level. If the comparison was to be made with other eastern European states, the situation could have been different. However, as it was noticed from the case studies that were brought into discussion until now, the countries that the asylum seekers see as an alternative to applying for asylum in Romania, are always western European countries. It is therefore safe to assume that on this third level, the perception that asylum seekers have on the asylum policies of Romania are negative.

Preliminary conclusion

It is difficult to assess to what extent the asylum seeker is taking into consideration the asylum policies of Romania as a whole, when making the choice regarding his country of destination. However, if the concept of asylum policies is divided, some conclusion can be drawn out: while the high acceptance rate does not seem to have any impact in the decision making process, the restrictive policies are influencing the country of destination choices of the asylum seekers that find themselves in Romania; moreover, the perceptions regarding the Romanian asylum policies that they have prior to their arrival are also of importance, making them refuse Romania as a country of destination before they even get there.

4.2.3. The economic factor

Theoretical perspectives

When the asylum seekers are making a decision about the best place where they can rebuild their lives, they may also factor in the perception that a country is rich and that it has a lot of economic opportunity. However, according to Spinks, this fact alone does not turn them into economic migrants, but only shows the importance that asylum seekers give to economical security and to the possibility of gaining employment, when making the choice regarding their country of destination (Spinks, 2012: 14).

Neumayer also agrees that rich countries “*present the most attractive alternative to the poor living conditions and employment opportunities in the countries of origin*”. In order to argue for his conclusion, he uses the economic theory, which predicts that the countries in which forced migrants are applying for asylum are rich, have low unemployment and a high economic growth rate. The attractiveness of such countries for asylum seekers is explained, according to Neumayer, by the generosity of the welfare provision in rich countries, as well as by the high opportunities of finding a job, which can be found in a country with a high economic growth (Neumayer 2004: 11).

On a contrary opinion, Robinson and Segrott have concluded that the expectations that the asylum seekers had relating to welfare benefits and housing did not play a

major role in their decision regarding the country of destination. The main argument for drawing this conclusion was that little evidence was found which suggested that the asylum seekers perceived the level of support in the UK to be better than in other countries (Robinson and Segrott 2002: 52). The application of this conclusion -which is based on data collected only from asylum seekers in the UK- on the case of Romania will be debated in the analysis part of this chapter. However, Robinson and Segrott make another very important and useful point for this analysis: that although the prospect of living on welfare benefits is “*generally viewed as highly undesirable in the long term*”, in the period immediately upon arriving in the UK, it can sometimes be inevitable (Robinson and Segrott 2002: 52).

Böcker and Havinga have also debated the role of the economic factor in their qualitative. However, the accent was not put on the welfare that the state is providing, but on the economic opportunities that a refugee has in that country to make a future for himself.

Using data coming from informants from UK, Netherlands and Belgium, the authors concluded that the economic opportunities were an important factor. According to them, this theory serves as explanation for the high number of asylum seekers in Germany and for the fact that many asylum seekers prefer going to the United States (Böcker & Havinga 1998: 69).

Moreover, Böcker and Havinga link this theory with the previously discussed access of the asylum seekers to the labor market. They argue that although a ban on employment would restrict the economic opportunities of the asylum seeker, the right to work will be of little use if no employment is available; on the other hand if the asylum seekers have the possibility of working on the informal labor market, the ban would not bother them very much. Therefore, they conclude that the economic opportunities are actually more important than the asylum policies (Böcker & Havinga 1998: 69).

The economical context for asylum seekers in Romania

The context of the economical issue for asylum seekers in Romania will be presented on more themes: the travel costs; the reception conditions in Romania; and the economic opportunities.

Travel costs

In a previous chapter, in which the role of the agent in the choice of destination was discussed, a link between that topic and the economic factor was mentioned. This link will be elaborated in this section.

Travelling to Europe in search for asylum implies very high costs, for reasons regarding the very long distances, as well as the high prices for false documentation, advice and other services provided by the travel agents.

A Romanian prosecutor working on a case of illegal migrant trafficking declared that that a Syrian citizen would have to pay to a travel agent in average 10.000 euros to be transported from Turkey to Bulgaria and another 30-40.000 euros to get to

Germany. In many cases, the forced migrants have to sell their whole fortune from their country of origin in order to be able to pay the sums asked by the traffickers (Szasz 2013). Therefore, many of them bet everything on one card and have nothing to go back to in case their plan fails.

According to Preda, one of the informants that were interviewed for the purpose of this study, the reason for which many forced migrants ask for asylum in Romania is that "*they were stranded here on their way to western Europe*" for financial reasons. Such reasons that Preda gathered over the time from asylum seekers in Romania included explanations like: "*we didn't have money to go forward and stopped here and requested asylum*"; or "*we were in danger or dying on the way (lack of food, lack of water), so we applied for asylum here*" (Annex 2: 62).

The information provided by Preda is seconded by the previously cited Romanian prosecutor, who declared that he encountered in practice many cases in which families of forced migrants were abandoned in Romania by their travel agents if they did not receive their money (Szasz 2013).

Reception conditions

Preda, the Romanian NGO worker who was interviewed for this study argued that after 25 years of transition from a communist regime to a democratic one, the social policies and social welfare in general and in regards to asylum seekers in particular is not very well developed. In his opinion, the sum of money that the asylum seekers receive and the accommodation conditions are at a very low quality and low standards (Annex 2: 62). Other information gathered in the research process seems to second Preda's opinion, as it will further be presented.

In addition to the rights guaranteed, which were presented in the previous chapter that dealt with the asylum policies, the person who applies for asylum in Romania receives some practical benefits as well.

Firstly, the asylum seekers have possibility of being accommodated free of charge in one of the reception centers that are scattered throughout the whole country. The reception centers in Romania, unlike other countries, such as Hungary, for example, are all open (Annex 2: 63). The accommodation capacity of 920 places is quite high in relation to the number of asylum seekers coming in, as it has never been surpassed, not even in 2012 when the all time record of asylum applications was registered (Annex 3: 68). Therefore, although under these conditions, the question of Romania not having enough money to host more asylum seekers would not be an issue, the question of "*Romania not having enough money to make the conditions in the reception centers better*" could definitely be raised, according to Lobontiu, a Romanian NGO worker. Lobontiu has visited most of the reception centers in the country; she graded the Bucharest center as being "*in a rather poor shape*", but mentioned that the others in the country are a bit better and labeled them as "*basic*", "*decent*" or "*ok*"; however, she added that they do not compare to the conditions of the centers from the western countries (Annex 1: 59-60).

The Romanian Government is also covering the medical insurance of the asylum seekers, but only for cases of emergency. They also provide the centers with doctors or medical assistance (Annex 2: 64).

To complete the *subsistence package*, the asylum seekers also receive a daily food allowance, of 3 lei/day/person, cumulating to 20 euros per month and an extra of 0,6 lei/day per person for other expenses, adding up to 4 euros per month (HG 1251/2006: art 55(1)). To compare, the minimum wage in Romania has been raised in 2014 to 204 euros per month after taxes (WageIndicator 2014).

Another very important factor to be taken into consideration is the period of time, in which a person needs to live under these conditions; in other words, the length of the asylum procedure in Romania. If the asylum application is accepted from the first instance, the procedure should not take longer than one month. However, if the asylum seeker is rejected in the administrative phase and appeals the decision in court, the procedure could take a very long time; it would take much longer than it would in other countries according to Preda, who gave an example of an asylum seeker whose application received a final decision from the Court only four years after he submitted it (Annex 2: 63). As they receive only basic services while in the centers, the asylum seekers don't have much options than to just sit in their rooms and wait and "*do basically nothing*"; they only "*survive drifting away*", which has a negative psychological effect on them, making many of them depressed (Annex 2: 67).

Preda believes that the main factor that makes the asylum seeker leave during the procedure is the fact that the procedure is taking so long; to argue for this conclusion, he quotes one asylum seeker who once told him: "*I'm gonna go forward [to another country in the West], because I have friends in my community who stood three years- I am not keen on staying three years for my asylum procedure*" (Annex 2: 67).

Economic opportunities

After being granted a form of protection, the conditions change. They are no longer allowed to live in the asylum center and do no longer receive the daily food allowance. However, they are still entitled to some support from the state: for a period of six months and with the possibility of extension of another three months, the refugee can receive a monthly (Law 122/2006: art 20,m). The support has the value of the minimum wage in Romania and must be refunded to the state in the first year of employment (GD 1251/2006: art 60).

Once granted protection, the refugees have the right to work in Romania (Law 122/2006: art 20,c). However, Lobontiu has observed from her experience in working with refugees that they don't have many possibilities to get a job and therefore not too many possibilities to get a place to live. In her opinion, this is a very important reason why Romania is not seen as a target host country (Annex 1: 56).

The influence of the economical factor in the destination decisions of asylum seekers in Romania

An asylum seeker who comes into a country for the first time, in search for protection, comes with nothing; having paid his whole fortune on the journey from the country of origin, he is in need of support from the state, which becomes inevitable, as Robinson and Segrott put it. Preda confirms that this applies in Romania as well when he mentions that *“the refugees agree that they don’t want to be assisted, that they don’t want to be on welfare; but at the beginning they should be on some welfare”* (Annex 2: 62). The importance that the asylum seekers from Romania are giving to this welfare support is debatable.

In the theory part, it could also be observed that the opinions differ: while Neumayer believed that the generosity of the welfare provision in rich countries make a country more attractive for the asylum seekers, Robison and Segrott found that the expectations relating to welfare benefits and housing did not play a major role in the asylum seekers’ choice of country of asylum.

As Robinson and Segrott’s study was conducted solely on asylum seekers in the UK, the problem regarding the applicability of the conclusions drawn from western European countries on case studies from eastern European states must be brought into discussion again. A choice made between states in which the asylum seeker receives enough support from the state to live a decent life, is not the same case as when in the array of options we include states in which it is debatable whether the support will guarantee the asylum seekers at least the minimum level of subsistence.

As a conclusion, it is possible that, in some cases, the low level of support from the state did contribute to their refusal to perceive Romania as a country of destination. This factor may have an impact on the decision of the asylum seekers in two of the three stages, which were presented in the chapter 3.3: before the arrival- in the case in which their agents informed them regarding the low level of support they receive from the Romanian state, which made them refuse to apply for asylum when apprehended by the border police trying to cross the border illegally; or after applying for asylum, in case that was the moment when they realized that the support is not enough for them to get by and as a consequence decided to cross the border illegally heading towards a country in western Europe, where they would receive a higher amount of support from the state.

However, other factors related to economy could have played more importance than the quality of support received from the state did.

Living in a shared room with other asylum seekers and having barely enough money to eat for one month while your request is being processed is one thing, but having to live in those conditions for four years is a different story. As Preda mentioned, what makes the asylum seekers leave the country while their application is still being processed is not directly the conditions offered, but the very long period of time in which they need to live under those conditions. Therefore, the problem of lengthily asylum procedures would qualify as a more important factor than asylum

seekers are taking into consideration when making decisions regarding their preferred countries of asylum, than the reception conditions.

Another factor that seems to have more importance than the reception conditions is the economic opportunities that the refugee has. Just as Robinson and Segrott discover in their study and as Preda confirms that takes place in practice, the asylum seekers do not want to live on welfare on the long term; they want to work, earn money and make a living for themselves.

However, the economic opportunities for an asylum seeker or a refugee in Romania are fairly limited. Lobontiu proves that Spinks' theory -which predicts the importance of economical security and of the possibility of gaining employment- applies in the context of asylum seekers in Romania, by stating that they leave the country because they don't have many possibilities to get a job or a house, to build a life in Romania.

The departure of the aliens from Romania towards a western state even after they have received a form of protection -as presented in the chapter 3.3 can also be explained through Böcker and Havinga's theory of economic opportunity. Just as he shows, the right to work does not serve the asylum seeker/ refugee, if no jobs are available for him. Moreover, it is not only about the vacancy, but also about the amount of money they will be able to earn. As it was shown above, a forced migrant who comes to Europe with the help of an agent must pay 40-50.000 euros. In many cases, people from developing countries do not own this much money, situation in which they borrow money to pay the agents, having the expectation that with the high salaries that they will earn in Europe, they will be able to pay back. With the minimum wage of 8,5 euros per hour [calculated to 1,445 euros per month] in Germany (BBC News 2014), that expectation does not seem too unrealistic. However, with the Romanian minimum wage of 204 euros per month, the aftermath changes completely. A wage of 204 euros per month can barely provide for food and a place to live for the refugee, the possibility of saving money being highly questionable.

Preliminary conclusions

The economical factor can be divided in several issues, which each vary in importance in the eyes of the asylum seeker that is making a decision regarding his chosen country of destination: the opportunity factor seems to be playing a role that is more important than the one of the reception conditions, as well as the one of the working permit, which was discussed in the previous chapter.

They also differ from one another in accordance to the moment in which they can manifest themselves: while the poor reception conditions can cause the rejection of Romania as a country of destination before applying for asylum and during the process, the problem of lack of economic opportunity and the one regarding paying back the money borrowed for paying the agent are more likely to influence the rejection after receiving a form of protection from the Romanian state.

4.2.4. The network of family and friends

Theoretical perspectives

The network theory predicts that if a high number of asylum seekers from a particular country of origin who have already settled in a certain state will lower the costs of migration of their co-nationals that want to settle in that destination country. The asylum seekers that are already settled will help the newcomers with valuable information channels, as well as practical support upon their arrival, such as help with finding employment or a place to live (Neumayer 2004: 11).

Robinson and Segrott have concluded that in several cases, the presence of family was the primary reason why respondents chose to come to a certain country. Their explanation was that *“the desire of being near family members is one that most human experience”*, which made it predictable that the ones fleeing persecution would want to go to *“a country where they could be near people they knew and loved”* (Robinson and Segrott 2002: 41).

They concluded that the factor that plays most importance for the decision upon a country of destination is the presence family or friends who were already living in that country. The conclusions drawn from their research match with Neumayer’s findings, as they show that the importance of knowing somebody in the country of destination lies in the help offered with settlement, adjustment and integration (Robinson and Segrott 2002: 62).

Asylum seeker networks in Romania

No direct data regarding networks of family and friends for asylum seekers and refugees in Romania was found available; however, auxiliary data leads to the belief that no strong networks of refugees have yet been formed in Romania.

Studies show that in 2011 there were approximately 1200 refugees in total, which have settled and are living in Romania; more than half of the ones offered protection by the Romanian state have emigrated to other countries (Hamberger 2011: 2). More recent statistics regarding the number of refugees living in Romania were not available; however, 1.300 asylum seekers were granted protection in Romania from 2011 to 2014 (Annex 3: 70), but no data reflecting how many of them stayed in the country was available. Nevertheless, this very low number of settled refugees makes the chances of an asylum seeker having family and friends settled in Romania quite low.

The testimony of an asylum seeker in Romania gives a new perspective to the discussion: *“I have no one. I only have my boy, who lives in Germany. Everything I did was to get to him, to be next to him”* (Digi 24 2014). Lobontiu, one of the Romanian NGO workers who were interviewed, show that this case is a quite common one; when discussing about the group of Afghans who were apprehended by the Romanian coast guard trying to cross the border illegally¹¹, she mentions that *“most*

¹¹ For more details see chapter *The migrants’ refusal to take Romania as a country of destination*;

of them had relatives in Germany and other countries who were waiting for them there” (Annex 1: 57).

The influence of the networks in the destination decisions of asylum seekers in Romania

Just as the theory, the discussion on this topic is far more straightforward than in was in the case of the other themes, which will make it far less extensive.

The networks of families and friends seem to be very important for the asylum seekers in Romania, just as predicted by Neumayer’s and Robinson and Segrott’s theories. However, as the networks of friends and families are usually not in Romania, but in a western European country, this factor is influencing the asylum seekers to refuse taking Romania as a destination country, as their minds are already set on settling in the destination countries where they already have family.

The network factor seem to be more influential than most of the other factors that were discussed in this section. Having family in one country, makes the destination quite specific and therefore rigid. The asylum seekers are not having a range of option that they can choose from, but are aiming directly at one specific destination, the country where their friends or family are.

Preliminary conclusions

The network of friends and family is one of the most influential factors on the asylum destination choice. In the specific case of Romania, this factor works in the sense of furthering the asylum seekers away from Romania -as this is not the country where the friends and family are usually settled- and towards a western European state, with tradition in asylum, where their family is settled.

5. Discussion and findings

In this chapter, the focus returns to the problem formulation, with the presentation of the answer, which the investigations have shed light on.

The investigations have shown that the low demand as a destination, which Romania is suffering from, can be explained only by distinguishing between two different stages in the journey of the asylum seeker from the country of origin to the one of destination, each stage providing its own explanation. Therefore, the discussion will be split between the incipient part of the journey- when the asylum seeker is completely disregarding Romania as a country of destination as is using it only as a transit country- and the second part -when Romania is forcibly introduced into the asylum seeker's range of options for destination.

The incipient stage of the journey

In this stage of the journey, the asylum seeker has his mind set on a different destination, which is typically a country from western Europe. We will further present the findings of the investigation relating the choice of the western country and the explanation for disregarding Romania as a country of destination.

The investigations show that in most of the cases, a specific country is chosen because the forced migrant has family and family there. If they do not have a network in a particular country, their destination choice would be more flexible and it would typically base itself on information received from the agents or from the refugees that have already reached the country of destination. Therefore, it is important to notice the high influence that the agents and the networks have upon the choice of destination in this stage of the journey.

The findings show that for an asylum seeker who doesn't have family waiting in a specific country, any democratic state where they can build a life that is better than the one they had home would qualify as a desired destination. However, this criterion is more difficult to satisfy than it seems at first sight, as the country must fulfill more characteristics.

Firstly, it is necessary for the asylum seekers to have considerable chances of receiving a form of protection; therefore, the factors relating to the asylum policies - more specifically the acceptance rate and the perception before arriving- play a very important part in this stage of the journey.

Secondly, it is important that the asylum seekers have the conditions to build a life that is better than the one they left behind, from a political point of view -implying that their human rights are respected and that they escape persecution- as well as from an economical point of view- including both the support from the state while in the process of applying for asylum and the economic opportunities waiting after the protection status was granted. It is very important to stress out that the investigation shows that a minimum level of subsistence does not qualify under these criteria; The high prices paid for the travel show on the one hand that the

forced migrants had economic means in their country of origin and on the other hand that they expect that this high price will be *paid off* by the economic opportunities in the country of destination. This leads to the conclusion that a country of destination must be a wealthy one; or more importantly that the country has a reputation of being a wealthy one. It is to be noticed that factor of economic opportunities play a very important role in this stage of the journey.

In the light of the previously mentioned findings, it must be noticed that the economic and political reputation of the countries from the former eastern European block is perturbed by the historical context. Moreover, for the same historical reason, the countries don't have a tradition as countries of destination, which also affects the *friends and family network* factor. For this reason, eastern European states in general, and Romania in particular, are disregarded as countries of destination in this incipient stage of journey, with the attention being focused exclusively on the western European states.

Another conclusion to be drawn from these findings is that the forced migrants usually enter Romanian territory because they have to, not because they want to. Most of them are travelling by crossing the borders irregularly with the help of agents, who are usually the ones who are directing them to travel through Romania. When recommending Romania as a country of transit, the agents don't have in mind the country's characteristics as a country of destination, but mainly the characteristics that influence the irregular entrance and exit from the country.

The following stage of the journey

In this part of the journey, the asylum seekers have entered Romanian territory, having a different destination in mind; but due to various reasons -which will be further presented- Romania enters their spectrum of choices for destination.

The starting point of the discussion is a finding presented the previous section: at the beginning of the journey, Romania is not seen as a destination, but only as a transit country. The possibility of having Romania as a destination country only enters the asylum seeker's spectrum of choice when they find themselves forced, to some extent, to apply for asylum. The most common scenarios discovered through the investigations involve forced migrants travelling irregularly through Romania, who were either unable to continue their journey for physical reasons- most usually financial problems- or who were apprehended by the border police trying to cross the border illegally and only applied for asylum to avoid detention or forced return.

Therefore, Romania competes in the mind of an asylum seeker with a western state, for becoming the country of destination, only when it is forcibly introduced within their range of options.

In such a situation, the characteristics of the states, which are influential factors for the destination choice, are weighted against each other. However, the plate which weights the characteristics of Romania as a country of destination also contains the risks that the continuation of their journey to another country of destination. Such

risks include financial concerns; the dangers which irregular travelling imply; or being returned to Romania on the basis of the Dublin regulations. Regardless of the risks, many asylum seekers still choose to refuse Romania as a country of destination and continue their journey towards their previously chosen western European state.

The investigations have shed light on numerous reasons for which the asylum seeker would make this choice in the given situation:

A very powerful reason would once again be the presence of a network in a different country. Therefore, if the asylum seeker has family in a certain western European country, he would most likely disregard the risks that his irregular departure would imply and head towards that certain country of destination.

The asylum policies did not seem to influence the decision of the asylum seeker very much. These factors determined the decision only when found in combination with other factors, such as the example given above regarding the support of the state combined with the denial of the right to work. The investigations reflected as well that the perceptions of asylum policies before arriving are influencing the destination choice, but only to a modest extent. On the other hand, the investigations also show that the acceptance rate is not at all affecting the outcome of the destination to be chosen.

In what concerns the economic aspect, the investigations showed that the low quality of support from the state was surprisingly not a decisive factor; however, this factor, combined with a prolonged RSD procedure and the asylum policy of denying the asylum seeker the right to work in the first year, did constitute a reason that made the asylum seeker refuse to continue their stay in Romania and resume their journey towards west. A much stronger factor that was pushing the asylum seekers out of Romania and pulling them towards western Europe was the economic opportunities that the state is laying for them.

The finding that the economic opportunities play such an important role in the asylum seekers' refusal to settle in Romania raises the discussion of asylum seeker vs. economic migrant. The main difference between the two types of migrants is the determinant motive of the departure, economic vs. persecution; however, the two are not excluding each other- the economic motive may very well be a secondary reason for the departure from the country of origin for an asylum seeker who is fleeing persecution. The conclusion is therefore that it cannot be assumed that all the asylum seekers who are factoring in the economic opportunity when choosing a destination are necessarily economical migrants and do not qualify for refugee protection. This fact is to be decided by the designated adjudicators on a case-by-case basis.

Conclusion

There are many factors that contribute to the asylum seekers' refusal to take Romania as a destination country: the advice given by the agents; the low level of quality of the support offered by the Government, combined with lengthily RSD procedures and the denial of the right to work; and the lack of tradition as a country of asylum, which means that asylum seekers do not have a network that they can relate on. However, one of the reasons is the crucial one: Romania offers no economical opportunity for refugees to earn a decent living and create a life for themselves.

The long-term perspectives for the future are more important for the asylum seekers than any kind of temporary situation regarding the support received from the state, the asylum policies or their preconceptions regarding the country, induced by their agents.

Bibliography

About Romania, *Map of Romania and the surrounding countries*, 2012, retrieved from: <http://www.aboutromania.com/maps2.html> [accessed at 05.07.2014];

Abraham, Augustin & Sufaru, Ionela, *Trei milioane de romani la munca in strainatate*, in Jurnalul.ro, November 2007, retrieved from: <http://jurnalul.ro/special-jurnalul/3-milioane-de-romani-la-munca-in-strainatate-528860.html> [accessed at 03.06.2014];

BBC News, *Germany approves first-ever national minimum wage*, 3rd of July 2014, retrieved from <http://www.bbc.com/news/business-28140594> [accessed at 14.08.2014];

Bozintan- Dumitrov, Florentina, *Barca disperării. Zeci de imigranți afgani bolnavi și flămânzi, descoperiți pe mare, lângă Constanța* [*Despair boat. Tens of sick and starving Afghan immigrants were apprehended at sea, near Constanta*] in Cuget Liber, December 2013, retrieved from: <http://www.cugetliber.ro/stiri-eveniment-barca-disperarii-zeci-de-imigranti-afgani-bolnavi-si-flamanzi-descoperiti-pe-mare-langa-constanta-202986> [accessed at 23.07.2014];

Böcker, Anita & Havinga, Tetty, *Asylum migration to the European Union: Patterns or origin and destination*, Institute for the Sociology of Law, Nijmegen. The Netherlands, 1997;

Brekke, Jan-Paul & Aarset, Monica Five, *Why Norway? Understanding asylum destinations*, Institute for Social Research, Oslo, 2009;

Digi 24, *Din interior. Război, traficant, durere. Poveștile refugiaților sirieni din România* [*From the inside. War, traffickers, pain. The stories of Syrian refugees in Romania*], June 2014, retrieved from: <http://www.digi24.ro/Stiri/Digi24/Special/Reportaj/Refugiatii+sirieni+Romania+povesti+razboi+calauze+trafic> [accessed at 23.07.2014];

Emergency Ordinance (EO) 194/2002, *Emergency Ordinance No. 194 on the status of aliens in Romania*, December 2002, retrieved from: http://ori.mai.gov.ro/api/media/userfilesfile/Legislatie/Legislatie%20nationala/OUG_194_2002_2007_EN.pdf, [accessed at 04.06.2014];

European Asylum Support Office (EASO), *Annual Report Situation of Asylum in the European Union*, 2013, retrieved from: <http://easo.europa.eu/wp-content/uploads/EASO-AR-final1.pdf> [accessed at 13.07.2014];

European Commission (1), *Schengen Area* in European Commission Home Affairs-Policies, 2014, retrieved from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm [accessed at 06.07.2014];

European Commission (2) *The Common European Asylum System*, in European Commission Home Affairs- Policies, 2014, retrieved from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm [accessed at 10.08.2014];

European Communities, *Push and pull factors of international migration. A comparative report*, Luxembourg: Office for Official Publications of the European Communities, Luxembourg, 2000;

European Parliament, *Migration and Asylum in Central and Eastern Europe*, 1999, retrieved from: http://www.europarl.europa.eu/workingpapers/libe/104/romania_en.htm [accessed at 03.06.2014];

European Parliament, *Readmission Policy in the European Union*, Directorate-General for European Policies, 2010, retrieved from: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET\(2010\)425632_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET(2010)425632_EN.pdf) [accessed at 03.07.2014];

European Union, *Dublin II regulations*, in Summaries of EU Legislation, November 2011, retrieved from: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm[accessed at 10.08.2014];

Focus Migration, *Country Profile- Romania*, 2007, retrieved from: http://focus-migration.hwwi.de/typo3_upload/groups/3/focus_Migration_Publikationen/Laenderprofile/CP_09_Romania.pdf [accessed at 04.06.2014];

Forumasile, *Dublin III / EURODAC/ Frontex*, 2014, retrieved from: <http://forumasile.org/dublin-iii-eurodac-frontex/> [accessed at 07.08.2014];

Government Decision (GD) 1251/2006, *Hotarare Nr. 1251 din 13 septembrie 2006 pentru aprobarea Normelor metodologice de aplicare a Legii nr. 122/2006 privind azilul în România [Decision number 125q from 13th of September 2006 for the approval of the Methodological Norms for the application of Law 122/2006 regarding asylum in Romania]*, September 2006, retrieved from: <http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/HOTARARI-DE-GUVERN/HG1251-2006.pdf> [accessed at 17.08.2014];

de Haas, Hein, *Migration and development. A theoretical perspective*, International Migration Institute. James Martin 21st Century School. University of Oxford, Oxford,

2008;

Hamberger, Astrid, *Migration and immigrant integration policies. The case of Romania since 1990*, PhD Thesis, University of Bucharest. Faculty of Sociology and Social Work, Bucharest, September 2011, retrieved from:

<http://www.unibuc.ro/studies/Doctorate2012Ianuarie/Hamberger%20Astrid%20-%20Migration%20and%20immigrant%20integration%20polcies/rezumat.pdf>

[accessed at 14.08.2014];

Law 122/2006, *Law No. 122 from 4 May 2006 on the Asylum in Romania*, retrieved from:

http://ori.mai.gov.ro/api/media/userfilesfile/Legislatie/Legislatie%20nationala/L122_2006_EN.pdf [accessed at 04.06.2014];

Lobontiu, Silvia, *Criminality and Migration in Romania*, PhD thesis, Romanian Academy, Bucharest, 2014 (unpublished);

Michalon, B., *The Control of Migration in Post-Communist Romania*. Border Criminologies, 2013, retrieved from:

<http://bordercriminologies.law.ox.ac.uk/control-migration-romania/> [accessed at 04.06.2014];

Middleton, Darren, *Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants* in *Global Migration Perspectives*, No. 34, Geneva, May 2005;

Neumayer, Eric, *Asylum destination choice. What makes some West European countries more attractive than others?*, in *European Union politics*, 5 (2). pp. 155-180, SAGE Publications, 2004;

Robinson, Vaughan & Segrott, Jeremy, *Understanding the decision-making of asylum seekers*, Migration Unit, Department of Geography University of Wales, Swansea, July 2002;

Romania Insider, *Jose Manuel Barroso: Romania and Bulgaria will not enter the Schengen area in 2014*, November 2013, retrieved from: <http://www.romania-insider.com/jose-manuel-barroso-romania-and-bulgaria-will-not-enter-the-schengen-area-in-2014/109352/> [accessed at 04.07.2014];

Spinks, Harriet, *Destination anywhere? Factors affecting asylum seekers' choice of destination country*, Parliament of Australia. Department of Parliamentary Services, February 2013;

Szasz, Lorand, *Satu Mare, pe ruta traficului cu refugiați sirieni [Satu Mare, a city on the route of Syrian refugees trafficking]*, in *Gazeta de Nord-Vest*, September 2013,

retrieved from: <http://www.gazetanord-vest.ro/2013/09/satu-mare-pe-ruta-traficului-cu-refugiati-sirieni/> [accessed at 14.08.2014];

Tychtl, Pavel, *Migration: Shifting Borders, Shifting Roles* in Asylum in Central and Eastern Europe in *Central European Review*, vol 1, nr. 19, November 1999, retrieved from: http://www.ce-review.org/99/19/tychtl19_1.html [accessed at 07.08.2014];

UN High Commissioner for Refugees, *UNHCR CDR Background Paper on Refugees and Asylum Seekers from Romania*, November 1994, retrieved from: <http://www.refworld.org/docid/3ae6a6414.html> [accessed at 04.06.2014];

UN High Commissioner for Refugees (1), *UNHCR in Romania*, 2014, retrieved from: <http://www.unhcr-centraleurope.org/ro/despre-noi/unhcr-in-romania.html> [accessed at 07.06.2014];

UN High Commissioner for Refugees (2), *State Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, 2014, retrieved from: <http://www.unhcr.org/3b73b0d63.html> [accessed at 07.06.2014];

UN High Commissioner for Refugees (3), *Operations in Romania*, 2014, retrieved from: <http://www.unhcr-centraleurope.org/en/where-we-work/operations-in-central-europe/romania.html> [accessed at 04.06.2014];

WageIndicator, *Minimum Wages in Romania with effect from 01-07-2014 to 31-12-2014*, 2014, retrieved from: <http://www.wageindicator.org/main/salary/minimum-wage/romania> [accessed at 14.08.2014];

Annexes

Annex 1: Interview with Silvia Lobontiu

Background information of the interviewee

-education: BA in Law, MA in Criminal Law (focused on criminology and migration), currently PhD in migration and criminality from a criminological point of view
-work: IOM mission in Romania- projects regarding voluntary return and combating human trafficking; CNRR (Romanian National Council for Refugees)- implemented an assisted voluntary return project (the only such project implemented by an NGO)

Transcript of the interview

[09:30] *Do you agree with all the theories that the international NGOs are bringing up about how the Dublin procedure only serves the purpose of the state and does not serve the purpose of the migrant, but only the purpose of the state?*

I think it also serves the migrant, but very little. Maybe because of experience of working with so many migrants, I would say it's better to have a little support than nothing. As I said, I'm trying to be optimistic.

I'm trying not to take sides. It's very easy for an NGO with people that are not involved in their work directly with migrants to say that the migrants need more rights, they are not treated as they should be, the states are horrible, the authorities are not doing anything for them and so on. I honestly don't think this is the case.

It was the case a couple of years ago, for Romania, when an NGO from a different country made a report stating that the migrants in the public custody center in Arad were treated very badly and this is the reason for which they ran out of the center- it was a huge scandal. They were saying the same thing about the migrants in Bucharest, in the Otopeni center [where the project Silvia is working on is taking place]- that they are not treated right, that they don't have anything and that they are treated like animals. So from my point of view that was like: ok, but you haven't been there, you haven't seen it; I am there on a regular basis from Monday to Friday and they never complained to me, they never told me these things. I've seen what our organization is doing through our projects for them and it's more than they could expect...

[12:20] *More than just the basic level of subsistence...*

Yes, yes! So that's why I am trying not to take sides and I always think that the truth is somewhere in the middle. At the same time, I will not say that the states are "hugging" the migrants once they arrive in the European Union and say "Welcome, how good of you to come! Please have a happy life in our country"- that is not the case definitely. And I've seen cases of migrants that were in need of help and this was their only hope to get a new life- in an EU member state- and yet, the authorities

in that state did not believe them and they were lost- they were thinking now: what is going to happen with us? We burned all of our bridges back to our country, we spent all the money in order to come legally to the EU and we ended up not knowing exactly what our legal status is here, what is going to happen with us...

[13:30-15:00]- not used

[15:00] - *In one of their reports, JRS identified the following situation as a problem in Romania:*

An increased number of rejected asylum seekers who did not follow the entire RSD procedure and that had left the country, were finally rejected during their absence and were returned under Dublin II; upon return they were considered illegal migrants and ended up in detention;

From your experience, is this really a problem in Romania? Is there a theoretical possibility of Dublin returnees to be put in detention? Do such situations happen very often?

This should require an explanation according to the Romania law. I've had a few cases in the Otopeni center, but I can tell you honestly that this is not a general rule. So, all the people who were in this situation were migrants, who entered Romania illegally, trying to cross the border of Romania illegally and wanted to exit Romania illegally as well. Once they were apprehended by the Romanian police, they would ask for asylum, because they knew that once they applied for asylum they won't be put in a closed center, but in an open center and would afterwards try again to contact their smugglers and renegotiate the price for their illegal journey to Western states. During the asylum procedure, they were not very interested in their asylum procedure here in Romania, because their target was a different country.

So, the modus operandi would be like that: they come to Romania; they are caught; they ask for asylum; they get the asylum ID card and are sent in one of the accommodation centers for asylum seekers and afterwards; most of them don't even present themselves to the preliminary interview at the Asylum and Migration Directory; they renegotiate with their smugglers the price for their illegal journey to the Western States and some of them are lucky enough not be caught by the Romanian border police while trying to cross the border to the Western states. Then, they go for example to Germany or France and they ask for asylum there, because the conditions for asylum there are better- they receive more money and so on; Romania is not that rich, it offers only the basics for an asylum seeker and the amount of money that the Government is offering is very low, so it's understandable from a human point of view. So, they are caught there and when they ask for asylum, there is a match found on the European database for fingerprints (the Eurodac). Once the match is found, they are sent back to Romania. It depends on each case, but there can be a big lapse of time from the moment they exited Romania illegally and the moment the authorities in the other EU member state apprehend them. So, in this time, the Romanian authorities closed their asylum procedure here in Romania, because they cannot find them- they reject them, because the interview in a no-

show, we schedule another interview, try to find them, realize there is no migrant and that the migrant has left Romania. So, by the time the transfer is done, once the migrants enters the Romanian territory, he is no longer an asylum seeker- he is a rejected asylum seeker- which means that from that very moment he is a foreign citizen with illegal stay in Romania, which is why he is put in the closed detention center.

Also, I have seen cases of asylum seekers who did the same, but their asylum procedure is not closed once they arrived in Romania, so they are taken from the airport by an immigration officer and are sent in the open center or have the possibility to stay somewhere else and just register their address and is free to go.

[22:40] *So in the case their asylum procedure is rejected and they are foreigners with illegal stay, they will be put in the detention center. And what happens afterwards?*

In the detention center, according to the Romanian asylum law, they have the right to ask for access to a new asylum procedure, but they need to bring a new reason. In the public custody center, they get free legal counseling by an NGO who is screening all the cases that enter the center- so they are in contact with all the tools and the mechanisms of the asylum procedures and they get enlightened by the legal counselors of that NGO. So they have access to counseling and they are presented the means; and it depends on the migrant- the final decision is always the migrant's.

I've seen cases of migrants who wanted to go on with the asylum procedure in Romania and were helped in this way and I've seen migrants who were so frustrated with their experience in the EU and who said "I just want to go home. It's easier- I don't have political issues in my country, I am more like an economical migrant, so it's better if I just return home and it's safest."

[25:00] *In the case of one asylum seeker who comes with one claim and doesn't get interviewed on claim at all (they reject the application because they don't show up, because they have already fled to another country), when he returns [to Romania with Dublin], is it possible for him to use the same reason, or does he need to bring in a new one?*

In this case, they do some sort of reopening of the procedure, because they didn't have the interview. So he or she can still use the original reason and still has a chance.

[26:00] *Have you noticed an increase of asylum seekers coming into Romania due to the decision of several EU member states to suspend Dublin transfers to Bulgaria (and also Greece)?*

I've seen now that the UNHCR recommendations on Bulgaria are being softened- while last year UNHCR was recommending the states to stop the transfers back to Romania, now they are saying that this is not necessarily needed, it's better to just

asses each case and so on. Also, I saw that at the European level, they say that each country should assess the target country for the transfer on a case-by-case scenario- so it depends on how vulnerable that person is if they should be sent or not to Bulgaria or any other country.

With Greece having the transfers still suspended and with Bulgaria which is somewhere in between, Romania could become- I don't know if I can call it a target... But Romania could become a country with an interesting situation, so to say. If the other states won't send migrants back to Bulgaria - even if this is not stated in a decision of the European Court, as it is the case for Greece - and the migrants from Greece are going to keep coming to Bulgaria, at the Romanian-Bulgarian border there will be more asylum seekers trying to cross the border trying to come to Romania. Theoretically, this could work, but in practice I haven't seen an increase of the number of asylum seekers- and to be honest, I don't think this will be the case, at least for the medium future.

There was a huge increase on the number of migrants coming to Romania in 2011-2012. This wasn't a consequence of Dublin- it was a consequence of Greece, also a consequence of the Arab Spring and now, after two years, we see most of the Dublin cases back to Romania are those migrants who entered Romania illegally and then exited- the ones that used Romania as a transit country.

On the long term, I don't believe that this migration route [from Greece to FYR and from Serbia to Romania] will be so effective, because starting last year, Romania and Serbia signed a readmission agreement- so, the migrants coming from Serbia, to the Romanian border, if they do not ask for asylum explicitly, and say that they do not the protection of the Romanian state, are sent back to Serbia.

[31:30] *Do you think that Dublin has any effect of the number of asylum seekers that Romania has to take care of? Or let's put it this way: If Dublin hadn't existed, would be have more asylum seekers, would we have less, would it be the same? Because there's not so many Dublin transfers coming in, from my understanding... Romania's also sending asylum seekers back to other countries...*

Yes, they are sending back, but not so many. The proportion is reversed. There are more Dubliners coming to back Romania than being sent from Romania. I think there are still going to be many migrants being sent back to Romania. This phenomena that happened in 2012, when all the closed centers were full of migrants, all the accommodation centers were full of migrants, Timisoara- the whole city- was full of migrants, most of them North-African from Algeria, Morocco and Tunisia. Many of them were sent back to their country of origin from Romania, some of them received refugee status in Romania, but also many of them crossed the border illegally to Western countries. So I believe they could be sent back in the future.

It's interesting that I have been working in the Otopeni center, on a regular basis since 2011. I've seen migrants that I had in 2011 or 2012, who entered Romania illegally, did not ask for asylum and afterwards, once they were put in the center, they changed their minds and ask for asylum in order to be free. They were afterwards put in an accommodation center and then they just left illegally. And I've seen, I think, seven or eight cases only this year, but last year as well, of migrants being transferred and they came to me saying "Oh hey, we've met a few years ago, we applied for asylum and then we went to Germany and they sent us back here, so we're just going to go back home."

[35:00] *Why is Romania seen as a transit country? And moreover, why would they prefer to go back home, where they fled from, than to stay here and ask for asylum? Or why would they risk being sent back home, if they illegally flee to the west, then just stay here- if they receive a place to stay in a safe third country?*

That is because most of them are economic migrants. Romania is not seen as a target country, as a host country, because they don't have many possibilities here to get a job, to get an apartment, to rent a house... The conditions here in the asylum centers are decent, but they do not have the reception conditions that centers in western countries have. So the allowance that they receive as an asylum seeker is very low.

[36:45] *But theoretically speaking, if they apply here for asylum, it should mean that in their country their life was in danger...*

That's true! And that's why in theory we have this concept of mixed migration flows. This means that for example, we have a group of 15 people and we caught them at the border- maybe three or four of them are really refugees- persons that are fleeing their country and their home and leaving everything behind in order to save their lives and only search for a safe place. But that same group will have some migrants whose lives are not in danger in their country- it's just that their countries are very poor, with poor infrastructure and they know that if they flee their country to a better place, they will be able to work illegally and then send money back home and that will help their families. And in the same flow you can have victims of human trafficking, migrant smuggling and so on- that's a mixed migration flow. It's a nice concept.

Your question would be loved by any representatives of any authorities- be them Romanian or any other EU member state. It's true. A good example for your question would be the case of Syrian migrants apprehended by sea in Romania in late fall last year and a case of Afghan migrants- case with which I have worked- whose lives were saved by the Romanian border police, because they were freezing to death on a boat on the Black Sea- the boat wasn't working anymore, the engine wasn't working, the boat ran out of fuel, there were very many people on a very small boat, with one of the smugglers, who was a Turkish national. They came from Turkey and they wanted to come and cross Romania- they wanted to come to the Romanian

shore and cross Romania illegally and exit Romania illegally. It was the same modus operandi for the Syrians as well.

In the Afghan case, their lives were saved; they were on Romanian territory at the offices of the Romanian coast guard. There were many children and the youngest child was 6 or 8 months old and the oldest minor was 16. The oldest person was over 60. So it was a big group of vulnerable persons. The first thing, they were asked if they were in need of asylum, of the protection of the Romanian state and their answer was no. The border police has this procedure which is implemented on a regular basis- it is part of their working procedure- to ask each and every migrant if they are in need of the protection of the state- we are among very few of the states that have such an open procedure at the border. So actually they are asked if they are in need of any kind of protection and that have an application form that they need to fill in and so on. And then they were asked again and they said "No, we want to go back to Turkey". Then they were asked why did they come here. The said that they wanted to go to Germany. Then the police officer said "Ok, but you were freezing to death in the Black Sea, at least do something- come, we will put you in a center..."; "We don't want to", they said. Then they explained that if they do not ask for asylum, they would be put in a closed center, because they have illegal entrance and illegal stay, they cannot justify their presence there. And they agreed... so they were put in the detention center here in Bucharest. And I've seen them and I spoke to all of them. Most of them said that they don't want to stay in Romania, because Romania is poor.

Most of the illegal migrants are trained by their smugglers. So they are taught to say a poem: either they are taught to say that "I have big problems in my country, I want asylum and nothing else" or they say "No, I don't need anything, I want to be sent back to Turkey or my country of origin".

In the case of Afghans, they couldn't have been sent back to Turkey, because this implied a readmission agreement with Turkey and I don't know exactly if there one or if it's working. Also, when they have to do this readmission at the border, they have to prove that the migrant came from that country. They could prove in fact that the boat was registered in Turkey, but I don't know if that was enough proof. But anyways, they couldn't have put them back in the boat to Turkey, because it was December, it was freezing. And some of them were in need, were sent from the boat directly to the hospital.

So all of them came to the closed center. They spent a couple of weeks there and realized that if they keep staying there, the Romanian authorities will be in the situation of trying to make the necessary documents for us to be sent back to Afghanistan, which is not so nice, because they have already spent a lot of money to get to money- it wasn't because they would have problems if they would go back- at least not for all of them. Most of them had relatives in Germany and other countries who were waiting for them there. After two or three weeks they all decided to ask for asylum in Romania in order to leave this center, because according to the

Romanian aliens law, if you are put in a center like this one- a public custody center- and you have never ever asked for asylum in Romania, then, on your first asylum application, you go out of the center in the next day or the next morning. This is what happened to them.

From my knowledge- but this is nothing official because I couldn't count them- at least half of them are no longer in Romania. This happened in December 2013. Some of them are still here because I've met one of them on the street a couple of days ago. He said that he's together with some of the guys in the asylum center and they are waiting for the asylum procedure to finish in Romania. And they were very much hoping that they would get refugee status.

But this is a good example for what we were about a few minutes ago- about the mixed migration flow. So, a couple of them were really in the situation of saying "I just want to be safe" and I think that's why they stayed here. And I think that those who were fidgeting all the time, hoping that they will get the right moment and the enough amount of money to run away from Romania and to try to be smuggled to another European country already left or are still trying to leave.

[49:00] *We had another interview with a colleague of you're here about the accommodation centers and he said that they are vacant most of the time...*

Some of them, it depends about which center we speak. There are six reception centers (accommodation centers for asylum seekers): Bucharest, Timisoara, Somcuta, Radauti, Galati and Giurgiu.

Timisoara is always full, most of the time, because it's very close to the border- to the external border with Serbia and also to the EU border with Hungary. So there are always migrants in that center. Maybe it's not always a full center, but there are always asylum seekers coming and going. The Giurgiu center is never full and also the Somcuta center, which haven't been full for a couple of years.

[50:40] *So we could say that the capacity that Romania has is not being met?*

At the time we are speaking, no. There was that time, in 2011-2012, when everything was full, but it's definitely not the case now.

[51:00] *So then we couldn't raise the question about Romania not having enough money to host the asylum seeker?*

I would say that we could raise the question of Romania not having enough money to make the reception conditions in the reception centers better. Again, the center in Bucharest is in a rather poor shape, but there are other centers in the country, which are better than the one in Bucharest. So it's not necessarily the number of vacancies they have, but more about the condition.

[51:50] *So have you been in these reception centers?*

I haven't seen all the accommodation centers, but I've seen the Galati center, which is ok; I've seen the Timisoara center, which again is decent; the Bucharest center which is so and so; and the Radauti center which is again ok.

[52:15] *And is there a difference between the conditions there and the conditions in the closed detention center?*

It's a different perspective from the closed center. The Afghans from December, which I told you earlier about, were saying - and to some point it true - that the conditions in the closed center were better the conditions in the accommodation center. The accommodation center is just for sleeping- they don't receive food; in the detention center they receive food, which they complain about, because they say it's not good enough- I don't know what to tell you, I've tasted the food there sometimes, here in Bucharest (I don't know about the food in Arad, because I've never been to the closed center in Arad). I can tell you that the beans soup was really good. What I can tell you is that the migrants that are put in the closed center in Otopeni are eating the same food that the Romanian gendarmes are eating. So they do complain about the food, but it's the same. And I think this should say something about it, because the center has a contract of catering with the kitchen of the Romanian gendarmerie. So what the special troupes of the Romanian gendarmerie get to eat at lunch and at dinner, that's what the migrants in the center get to eat; except for pork- they are never given pork meat for cultural reasons.

[54:25] *How many people are in the room? How many per bathroom?*

In the Otopeni center, each room has it's own bathroom. Now, there are around three or four migrants per room and they have a bathroom with a toilet, shower and sink. They are closed in their rooms and they have a daily schedule. There are certain rules that they have to follow; they go to eat breakfast in the morning; afterwards it's free time for counseling or if they have administrative issues; then it's two hours of sports, if they want to go outside and play- usually they play football or handball, also some basketball- or they can just walk outside; afterwards they have lunch; then after lunch it's again free time for lunch, administrative issues or if they just want to go outside and then come back to their rooms and then it's dinner. They eat in shifts because, again, there are certain rules. So it's like first three or four rooms are eating now; then, when they're finished, the next three or four rooms are eating.

[56:25] *How many rooms are there?*

There are two buildings that communicate through some sort of a bridge between the two buildings. I think in the building where we have the office there are 13 rooms and in the other building there are more rooms.

[56:55] *And they can accommodate three or four in a room...*

Yes, but they can also accommodate six or seven in a room. I've seen years- in 2012 for example- there were like 120 migrants in the center.

[57:19] *How about the reception centers? The ones you've been to...*

I've been there a couple of years ago, so I wouldn't know exactly the situation right now. It's decent... It's basic.

[57:40] *And they have a place where to get cleaned up, right?*

They had rooms, as far as I remember... The bathroom in a closed center is more intimate than an open center, where they have the bathroom on the lobby.

[58:08- end] Not used

Annex 2: Interview with Bogdan Eugen Preda

Background information of the interviewee

-work: -Youth in Action: worked with migrants in Romania and Turkey as an organizer and translator

-English teacher for Romanian asylum seekers

-UNHCR: volunteer with naturalization and citizenship

-Romanian National Council for Refugees: Database manager and information analyst on an UNHCR-funded refugee integration project

Transcript of the interview

[05:00] *Do you think the Dublin Regulation is positive for Romania's asylum situation?*

In Romania, we don't have a lot of cases, asylum applications and cases where we can apply the Dublin regulations. We have a special Dublin department inside the GII authorities in Romania, which oversees the Dublin regulations. But Romania, until now and I think in the future, will not be very affected by the Dublin regulation as number.

I fear for countries as Bulgaria, we can see the situation there is much more tensed... Romania doesn't work at full capacity and in my knowledge, it never worked at full capacity- even now, with the Syrian crisis, Romania is struggling to respect what they promised through the Dublin regulation to the European Commission and European Union, but we haven't had problems till now regarding the capacity to process asylum claims. Even in the situation of the Syrian crisis, which geographically is very near to our country, Romania is not very affected by the Dublin Regulations. We can look for example at [the agenda of] the meeting in Romania organized by the authorities – they are regarding integration, the fairness of the asylum procedure; the Dublin regulation comes secondary usually in the public discourse and in the authorities discourse.

[06:40] *Why do you think the number of the asylum seekers is so low? We were thinking of also addressing in our thesis the problem of possible new asylum seekers coming from Ukraine, but we've noticed that's not the case.*

Romania made a political statement of wishful thinking if we see the discourse of Romania's president and the Government discourse, saying that Romanians can host up to 3000 potential asylum seekers from Ukraine. I know all the capacity of Romania in the refugee centers and we do not reach 3000 places. So maybe some of these statements are misleading. Today we have the capacity to process some of the potential Ukrainians coming to Romania, but I haven't seen that Ukrainians wished to come to Romania. Maybe they stay thinking that they can change something inside their state, like formal opposition to the present regime or they request asylum in other countries. But there is a big border between Romania and Ukraine. I see some asylum seekers came from Ukraine in Poland, but only a dozen. Also, I

heard about four that came to Romania for special treatment for some medical emergencies. I think they have not been displaced yet. They are looking for solutions. I was reading today about the historical Muslim community of tartars in Crimea- they've reached an agreement, they were not displaced and they sort of accepted the local authority.

[09:40] *Romania is a country that compared to other European states has a low number of asylum requests. Why is that?*

The question is why is Romania a transit country. I ask a lot of refugees why they came to Romania. The majority of them have this kind of discourse: "We didn't want to end up in Romania, but on our way to Western Europe, we were stranded here." It depends, the reason could be for example "we didn't have money to go forward and stopped here and requested asylum"; or "we were in danger or dying on the way (lack of food, lack of water), so we applied for asylum here and thank god that someone here helped us". Another issue was: "I wanted to come to Romania, but when I came, I found that it was a different country than I pictured it."

Romania is not a country of destination because:

First of all, it has a very bad reputation at a global level- not at the authority level, but at the local level. For example, if I go to Turkey and ask what they think about the average Romanian citizen, the opinion will be mediocre. If I ask what their opinion about a German is, more likely their answer will be a little different. So it's a thing of perception first.

The second is the pure economic status- after 25 years of transition, Romania has a very good GDP increase, but every year it's struggling with 1-2% economic loss. And this economic loss reaches only a part of the population, not all of it. So at the base level, we don't have such social policies, social welfare developed. The refugees agree that they don't want to be assisted, that they don't want to be on welfare, but at the beginning they should be on some welfare- we have some sort of welfare for refugees; but for asylum seekers, the sum of money that they receive and the accommodation conditions are at a very low quality and low standards in my opinion. But this is not a general rule for the whole Romania- we have some centers where the conditions are better and the region is better- for example, all the refugees that I question who are coming from the Somcuta Mare center, in Maramures, have a good opinion about it. In Bucharest and some other districts, counties, the situation is more different.

[13:00] *Do you think that the fact that the asylum seekers don't have the right to work influences the number of asylum seekers coming in?*

Your statement is a little bit wrong- they have the right to work after one year. So if for one year they stay in asylum and the asylum procedure is longer than one year - usually it isn't, but there are some cases in which asylum seekers have been in the procedure for over four years and the asylum seeker comes with the question:

“Who’s gonna give my years back?”. So this issue that they don’t have the right to work is to prevent illegal working migration. For example, if an asylum seeker has the right to work during his asylum procedure, maybe that person came only for this reason. Imagine, an asylum procedure can take up to two years- in two years, with a decent salary, you can get an amount of money, that you can send back to your country. So, what is the meaning of the working permit, then? There needs to be a balance. For example, let’s say I am a migrant that comes here to work pays for a working permit; there is an asylum seeker has the right to work and he works in the same company as me; I have to pay my residence permit, because I am a migrant, but the asylum seeker cannot pay his residence permit, but has the same right to work; so as a migrant, I will be frustrated, because the other doesn’t have the same responsibilities as me. Moreover, when you are in asylum, your situation is uncertain- you’re still in the procedure. That is the logic of the state when they do not grant work [in the first year of the asylum procedure].

The problem with working is that the procedure takes very long in Romania, longer than other countries. If the refugee is rejected in the administrative phase of the GII authorities and they go to court, it can take more than six months. The Syrians balanced the system, because they were offered the refugee status from the administrative phase, they didn’t go to court. Most of them didn’t go to court and received a form of protection after one month- this is the ideal situation for everybody. But this is an exceptional situation, because there is a war there. But for Afghan asylum seekers, it can take much longer- I had a case of an asylum seeker: [When I first started working with refugees] four years ago, he was there as an asylum seeker, in his first month of the procedure and he received a form of protection a month ago- so, almost four years. Romania is very much criticized about this long term of processing asylum when they go to court. But let’s remember: when you go to court, it depends on the Ministry of Justice in Romania.

[17:00-19:20] not used

[19:20] Coming back to your question of why Romania is not a desirable country for asylum seekers, it is because the asylum procedure takes a lot of time. So the asylum seeker asks the legitimate question: “Who gives me my years back? How can I get back the years when I was in asylum procedure? I don’t have access to Romanian language courses as an adult, I cannot work in the first year, the welfare is very low...”. The welfare is at the minimum- you cannot offer less, because the European Union will give you sanctions. It is 120 lei per month- 3,5 let per day- less than one euro. The asylum seekers in the centers get free accommodation.

[22:23] *Could you say that at this moment, any person who comes to Romania and applies for asylum will receive accommodation?*

They can stay in the center for asylum seekers, in the reception centers for free, during the asylum procedure. And the money that they receive is for food. The centers in Romania, unlike other countries, like Hungary, for example, are all open.

With the exception of the public custody centers [in which migrants with illegal stay are being accommodated]. In this refugee and asylum seeker center (because they live together), they can stay at no charge and receive this sum of money. Also the medical insurance is covered by the GII authorities in Romania, but only for urgent matters. The authorities can take the asylum seekers to hospitals- and this works- I see a lot of asylum seekers saying that "I had a problem at my leg, my leg was broken and the GII authorities took me to the hospital and they fixed my leg". So this is a very good thing; they are responsible for the asylum seeker. And they also have some doctors inside the centers, but not in all the center- some centers have only a medical assistant.

The capacity of the centers differs. We have centers with 100 spots, others with 150... But I never saw a center with full capacity. We had a few years ago the centers in Bucharest nearly full- but it was not full.

[22:30] *Do you believe that the situation in Bulgaria led to more asylum seekers crossing the border into Romania?*

I know such particular cases- I've heard about them and I've also met some asylum seekers from Bulgaria, who came to Romania to request asylum again. I don't know what happened to them. But this is a limited situation [scenario], again. That is because the transit is from Bulgaria to Hungary in order to reach Austria and from Austria go to Western Europe. Only a few of them pass through Romania. Romania is a transit country as well for these asylum seekers, but is not a major one. The most 'assaulted' border in central Europe, that faces this problem with a lot of refugees and asylum seekers coming from Bulgaria or from their country of origin is Hungary.

[23:50] *But on the other hand, from what I understand, Romania is a transit country for asylum seekers coming in from Greece through Serbia, is that right?*

Yes, because the Hungarian border is very well protected in the south. They have a very good monitoring system. And the people who instruct the asylum seekers or migrants how to cross and where to cross, they usually recommend Romania. And from Romania to pass through Oradea- a city in Romania at the border with Hungary- and that is the transit region. But the Southern Hungarian border is very well protected from my knowledge.

[25:00] *The Romanian asylum system only dates back from the 1990s. So, do you think that the Romanian asylum and migration system is very different because of that or do you think that Romania made a very fast maneuver to get to the same level as all the other EU countries?*

There has been such a struggle at the beginning of the 2000s. For example, before 2003, we didn't have a good legislation in the field of migration. From 2000-2001-2002, in the field of migration, some laws were passed that tried to emulate the laws

from Western Europe. So, from 2003, the legislation in the migration field changed. There are many legal amendments in the field of migration and others are still coming. So maybe in the 90s the focus was more on internal affairs; from 2000-2003, the awareness rose for asylum seekers and migrants and starting then we had an asylum system. From my point of view, before 2003 we didn't have a coherent asylum procedure. We had some laws, but not a system. Today, it is worthy to be called a system.

[27:00] *Does Romania get a lot of warning or sanctions from the EU for to applying the law correctly?*

We receive recommendations. They first come as recommendations, as you know from the European law. We have a lot of recommendations from the UNHCR and also from the European Union. But they come only as recommendations... Usually, Romania adapts easily the legislation to these recommendations. For example, we had problems regarding the health care system for refugees. Some things changed, some NGOs tried to make some lobby, advocacy and to change this issue. Or the issue that asylum seekers don't have the proper right to education, which was one of UNHCR's fundamental recommendations... We adapted, we introduced the refugees in some programs like The Second Chance Program, where they recover primary education. So the Romanian legislation can easily change, that's my opinion.

[29:40] *I understood that most of the asylum seekers that go towards west from Greece would prefer passing through Romania. Is that true?*

Some of them would prefer passing through Romania, because they would pass Greece, Macedonia, Serbia, maybe Montenegro, depending on the route and then come to Romania on the Southern border – the Serbian-Romanian border – and then continue the journey to Hungary through Oradea [a Romanian city at the border with Hungary].

Romania's level of acceptance is pretty high in comparison to other European states. And we could say it is like a lottery, because you have more chances to obtain asylum in Romania than in other countries.

[02:25] *It's true, it's a lottery of asylum requests... But the illegal migrants prefer to have a lower chance and request asylum in Germany than have a bigger chance and request asylum in Romania.*

[02:40] *So if let's say Romania would get a fleet [very high number] of refugees [asylum seekers], this would mean that the acceptance chances would lower as well?*

Probably because of the high number, they will start to check the asylum claims more thoroughly, carefully...

And Romania is a transit country in both senses- we are transited by these illegal immigrants that are de facto refugees and request asylum in Western Europe, but

also in the moment that the asylum seeker has been granted a form of protection, they will move forward to the state in which they wished to go. For example, if they wish to go to Great Britain- they receive a form of protection in Romania, they go to Great Britain (legally, with their Romanian travel documents) and they desperately try to obtain a residence permit there by studying (rare cases); by working (very rare cases); and by marriage (we see this phenomena more and more- I did counseling before with refugees who are trying to obtain a form of protection in Romania and then want to go forward in other states and in the past six months a lot of refugees had this issue (I can search my database): “How can I marry outside Romania?”- some of them are true love, some of them aren't).

[04:30] *In one of their reports, JRS identified the following situation as a problem in Romania:*

An increased number of rejected asylum seekers who did not follow the entire RSD procedure and that had left the country, were finally rejected during their absence and were returned under Dublin II; upon return they were considered illegal migrants and ended up in detention;

From your experience, is this really a problem in Romania?

They are rejected because they didn't show up- it was a product of a personal decision. When you request asylum in a country, you should follow the procedure until it ends. But these asylum seekers illegally leave the country during their procedure and of course some of them are rejected- they don't show up for their interview.

This is a problem, but it cannot be altered, because we don't have the guarantee that that asylum seeker will return in fact to Romania to continue his procedure- we had an asylum seeker in England who has not been caught by the British authorities for twelve years. So the legal system cannot wait for them...

[06:35] *But still- to be kept in detention as an asylum seeker... Because this is basically the fault of the law, because, if you think of it, this person could actually have the reasons to not be sent back to his country, could have the reasons to be granted asylum [a de facto refugee], but still is kept in detention.*

JRS made a very good point with this fact. The asylum seeker is being kept in detention because his situation is very uncertain- he is at the risk of flight. So I don't know how we can change the law for this issue not to happen anymore.

[07:45] *Do you think that the reason why people take off and go to another country during their procedure is the lack of information that is offered by the Government to them? Maybe they don't know that...*

This is another positive aspect of the Dublin III Regulation- that the European Union will print a leaflet about your rights as an asylum seeker and about the Dublin III Regulations.

The lack of information is a contributive factor. But the [main] factors that [makes them] leave during their asylum procedure are that the asylum procedure is taking a lot of time; that during the asylum procedure, in the accommodation center you

have only the basic services- basically, you survive drafting away. We have some very depressed asylum seekers. We have an NGO in Romania that is engaging in their psychological welfare- because staying in the room and doing basically nothing for one year is psychologically affecting you. And they think that "I'm gonna go forward [to another country in the West], because I have friends in my community who stood three year- I am not keen on staying three years for my asylum procedure.

[09:20-end] Not used

Annex 3: Interview with the GII Authorities

1. Romania has a fairly new asylum system compared to other EU member states. Did the Romanian government succeed in putting up a fair, functioning asylum system harmonized with EU laws and regulations?

The Common European Asylum System created by the regulations and directives adopted in the last 4 years is definitely an important step ahead. The whole package on asylum bring another view on how to "treat" an asylum applicant for international protection, or a person being granted a form of international protection. With the support of EASO the new package will smoothly be introduced in our lives – both governments and non-governmental organizations assisting applicants for international protection. The next step will raise the question of an uniform asylum procedure throughout EU, that will need to be put in place via regulations and not directives. That will be of course something interesting to be pursued.

Currently, Romania is in the process for a full harmonization with the new acquis, that will be fully implemented by mid june 2015.

2. Romania is a country on the external border of the EU. However, it does not suffer under a large influx of refugees, on the contrary with Bulgaria. What are the reasons for this?

There is no possible connection between the situation in Romania and the situation in Bulgaria or Greece. Firstly, because of the geographical situation of Romania, which is slightly different, as the external border of EU is that with the Republic of Moldova, Serbia and Ukraine. This makes more difficult to arrive in Romania illegally, expensive and rather dangerous, if we take into account the situation now in Ukraine. Secondly, our accommodation capacity of 920 places have never been surpassed, not even in 2012 when we registered the all time record of asylum applications. Because they are open Accommodation Centres. Moreover, we have an exceptional system of transfer of asylum applicants from one Centre to another, in due time, so that to assure a balance between places of stay, capacity of processing and to insure that the climate of public order is maintain all over Romania, in respect to aliens regime. Some other internal measures are already put in place in order to face a possible influx of asylum applicants, no matter from which part will come. That why, I am confident that the situation from Bulgaria will not be repeated in Romania, in no circumstances. I you are so interested in illegal routes and migrants ways to enter EU, I would advice you to ask for specific information to FRONTEX and EASO, as these agencies of EU are entitled to do such analyses, and are very accurate.

3. Do you see this role changing in the near future?

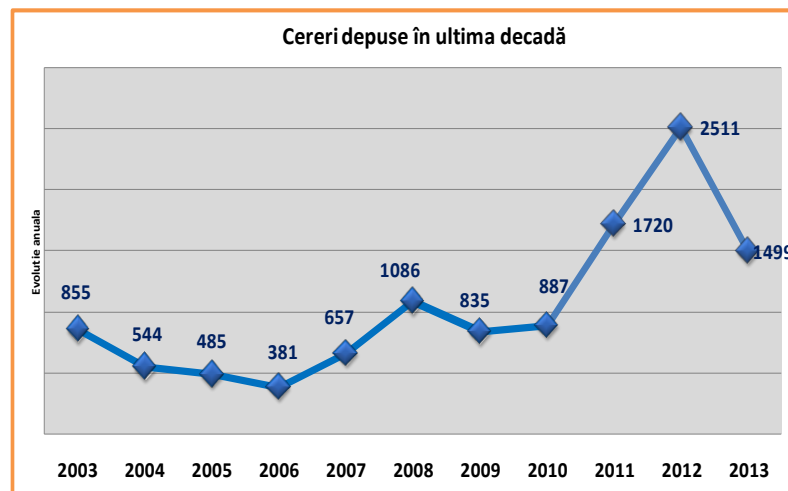
I do not want to elaborate on this aspect to much. Firstly, Romania appears to be a transit country for the last 10 years to say. But only for asylum applicants from Afganistan, Pakistan and some african countries, who are keen to arrive in the Western Countries of EU. In the last 2 years, we have begun to be a destination country for Sirian nationals, due to the conflict from that region of the Middle East. More and more sirians have come to Romania, receiving a form of protection and settled here. Some of them are refugee sur place, that means that their residence here before starting of the conflict has brought them to ask for protection and afterwards, receiving a form of protection, they continue to stay and work in Romania. All applicants for international protection are entitled to subsistence during their asylum procedure: from medical care, accomodation in our Centres, psychological assistance, counselling and legal advice to a per month allocation of 100 lei, aproximatly. In Romania the assistance is very developed through a common mechanism of cooperation between the Government and the NGO present, using european funds in order to assist the persons in need of protection.

4. Did you notice any increase of immigrants from Bulgaria and Ukraine given recent developments? Are there exact statistics available?

No, there is no such thing happening. We do not have available statistics on this topic.

5. Is Romania is a case of 'asylum lottery'? What is the acceptance rate, how many people applying for asylum in Romania actually receive protection?

In 2013 have been registered 1499 asylum applications, decreasing in comparison with 2012 when there were 2511 applications, but with 20 % more comparing with the media of the last 10 years.



The acceptance rate (only for administrative procedure data available) was in 2012 only 9,27% out of the processed cases, meaning that 216 persons were granted a form of protection (139 refugee status and 77 subsidiary protection). In 2013 the situation changed dramatically due to the Syrian issue, so that the rate of acceptance was 58,86% - 896 persons (377 refugee status and 519 subsidiary protection). Interesting fact is that in the first trimester of 2014, the situation is at the same parameters like 2013, the rate of acceptance being 54,26% - 178 persons (77 refugee status and 101 subsidiary protection). Please note that in this period (the first trimester of 2014) 151 persons receiving a form of protection were Syrians, most of them -100- receiving subsidiary protection.