

ASYLUM SEEKING AT INTERNATIONAL SCALE AND
CHALLENGES TO ROMANIA AS A EU MEMBER STATE¹

Prof.Dr. Daniela-Luminița Constantin
Prof.Dr. Zizi Goschin
Prof.Dr. Luminița Nicolescu
Academy of Economic Studies of Bucharest

Abstract.

After its accession to the EU, Romania's characteristics as an immigration country have been more and more emphasized, asylum-seeking becoming a growing phenomenon. This paper addresses the main characteristics of asylum seeking at international scale and in Romania as well, highlighting the challenges that have to be faced for an effective management of this phenomenon.

JEL Classification: F22, K4

1. The situation of refugees at international level

Year 2007 brought significant developments in the international humanitarian assistance as a result of the armed conflicts and of human rights violation. According to the statistics of the UN High Commissioner for Refugees (UNHCR, 2008), the number of the population this organization is responsible went down from 32.9 million persons at the end of 2006 to 31.7 million persons at the end of 2007, which is an absolute decrease of 1.2 million persons, i.e. 3% in relative terms.

In exchange, the number of refugees, which are a very high weight category, has increased during 2007 by 1.5 million persons, reaching an unprecedented level at the end of that year, i.e. 11.4 million persons. Besides refugees, among the UNHCR-assisted persons also count other categories, such as asylum-seekers, internally displaced persons, repatriated refugees, repatriated displaced persons, stateless persons, etc.

The structure according to categories, at the end of 2007, is shown in Table 1 and Figure 1.

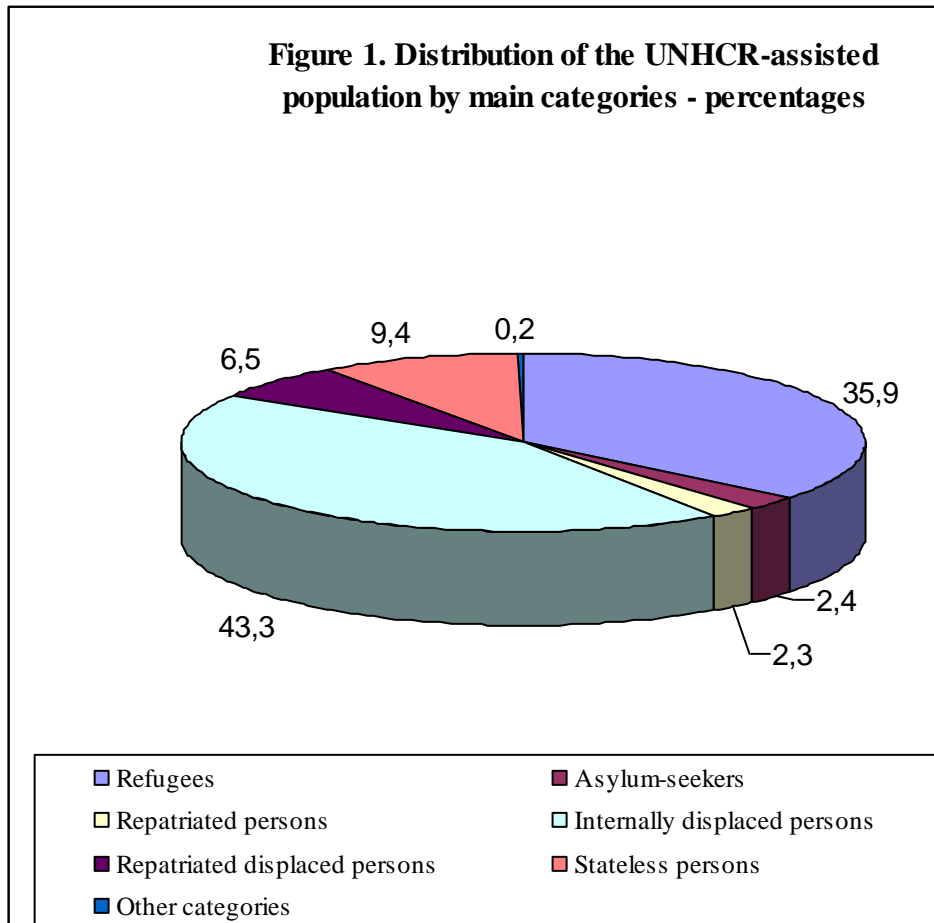
¹ This article is based on a part of the authors' contribution to the study entitled "European Perspectives on Asylum and Migration", SPOS Project 2008 of the European Institute of Romania. The ideas expressed in this article do not represent an official position, but only the authors' own view.

Table 1. Structure of the UNHCR-assisted population at the end of 2007 - percentages -

Category	Share
Refugees	35.9
Asylum-seekers	2.4
Repatriated refugees	2.3
Internally displaced persons	43.3
Repatriated displaced persons	6.5
Stateless persons	9.4
Other categories	0.2
Total	100.0

Source: *2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.5

Figure 1. Distribution of the UNHCR-assisted population by main categories - percentages



From the total number of refugees at the end of 2007, more than one third originates from Asia and the Pacific region, 80% being Afghans (Table 2). The Middle East and North Africa countries hosted 25% of the total number of refugees, followed by the rest of Africa (20%), Europe (14%), North and South Americas (9%).

Table 2. Refugee population by geographic area at the end of 2007

UNHCR-assisted region	Refugees	Persons living as refugees *	Total number of refugees at the end of year 2007
Central Africa and Great Lakes	1,100,100	-	1,100,100
East Africa and Horn of Africa	815,200	-	815,200
South Africa	181,200	-	181,200
West Africa	174,700	-	174,700
Total Africa**	2,271,200	-	2,271,200
America (North, Central and South)	499,900	487,600	987,500
Asia and Pacific region	2,675,900	1,149,100	3,825,000
Europe	1,580,200	5,100	1,585,300
Middle East and North of Africa	2,645,000	67,600	2,721,600
Total	9,681,200	1,709,400	11,390,600

* **Note:** "Persons living as refugees" refers to persons outside their home country or territory and who are subject to the same risks as refugees, but whose status has not been defined - due to practical or other reasons.

** Without the North of Africa

Source: 2007 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.7

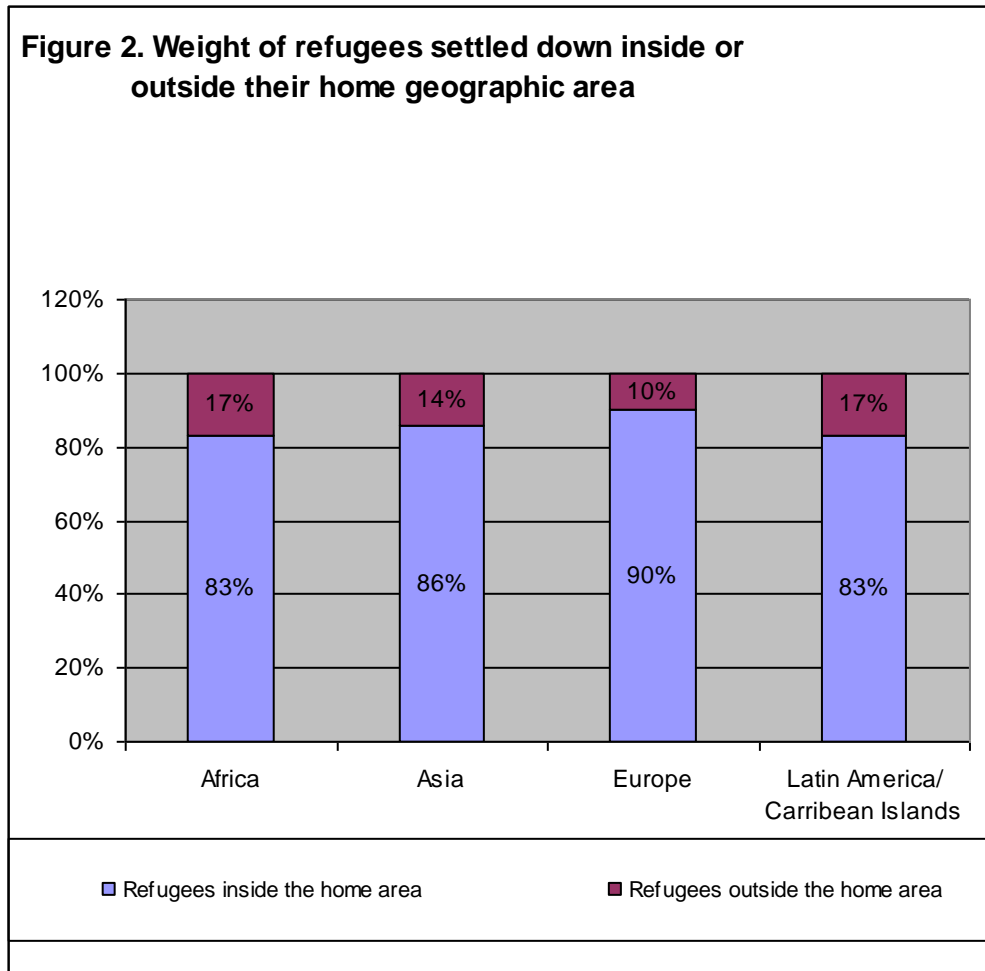
It is important to remark that most of the refugees choose the neighbouring countries, thus remaining in the same geographic area. Table 3 and Figure 2, which show the rate of refugees inside and outside the geographic area they belong to, indicate that conflict-causing areas host between 83% and 90% of “their” refugees. According to the estimations of UNHCR, 1.6 million refugees (i.e. 14% of the total number of 11.4 million) live outside their home region.

Table 3. Weight of refugees established inside or outside the home geographic area

- percentages -

Continent	Refugees inside the home area	Refugees outside the home area
Africa	83	17
Asia	86	14
Europe	90	10
Latin America / Caribbean Islands	83	17

Source: 2007 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, UNHCR, 2008, p.7



Confirming this general situation, the table listing down the top 10 host-countries for refugees in 2007 brings to foreground first of all countries of Asia: Pakistan, Syria, Iran (Table 4 and Figure 3).

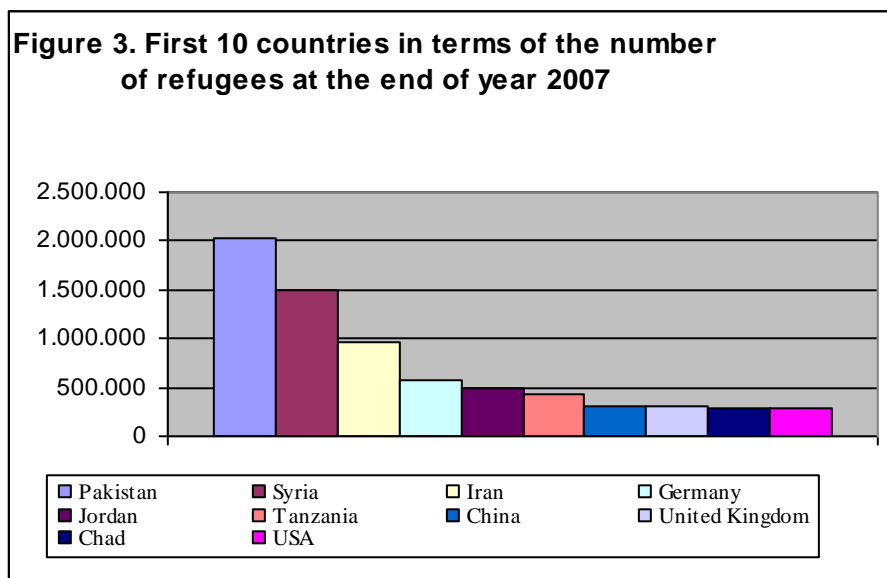
Table 4. Host countries with the largest number of refugees at the end of year 2007

- number of persons -

Country	Number of refugees
Pakistan	2 033 100
Syria	1 503 800

Iran	963 500
Germany	578 900
Jordan	500 300
Tanzania	435 600
China	301 100
United Kingdom	299 700
Chad	294 000
USA	281 200

Source: 2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons, UNHCR, 2008, p.8



2. Asylum applications in industrialized countries

Until obtaining the statute of refugee or of some other form of protection, the relevant persons are asylum-seekers, a status reflected in most cases in the national legislations according to the provisions of the Geneva Convention of 1951 regarding the statute of refugees.

PUBLIC ADMINISTRATION & REGIONAL STUDIES
 2nd Year, No. 1 – 2009
 Galati University Press, ISSN 2065 -1759

UNHCR statistics concerning asylum applications have contemplated 43 countries, generically called “industrialized countries”^{1,2}. Among these, most countries belong to the EU.

To the possible extent, asylum-seekers are registered only once in each country. However, the total figures overestimate the number of new arrivals because there are persons who lodge asylum applications in more than one country. For example, the Eurodac system has demonstrated that, both in 2005 and in 2006, 17% of the asylum applications were in fact multiple applications.

According to the available statistics at UNHCR level, in 2007 the number of asylum applications increased by 10% compared to 2006. In absolute figures, in 2007, 338,300 asylum applications were lodged, i.e. 32,000 more than in 2006. Nevertheless, the level in 2007 is only half of the number reached in 2001, when 655,000 asylum applications were recorded in 51 countries. Table 5 and Figure 4 show the dynamics of the asylum applications in some areas of the world, between 2006-2007 as compared to 2001-2006.

Table 5. Dynamics of asylum applications in some areas of the world between 2001 and 2006, and between 2007 and 2013

- percentages -

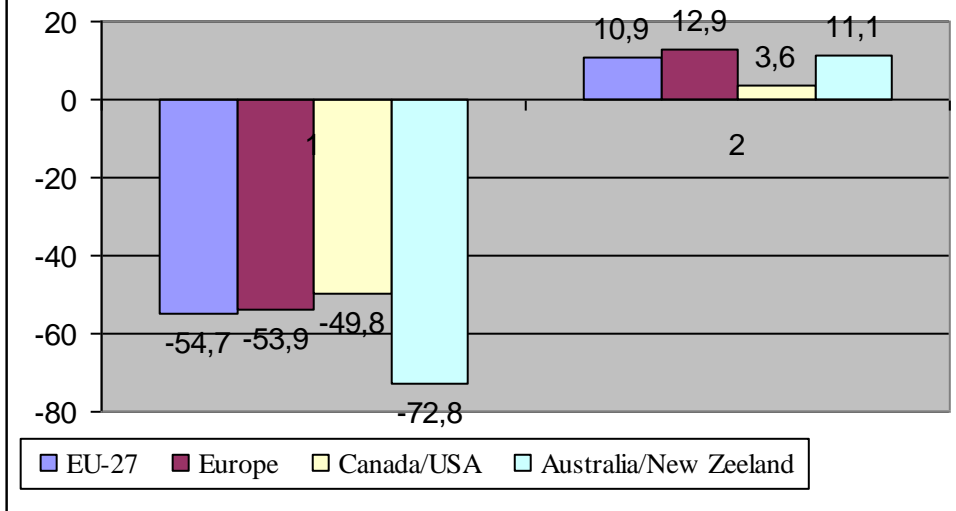
Area	2001-2006	2006-2007
EU-27	-54.7	10.9
Europe	-53.9	12.9
Canada/USA	-49.8	3.6
Australia/New Zealand	-72.8	11.1

Source: *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.4

¹ The 43 include: 26 EU members (without Italy), Albania, Bosnia-Herzegovina, Croatia, Island, Liechtenstein, Montenegro, Norway, Serbia, Swiss, FRI Macedonia, Turkey, as well as Australia, Canada, Japan, New Zealand, Korea and USA.

² Recently, Armenia, Azerbaijan, Belarus, Georgia, Moldova, the Russian Federation and Ukraine have recently joined them, out of statistic reasons. Italy was also included in these statistics starting with 2008.

Figure 4. Dynamics of asylum applications in some areas of the world between 2001-2006 și 2007-2013 - percentage points



In 2007, out of the total number of 338,300 asylum applications, Europe received 254,200 applications, i.e. 13% more than the previous year.

The changes in the top 10 countries for which asylum applications were lodged between 2004 and 2007 are shown in Table 6.

Table 6. Changes in the hierarchy of the first ten countries for which asylum applications were lodged between 2004 and 2007

Country	Rank in 2004	Rank in 2005	Rank in 2006	Rank in 2007
USA	2	2	1	1
Sweden	7	7	4	2
France	1	1	2	3

PUBLIC ADMINISTRATION & REGIONAL STUDIES
 2nd Year, No. 1 - 2009
 Galati University Press, ISSN 2065 -1759

a	Canada	5	6	5	4
	United Kingdom	3	3	3	5
e	Greece	19	12	9	6
ny	Germany	4	4	6	7
	Italy	13	11	12	8
a	Austria	6	5	8	9
m	Belgium	8	8	10	10

Source: *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.7

On the European continent, the countries traditionally ranking first in the hierarchy, such as France, Germany, Great Britain, Austria, have recorded a decrease of the number of asylum applications in favour of countries such as Sweden, Greece, Italy. Table 7 shows the first ten countries in terms of the number of asylum applications for 1,000 inhabitants in 2007.

Table 7. Number of asylum applications for 1,000 inhabitants in 2007. Hierarchy of the first 10 countries in which applications were lodged

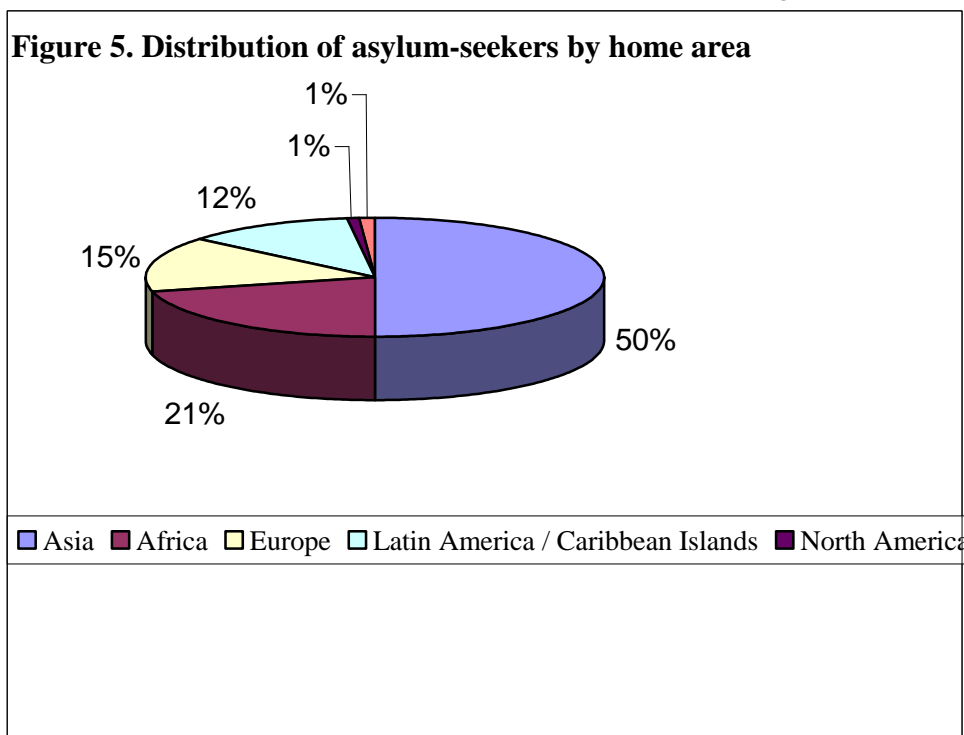
Rank	Country	Number of asylum applications for 1,000 inhabitants
1	Cyprus	7,9
2	Sweden	4,0
3	Malta	3,4

4	Greece	2,3
5	Austria	1,4
6	Norway	1,4
7	Swiss	1,4
8	Belgium	1,1
9	Ireland	0,9
10	Luxembourg	0,9

Source: processed according to *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.12

In the hierarchy of all the 51 countries in the UNHCR statistics, **Romania** ranks 38th, with less than 0.1 applications for 1,000 inhabitants.

As for the origin of the asylum-seekers, approximately 50% originate from Asia, 21% from Africa, 15% from Europe, 12% from Latin America and Caribbean Islands, 1% from North America (Figure 5).



PUBLIC ADMINISTRATION & REGIONAL STUDIES
 2nd Year, No. 1 - 2009
 Galati University Press, ISSN 2065 -1759

Source: processed according to *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008

Among the main 40 nationalities seeking asylum, 17 witnessed an increase in 2007. Among these, the most important increases were recorded in Iraq (+98%), Pakistan (+87%), Syria (+47%), Somalia (+43%), Mexico (+41%).

Among the 23 nationalities that witnessed decreases, the most important decreases were recorded in Azerbaijan (-41%), Sudan (-34%) and Turkey (-22%). Table 8 shows the changes in the hierarchy of the most important ten home countries of asylum-seekers between 2004 and 2007.

Table 8. Changes in the hierarchy of the first ten home countries of asylum-seekers between 2004 and 2007

Home country	2004	2005	2006	2007
Iraq	9	4	1	1
Russian Federation	1	2	4	2
China	3	3	2	3
Serbia*	2	1	3	4
Pakistan	8	10	9	5
Somalia	10	11	8	6
Mexico	21	17	11	7
Afghanistan	12	8	7	8
Iran	5	6	5	9
Sri Lanka	19	15	16	10

* **Note:** In 2007, Serbia is recorded jointly with Montenegro

Source: *Asylum Level and Trends in Industrialized Countries*, UNHCR, 2008, p.10

3. Situation in Romania¹

Although, in the past, Romania was not among the top countries assaulted by asylum applications, being considered a transit country on the way to the other European countries, after its accession to the EU it is expected to shortly become a target country, with all the implications deriving from the strategic, politic and managerial points of view.

Thus, only in 2007 the number of asylum applications was 605, i.e. 40% more than in 2006, when 381 applications were recorded².

As regards the home country, Table 9 shows the situation in 2007 as compared to that in 2006. Serbia's ranking second in 2007 is explained exactly by Romania's becoming member of the EU.

Table 9. Main home countries of asylum-seekers in Romania in 2006 and 2007

Rank	2006 (persons)	2007 (persons)
1	Iraq - 78	Iraq - 223
2	Somalia - 51	Serbia - 183
3	China - 50	Turkey - 35
4	Turkey - 28	Somalia - 28
5	Iran - 21	China - 19

Source: MIRA reports for 2007 and 2008

In 2007, from the total number of asylum-seekers, 268 entered legally, 328 illegally, and 9 are (minor) aliens born in Romania.

For the same year 2007, ORI statistics show that, based on the 605 asylum applications, 314 travel documents were issued, out of which 251 for aliens whose statute of refugee was acknowledged, and 63 for those who were granted subsidiary protection. At the same time, the validity of the travel documents was extended for 161 refugees and 94 subsidiary protection persons.

75 persons lodged applications for a new asylum procedure. Among these applications, 40 (54%) were rejected as unacceptable, and 35 (46%) were accepted.

¹ Based on the data in the MIRA reports of 2007 and 2008.

² In fact, in 2006, 464 applications were lodged but, according to the Eurodac system, 83 were multiple applications (filed the second time).

As regards the multiple applications, more than 50% were lodged by Iraqi citizens. More than 95% of the multiple applications were solved in Bucharest, although there are also other courts of law in other cities that receive applications (Timișoara, Galați, Rădăuți).

Complying with its obligations deriving from the EC Directive on the implementation of the Dublin II mechanism, Romania accepted 97 responsibility takeover cases, 13 asylum-seekers being transferred.

At international level, in accordance with the practices supported by the UNHCR, *the possible answers in managing asylum are searched in three directions*: voluntary repatriation to the home country, transfer to another country and finding adequate mechanisms of permanent integration in the asylum country. Between the three forms, there are several differences, such as:

- Voluntary repatriation is seen as a long-lasting solution that satisfies a wide number of refugees.
- Transfer to another country is a protection instrument based on responsibility sharing mechanisms.
- Integration into the society of the host country is a legal, socio-economic and political process by which refugees become members of the society of the host country.

Below, the third direction is analyzed, whereas the other two will be approached in the chapter dedicated to the removal of aliens from the Romanian territory.

The **integration in the society of the host country** is meant not only for aliens who have obtained some form of protection, but to all aliens legally staying on the Romanian territory (Constantin et al., 2008).

In *general terms, for the immigrant, t* **integration** means speaking the language (written, spoken) of the host country, access to the education system and labour market in that country, possibilities to increase the professional mobility by raising the education level and professional training, equality before the law, cultural and religious freedom, respect for the laws and traditions of the country they live in. At the same time, *for the host society*, the integration of migrants requires tolerance and open-mindedness, the consent of receiving immigrants, understanding the benefits and challenges of multicultural societies, providing unlimited access to information regarding the benefits of integration, tolerance and intercultural dialogue, respect for and understanding of the condition, traditions and culture of immigrants, respect for immigrants' rights (IOM, World Migration, 2003).

PUBLIC ADMINISTRATION & REGIONAL STUDIES

2nd Year, No. 1 – 2009

Galati University Press, ISSN 2065 -1759

Up to now, refugees have been the main beneficiaries of the integration programmes, namely 77 aliens that were granted some form of protection, out of which 66 entered integration programmes in 2007. Most of them originated from Iraq 36% and Somalia (19.5%).

These programmes contemplated and continue to contemplate the following:

- access to the labour market;
- access to education;
- access to the healthcare national system;
- access to lodging;
- access to the social assistance system and to training services.

To provide an image on the efforts made, we shall rely on the statistic data collected by ORI – MIRA, as well as on the results of the sociological research that the annual reports of MIRA for 2007 and 2008 were based on.

Thus, as regards the **access to the labour market**, 65% of the interviewees had a job, and, among these, men were predominant (approx. 77%). However, the number of refugees recorded by the workforce occupation agencies is quite low (44), out of which only 26 being subject to occupation stimulation measures. Besides, 56.6% of the interviewees answered that they got a job with the help of their friends, and only 0.7% through labour force occupation agencies. 43.8% of the interviewees stated that they did not have any professional training when they arrived in Romania.

Among the persons who obtained some form of protection in Romania, 77.8% stated that they had secondary education (46.6%) and university education (31.2%). 25.2% of them declared that they continued their studies in Romania (6.4% - high school, 14.7% - university, etc.).

The **access to education** is crucially conditioned by **being a speaker of Romanian language**. Generally, this proficiency is directly proportional with the time spent in Romania (48.5% of the refugees have lived in Romania for more than ten years). 32.3% of the interviewees have participated to a Romanian learning course, most of them as students (15.4%). Another part of them signed up for the courses organized by ORI in collaboration with the Ministry of Education and Research and for courses organized by NGOs.

As regards the **healthcare system**, only 46.6% of the interviewed adults had health insurance. However, 81.8% of them stated that they were in a good health condition.

As for the **access to lodging**, 82.3% of the interviewees lived in apartments; 74.4% asserted they were satisfied with the lodging conditions, 12.8% being very satisfied, and 12.8% dissatisfied.

The **access to the social assistance system** is necessary particularly for persons who have not succeeded in finding a job, being incapable of providing for themselves. Among the interviewees, 34.2% benefited from social services, non-repayable aid being the most frequently used (29.1%).

At the end of year 2007, in the records of the National Authority for Child Protection there were 5 **unaccompanied alien children**, out of which 3 from Somalia. They obtained the statute of refugee. The other 2 were from the Republic of Moldova, being repatriated in the meantime.

However, from a wider perspective, integration in the society of the host country also requires a **tolerant attitude of the majority population**, an attitude opposed to discrimination, xenophobia and other forms of migrant rejection. Organizations concerned by refugee rights often notice a subtle rejection of aliens, not only by usual people, but also by public servants taking care of the asylum-seekers' and refugees' problems. They do not always distinguish between a refugee, an immigrant or a trafficker, between migrants having economic reasons and those who are forced to emigrate as a result of dramatic events or persecutions back in their own country (Lăzăroiu, 2003).

As for the **position of the public opinion** towards the immigrants settled in Romania, it is acknowledged that urban population, having a higher level of education, is more tolerant, and that, generally, persons who have had contacts with minority groups, are more tolerant than those who live in homogenous cultural environments. Immigrants are expected to integrate better in the urban environment than in the rural one, and in terms of regional distribution, chances are higher in Bucharest and in the West and South-East areas (opening onto the Black Sea) than in the South and East areas of Romania. Therefore, *specific tolerance areas* have been outlined (Lăzăroiu, 2003), towards which the immigration flows are expected to continue to concentrate in the following years, whereas the access to other environments and areas might be restricted because of the intolerance.

In their turn, **the media** must concentrate more on the systematic analysis of migration in its complete complexity, thus contributing to the *guidance* of migrants in a universe with many risk and uncertainty components, to *preventing and fighting* delinquency, clandestineness, corruption. In many cases, the media have proven to be less preoccupied by elaborating objective reports on migration, by rather concentrating on

adopting some articles from the international media and stereotypes from the Romanian society.

Even if some newspapers and, particularly, some TV stations have lately supported the specialization of journalists in the field of migration, the need to organize courses to train them for the investigation and analysis of this phenomenon continues to exist.

Also, there is a need to **support scientific research** in the field of migration and to include in the university curricula certain disciplines specialized in studying this phenomenon (economics, medicine, law, education sciences, etc.), at the same time making suggestions in order to create a migration research national centre (which is to be created by the Romanian Government in partnership with IOM, UNCHR, and other international organizations) (see, for example, IOM, 2004; Lăzăroiu and Alexandru, 2008). Creating some faculties or cross-disciplinary study sections for migration, so that the necessary expertise may be created in public policies, social assistance, and migration management, is another point of interest¹.

4. Concluding remarks

Although in the past Romania was not one of the top countries assaulted by asylum applications, being considered a transit country on the way to other European countries, after its accession to the EU, it expected to shortly become a target country, with all the deriving implications in terms of strategies, policies and management in the field.

The basic, initial requirement for a rational management in this field is the acceptance of the difference between the two categories - asylum seekers and refugees - and their correlated treatment: numerically, asylum seekers are much less numerous than refugees; in fact, the asylum application is a transitory state towards obtaining the statute of refugee or some other form of protection, which imposes the solution of applications within the legal deadlines and according to the legal procedures, finding the most adequate answer for each separate application, followed by the transposition, through policies and a differentiated management, of the

¹ The master course in migration, organized by the University of Oradea together with OIM, the doctoral dissertations elaborated on this subject (e.g. those from the Babeş-Bolyai University of Cluj-Napoca, West University of Timișoara, etc.), the research projects and the debates, the scientific manifestations organized in Bucharest and in the country, are significant achievements in this respect.

measures suitable for the chosen solution: acceptance/ integration - rejection - repatriation.

In accordance with the practices applied at international level by the UNHCR, *the possible answers in managing asylum are searched in three directions: voluntary repatriation into the country of origin, transfer to another country and finding suitable mechanism for permanent integration in the asylum country, after acquiring the statute of refugee.*

However, the *integration* into the society of the host country is addressed not only to aliens who have obtained some form of protection, but to *all aliens* legally staying on Romanian territory.

References

Constantin D.L, Vasile, V., Preda, D., Nicolescu L., (2008), „Current issues regarding Romania’s external migration”, in J. Poot, B. Waldorf, L. van Wissen, L. (Eds.), *Migration and Human Capital: Regional and Global Perspectives*, Edward Elgar, Cheltenham, UK

Lăzăroiu, S., Alexandru, M. (2008), „Romania in E.Hönekopp, H. Mattila (Eds.), *Permanent or Circular Migration? Policy Choices to Address Demographic Decline and Labour Shortages in Europe*, IOM

Lăzăroiu, S. (2003), „Romania: More ‚Out’ than ‚In’ at the Crossroads between Europe and the Balkans”, in *Migration Trends in Selected EU Applicant Countries*, vol. IV, IOM, Vienna

MIRA (2007), „Imigrația și azilul în România - anul 2006”, Ministerul Internelor și Reformei Administrative, București

MIRA (2008), „Imigrația și azilul în România - anul 2007”, Ministerul Internelor și Reformei Administrative, București

UNHCR (2008), *2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless persons*,
[http://www.reliefweb.int/rw/lib.nsf/db900sid/PANA7FPK47/\\$file/UNHCR_jun2008.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/PANA7FPK47/$file/UNHCR_jun2008.pdf?openelement)

UNHCR (2008), *Asylum and Trends in Industrialized Countries*, 2007, March 2008, <http://www.unhcr.org/statistics/STATISTICS/47daae862.pdf>