



MIGRATION POLICIES FROM ORIGIN PERSPECTIVE IN THE CASE OF ROMANIA. TESTING A DEFINITION¹

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Abstract: *Recently, the effort of investigating migration policies and the role they play in international migration development has consistently increased. The most consistent part of this interest is related to immigration and associated policies to manage it. Just few studies approach the issues from the origin side perspective. This paper addresses the gap by discussing how migration policies from the origin perspective may be defined and operationalized and trying to test one such a definition/operationalization schema on the case of Romania. With a consistent out migration, a democratic country, EU member, Romanian case is assessed here as a proper research site for this type of investigation. The paper is based on a policy on paper approach to migration policies. Relevant pieces of legislation are identified and codified according to a systems of codes designed to register the changes in time. The time span of the analysis is 1990-2013. All changes in legislation during 1990-2013, according to dimensions and sub-dimensions of the operationalization schema are analyzed (using graphic means) in order to observe to internal consistency and connections with international migration developments. On the specific case of Romania, the paper points to one consistent connection of sub-dimensions for emigration and return migration related interventions, but a poor internal consistence in the case of diaspora related interventions. The same weak connection seems to relate diaspora related interventions (when treated together) to the other two dimensions: emigration and return migration related interventions.*

Keywords: *migration policies, emigration policies, diaspora policies, returning policies, defining, operationalizing, codifying, Romania*

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Introduction

In recent years, the interest in evaluating and comparing the effects of migration policies has been experiencing an accentuated increase. Defining and operationalizing definitions to be applied to a great number of countries, on large time-scale, defines a consistent current trend in this direction (see APSA, 2013, for an extensive presentation of research projects in the field). Migration policies are "transformed", using complex systems of codes, into quantitative variables to be used to compare, evaluate and to set apart effects. Preferred way to look at policies to achieve this end is *policy on paper* approach. Laws, rules, regulations are considered an appropriated proxy for government interventions in international migration (Czaika & de Haas, 2013). The effort required to codify is always consistent, but the results seem to shed new light on some of the strongest tenets related to migration policies (e.g. the persistent idea of limited or no-effects of the current immigration policies seems to be provoked when modelling their effects as one of the possible determinants of migration flows - for a discussion on this, see Czaika & de Haas, 2011).

This type of endeavour is not only conducive to particular analyses, but also produces databases that can be further enriched with new indicators, extended to a larger number of countries or to a longer time span (e.g. IMPOL database; DEMIG databases). The beneficiary of the rigour of this new approach seems to be, as in general in the case of migration studies, the destination related interventions (immigration policy/integration policy). Except for few of the identified works (i.e. DEMIG project, and partially Gamlen's work), the majority of them is not covering the origin state interventions in international migration (emigration/diaspora/return migration policies). Yet there is no doubt about the interest of origin to manage migration and there is convincing evidence that origin's interventions are changing the characteristics of the (out or in) flows (Weiner, 1985; Heisler, 1985; Massey, 1999 etc.). From this point of view, one may discuss about a need associated with systematically investigating the role origin state plays in international migration. This paper addresses the gap by testing one previously elaborated definition and its subsequent operationalization of the migration policies from the origin country perspective (Șerban, 2014) on Romanian case. With an estimated population of about 20 million inhabitants at the end of 2012 (INS, 2013) and a non-negligible part of it living abroad, Romania is one of the main source of intra-European migration. A former communist country, experiencing a long transition to market economy and democracy, now one of the EU member states, Romania seems to be one of the proper sites to investigate the way authorities built a system of managing migration. Our aim here is not to analyze, explain or compare Romanian migration policies in the last 24 years, but to test the definition, especially its capacity to coherently describe¹ the Romanian authorities' interventions in international migration. Starting from the three dimensions assigned to the migration policy from an origin country perspective: emigration, diaspora and return migration related interventions, to reach this purpose, we have identified the laws, rules and regulations associated with

¹ We are aware in the difference between coherence induced by the definition and coherence of migration policy. The two are related, but not the same.

migration during the period 1990 - 2013. The identified measures was codified in a simple way, our only interest here being to put in evidence changes in legislation. Our underlying assumption is that, if reflecting the same reality, the measures can be consistently explained in relation to the development of international migration and a certain consistency would be noticed across the three dimension's evolution. Consequently, plotting the changes in legislation against the time period, the preferred method to present the results, we are interested to see how consistent is the observed picture and how can it be explained by relation to the development of the international migration in Romania.

The paper is structured in six distinctive parts. Succeeding the introduction, the second one is presenting the working definition of migration policies from an origin country perspective and its subsequent operationalization. The arguments related to the Romanian case as one appropriate for elaborating this exercise are presented in part three. Section four documents identifying and codifying legislation processes, their difficulties and limitations, while the fifth part figures out the results of the analysis. The discussions section concludes the paper, showing that, at least in the case of Romania, the association of diaspora and emigration and return policies is highly problematic and particular care should be paid to each dimension when analysing migration policies at origin.

Defining migration policies at origin

If there is considerable debate about how to define/operationalize/coding migration policies of the destination states (or immigration/integration policies) (e.g. APSA, 2013; de Haas et al., 2014), not the same one may say about the origin ones. Following here exclusively the perspective of origin and trying to promote a *global* approach to the interventions from origin, we have adopted the subsequent definition: *migration policies from origin state perspective refer laws, rules and regulations adopted by the origin states in order to influence the volume, trajectories, destinations/origin, and composition of the out-flows and return flows; to modify one of the own migrants' statuses or to support the own migrants while abroad* (Șerban, 2014: 73).

Compared to some previous definitions (de Haas & Vezzoli, 2011), the one we are working with is extending the scope of migration policies by also incorporating diaspora related interventions or, compared to some others (Weinar, 2014), it is extending the range of intended effects (migration policies includes measures aiming to influence *not only* the volume, trajectories, destinations/origins and composition of the flows, *but also* the migrants' statuses while abroad or to provide them support). The definition is based on the idea of systematically capturing measures explicitly including the intentionality to modify conditions related to migration/migrants, but excluding measures directed towards managing the effects of migration.

Based on this definition, there were identified three major dimensions of migration policy at origin: *emigration related interventions; diaspora related interventions and return migration interventions*. Each of them is conceived to include two or more sub-dimensions (Figure 1).

Romania a proper case for studying migration policies at origin?

The exercise of testing the definition (and its subsequent operationalization) may be done on one or another case. As we are concerned with testing, the relevance of the case in itself may influence the relevance of the results. The option for Romania here is not a free one, as working with legislation (as previously stated, we have opted for a *policy on paper* approach to migration policies), the language/s spoken by researcher plays the role of a major constraint. We consider then appropriate to discuss the main characteristics of the Romanian case as a way to facilitate the interpretation of relevance of the results.

Romania is today a source country for consistent international migration. Several decades ago, as a communist country, it was rather characterised by the toughness of the communist authorities in controlling the international circulation of people, reflected in low number of external migrants. The first years after the fall of the communism were times of recuperating the delayed international mobility. After one consistent wave of "enthusiastic" discovery of the international space, constraint by international barriers imposed by destinations, the out migration decreased and remained at a relatively low level for several years. The worsening of economic conditions during the "transition" to market economy severely affected large segments of population (Briciu, 2014). Beginning with the mid-'90s of the last century, migration driven by economic reasons gained prominence. The departures headed mainly toward European countries (especially Italy and Spain). 2002, the year when visa restrictions for Schengen Space entry were lifted for Romanians, consistently increased the pace of emigration (Sandu, 2010). This ascending trend was persistent during the first decade of the new millennium. The access to the EU further facilitated the international mobility within the EU space, in spite of restrictions related to labour market access enforced by the majority of would-be destinations. Origin data survey suggest a slowdown of the departures starting with 2009 (Vasile, 2014: 60), but in 2011, Romania was already the most important origin country for intra-EU migration (Vasilieva, 2012). In 2013, the number of Romanians living abroad was estimated at about 3,430,000 individuals, most of them concentrated in EU countries (86%), with 7 countries having Romanian communities of more than 100,000 individuals (Italy, Spain, Germany, Hungary, UK, Israel and USA). By far the most attractive destinations for Romanians are Italy and Spain, each of them hosting more than 1,800,000 Romanians¹.

¹ Own calculation using WB migration databases: Global Bilateral Migration Database 1960 - 2000 (<http://databank.worldbank.org/data/views/variableselection/selectvariables.aspx?source=global-bilateral-migration>), Bilateral Migration Matrix 2013 (<http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:22803131~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>)

Figure 1. Dimensions of migration policy from origin country perspective¹ (I)

A. Emigration related interventions	B. Diaspora related interventions	C. Return migration related interventions
<p>I. Exit restrictions:</p> <p>I.1. Direct exit restrictions: requirements for exit visas or government permission; exit restrictions for women; exit restriction for persons of the age of national compulsory service; exist conditions related to the type and costs of travelling abroad</p> <p>I.2. Indirect exit restrictions: passport used as a mean of restricting or enabling the movement: allowing the passport to be obtained by mail or in person; while abroad or only in the origin country</p> <p>II. Extending the channels for international migration: public structures on the departure market</p> <p>III. Securing international migration: bilateral agreements; regulation of the private operators on the departure market; international portability of social security rights;</p>	<p>I. Diaspora building policies:</p> <p>I. 1. Cultivating diaspora: celebrating national holidays, honouring expatriates with awards; convening diaspora congresses; proclaiming affinity with and responsibility for diaspora; issuing special IDs/visas; national language and history education; public media dedicated (newspapers, TV channels)</p> <p>I. 2. Recognizing diaspora: expanded consular units; maintaining a diaspora program, bureaucratic unit, or dedicated ministry</p> <p>II. Diaspora integration</p> <p>II. 1. Extending rights: permitting dual nationality, dual citizenship or external voting rights; special legislative representation; consulting expatriate councils or advisory bodies; intervening in labour relations/public structure dedicated to this aim; supplementing health; welfare and education services support; upholding property rights</p> <p>II. 2. Extracting obligations: taxing expatriates; customs/import incentives; special economic zones; investment services, tax; incentives, matching fund; programs, diaspora bonds & financial products; facilitating remittances; fellowships; skilled expatriate networks</p>	<p>I. Encouraging voluntary return: return migration policies</p> <p>II. Accepting forced return: re-admission agreements</p>

¹ The table here is reproduced from Șerban, 2014: 76. The operationalization schema is based on previous work of de Haas & Vezzoli, 2014, Weinar, 2014 especially for A and C dimensions and Gamlen, 2006, 2008 for B dimension.

Figure 2. Dimensions of migration policies from an origin country perspective (II)

A. Emigration related interventions	B. Diaspora related interventions	C. Return migration related interventions
<p>I. Exit restrictions:</p> <p>I.1. Direct exit restrictions: requirements for exit visas or government permission; exit restrictions for women; exit restriction for persons of the age of national compulsory service; exist conditions related to the type and costs of travelling abroad</p> <p>I.2. Indirect exit restrictions: passport used as a mean of restricting or enabling the movement: allowing the passport to be obtained by mail or in person; while abroad or only in the origin country</p> <p>II. Extending the channels for international migration: public structures on the departure market</p> <p>III. Securing international migration:</p> <p>III.1. Securing migration through <i>bilateral agreements</i>;</p> <p>III.2. Securing migration through <i>control and regulation of the private operators on the departure market</i>;</p> <p>III.3. Securing migration through <i>international portability of social security rights</i>;</p>	<p>I. Diaspora building policies:</p> <p>I.1. Cultivating diaspora: supporting celebrating national holidays; honouring expatriates with awards; convening diaspora congresses; proclaiming affinity with and responsibility for diaspora; issuing special IDs/visas; national language and history education; public media dedicated (newspapers, TV channels)</p> <p>I.2. Recognizing diaspora: expanded consular units; maintaining a diaspora program, bureaucratic unit, or dedicated ministry</p> <p>II. Diaspora integration</p> <p>II.1. Extending rights: citizenship rights; voting rights and special representatives; upholding property rights</p> <p>II.2. Extracting obligations: taxing expatriates; customs/import incentives; special economic zones; investment services, tax; incentives, matching fund; programs, diaspora bonds & financial products; facilitating remittances; fellowships; skilled expatriate networks</p>	<p>I. Encouraging voluntary return: return migration policies</p> <p>II. Accepting forced return: re-admission agreements</p>

Taking into account the consistent raise in international migration, Romania is one of the sites where one would expect to observe, if origin states are to be interested in managing migration, migration policies emergence, in their multiple dimensions. For this country, migration is a relatively recent phenomenon creating premises for implementation, during our period of interest (1990-2013), of emigration component of policies. In the same time, the interval 1990-2013 is long enough to allow for the set up of consistent Romanian communities abroad, justifying then possible diasporic interventions. The selected time span is also long enough to allow for return waves and possible return related interventions.

The advantage of Romanian case does not consist only in being the source country of a consistent migration. Romania is also a former communist country, one characterised by a high degree of international closure during the last decade of Ceaușescu's rule. In terms of international migration, this is translated in a kind of *zero starting point* of legislation regulating international circulation of people. At the beginning of 1990, the overwhelming majority of Romanian citizens were not passport bearer. The practice of international mobility is basically a post-communist achievement. Almost all the measures regulating not only international migration, but also international circulation, were implemented during the years of interest for us here.

If for Romania, we discuss about consistent international migration and a zero starting point regarding the legislation, we also talk about a democratic country and a member of the EU. It is probable that both characteristics influence the potential of the case to be a proper site for studying migration policies at origin. Aspiring to become a democratic country, Romania incorporated in its post-communist Constitution (1991) the principle of freedom of movement as stated by the 13th article of the Declaration of Human Rights. Translated into migration legislation, this is probably conducive to a relatively restricted capacity of the Romanian authorities to influence the voluntary, non-contractual migration through emigration related interventions. The second characteristic, being an EU member, restricts one more the freedom of Romanian authorities to interfere in migration, especially in its emigration dimension: the principle of free circulation is one of the fundamental principles at the base of the supranational structure. Trying to limit the freedom of movement of its own citizens would be then, in the case of Romania, against the principles agreed upon when becoming a member state. Moreover, the most important destinations of Romanian migration are European countries, EU's members, which accepted, as Romania did, the free circulation of European citizens as a basic tenet. Not lastly, the quality of EU member and especially the lift of all restrictions related to the access of Romanian citizens to the labour market of all other EU member states (starting with January 2014) transformed international migration of Romanians in other EU's countries in an international mobility, almost free of restrictions. Apparently the incentives to interfere in international migration once again diminished.

The above arguments seem to suggest low incentives for Romanian authorities to involve in international migration (especially in the case of emigration dimension) after

2007 and especially after 2014¹. Yet, the case stays interesting in our opinion, especially because it offers the chance of investigating, from its very beginning, the process of creating a system to manage international migration.

The case is further complicated by the uses Romanian authorities assign to "diaspora"². Traditionally, Romania, as other states of the Eastern and Central Europe, has paid great attention to its ethnics living abroad. The interest of the Bucharest authorities in this direction can be detected as early as the establishment of the Romanian national state. Recognizing and supporting (especially in cultural terms) the "persons of Romanian origin and those belonging to the Romanian cultural and linguistic vein" (Ministry of Foreign Affairs, 2013) complicate the diasporic policies in the Romanian case. The so-called "Romanians abroad", addressed by Romanian diasporic policy, is a large category, including a highly diverse population of Romanian ethnics that lived at a certain moment in the past within the borders of Romania and their descendants (e. g. Romanian ethnics living in the Republic of Moldova or Ukraine), persons identifying themselves as Romanians (even if nor they neither their ancestors has ever lived on one Romanian territory), persons living abroad because they emigrated or the descendants of Romanians that once emigrated abroad and the current migrants (*ibid.*). The diversity in conditions of Romanians living abroad and recognized as part of diaspora makes this dimension of migration policies particularly complex in the case of Romania, adding a new value of "testing" the definition in its case.

Way of working

The objective of this paper is to test the *internal consistency* one definition/operationalization of migration policies at origin on the specific case of Romania. *Policy on paper* is here the privileged way of approximating migration policies. We have considered only internal legislation for this analysis (including bilateral agreements, but excluding international treaties/conventions ratified by Romania). The option is not justifiable in theoretical terms, and it reflects more the limited resources available for this research. As the international regulation in the field of international migration (especially in terms of emigration/diaspora/return) is not consistent (Castles, 2007), nevertheless we guess the results of our analysis would not substantially change by adding international regulations. Yet this is a point to be developed during further analyses.

Internal consistency refers here the coherence of the dimensions, the connectedness of their evolution in time and, in particular, the connectedness with development of international migration originated in Romania. The time span chosen for our analyses is

¹ 2014 is not part of the time span we are interested in, but it probably represent a land mark for Romanian international migration

² The term privileged by Romanian authorities is not "diaspora", but "Romanians abroad" (This term is the official translation into English proposed by the website of the Ministry of Foreign Affairs. In Romanian, the collocation "Românii de pretutindeni" has more the sense of "Romanians from everywhere/living everywhere"). The connotation of the term has changed during the time, including more and more categories of population.

1990-2013, a large enough period to allow eliminate the effect of accidental overlaps in the migration policy dimension developments and to connect the policy changes with the phenomenon in itself.

In order to achieve the stated objective, the first undertaken step was to *identify* laws, rules and regulations related to every of the sub-dimensions assigned to the three main dimensions of the migration policies at origin (emigration, diaspora and return migration) and to relate them to time. This way, the synchronism or delays in enacting one or another stream of legislation (emigration/diaspora and return) and the connectedness with migration may be investigated.

The second step was to *codify* changes in legislation, viewed here as bearing the significance of "concern" or "interest" of authorities in migration. The system of codes is a very simple one: it assigns to every change (irrespectively of its content) code 1. In one year, there can be multiple changes in one, two or all of the three dimensions.

Finally, the third step, was to put together the quantitative variables quantifying the changes at the level of sub-dimensions and dimensions during the specified time span (1990-2013) and plotting them against each other and/or together.

As the first two of these steps implies decisions which affect the results, we have decided to document them in detail.

Identifying relevant Romanian legislation

Most of the policy analyses (irrespectively if from origin or destination country perspective), using exclusively or in combination *policy on paper* approach, pays little attention to make transparent their strategies of *identifying* relevant legislation. This step seems to be regarded by researchers as being, if not an unimportant, at least a somehow "obviously how to do" task. Clearly, the process of identifying relevant legislation is dependent on the way legislation in general is made available to the public in every country. This may act as a disincentive to expose the particular strategies as they are country specific, justifying in a way this option for non-transparency. In our opinion, presenting the strategy of identifying legislation is not only relevant for the interpretation of results (as the step is influencing them), but it also can provide ideas to improve country specific strategies.

In our case, the main source of information was the legislative database¹ available on the website of the Chamber of Deputies (one of the two chambers of Romanian Parliament). The database allow schecking the status of one particular legislative act, the way it has been changed during time by some other normative acts and also allows tracing the entire legislative process of enacting it. It does not necessarily make available the text of the laws, rules or regulations, but it allows the identification of a tree-like structure related to changes in legislation. The instrument is highly valuable as far as the first act of an entire family of subsequent measures is identified. Yet, even though the database offers the facility of key-word search, when using relevant terms as

¹ Available at http://www.cdep.ro/pls/legis/legis_pck.frame

"migration", "emigration", "diaspora" etc., the function is not conducive to consistent and very helpful result. Search on the term "migration" ("migrație" in Romanian) shows just one result, *Law 147 from 2000, to ratify the agreement between the Romanian Government and UNHCR*. The alphabetic index provided by the database offers only three entries related to migration: the term used is "migrations" (plural form of the noun designating the event of migration; "migrări", in Romanian), making reference to "illegal migration and traffic of the persons, combating, international regulations", "migrations" and "migrations, international relations". Identifying legislation this way is conducive to marginal results. Repeated on other databases (e. g. Legalis), key-terms search does not provide highly improved outcomes. The main reason for this points not necessarily to poorly built databases, but to the diversity of terms put at use when about migration in Romanian legislation. The searching strategies based on key-terms are probably effective in the case of countries with well established tradition of migration, with the consequence of a stable and largely accepted glossary related to migration. In the case of Romania, a plethora of terms is used in relation with international migration, processes associated with it, and individuals involved in the processes. Illustrative from this point of view is the series of strategies regarding immigration that Romanian Government initiated in 2004. In 2004, the emigration was the main process associated with international migration in Romania and, as today, the level of immigration was at a low level (Șerban & Lăzărescu, 2014, Mircea, 2008). In Romanian public space, term "migration" was overwhelmingly used to denote emigration. Named "National strategy regarding migration", the first document of the series (2004) was just creating confusion: it was dealing, in fact, with immigration in Romania. Only three years later, a new adopted strategy was using a more precise term in order to reflect the content and aim of the document (the 2007 strategy is named "National Strategy Regarding Immigration") The vocabulary related to international migration was mainly developed during the years of interest for us here, the process is reflected in the different terms legal texts use, and it definitely complicates the identification of laws, rules and regulations of interest for us using key-term search facilities. This is probably inducing one limitation related to our analysis: it is possible to have not identified exhaustively the set of laws, rules and regulations related to international migration according to the specified dimensions of analysis.

Because of the limitations related to key-terms search, the main complementary strategy used to identify relevant pieces of legislation was to check it with the institutions (especially the websites) involved in managing international migration (in the case of Romania: Government, Ministry of Labour, Ministry of Internal Affairs, Ministry of Foreign Affairs and their subordinate institutions.) This second strategy is conducive to more consistent results, but the continuous changes in the institutional arrangements and institution functions in Romania negatively affect its chances of success. One of the most important difficulties consists in a certain "movement" of responsibilities related to international migration between institutions. The second difficulty is the establishment, re-organizing and simply dissolution of some institutions during the time span taken into account here. Both processes of moving one function between the institutions over time or creating/re-organizing/abolishing them affect in a negative way the attempt to identify the legislation associated with international migration.

The third strategy was reading about interventions of Romanian authorities in international migration (different institutions reports, newspapers, website dedicated to Romanians living abroad etc.) and coming back to legislative databases in the search of mentioned regulations.

All the laws, rules and regulations identified were registered in a database, according to the year of their enactment. Different sources of information were used to check and re-check the information kept in the database.

During the *identifying* phase, the first decisions affecting the pool of regulatory measures to be codified were to be taken. We were aware of two strategies available. One strategy would be a *minimalist* one, with the decision about keeping or not one legal act in the database taken only on the basis of an explicit formulation in the text of the law related to international migration/migrants. Yet there are measures that, even not aiming migration, affect it. One specific example in the case of Romania is the succession of measures modifying the access to passport, as a fundamental instrument to exercise the right to mobility. When raising the level of punishment (through passport retaining) associated with violating the rules regarding the period of stay abroad or with begging abroad, Romanian authorities do not specifically (or openly) aim to regulate migration. Yet by their consequences this kind of measures affects migration. Confronted with this dilemma, our solution was to withdraw the minimalist strategy and to adopt the opposite one: considering for analysis all the rules and regulations modifying or having relation with a first piece of legislation identified as aiming or having consequences on migration. The consequence of this *maximal* approach might be an over-inclusion of "lines" of legislation related to migration in the initial pool of regulatory measures to be codified.

Maximal approach does not mean a mechanical registration of pieces of legislation related to one identified as relevant for the purpose of the paper. When keeping or not a piece of legislation in the database was not a clear decision, the legislative process of enacting it and the text of the law has become the new instances to reach a conclusion. In these cases we have applied the maximal strategy. Just to illustrate the process, we reproduce here the example of some regulations related to voluntary return. Some specifications related to return migration appear in the legislation as far as the early 1990s. In 1991, a Committee for Migration Related Issues (*Comitetul Român pentru Probleme de Migrări*, in Romanian) was set up. The Committee has specific functions related to Romanian citizens returning from abroad. It has been, then, registered in the database. The legal decision putting it into practice was modified 6 times since 1991, but as the Committee had, when set up, a large array of functions (including some related to immigration), only part of these changes can be considered as having a potential influence on return migration. We have kept only two of changes in the database (those modifying the way the structure was functioning), but we have excluded the other four which specifically refer the immigration related functions of the Committee.

Having behind this way of working, the first step in our strategy of identifying legislation is suspicious of two biasing, contradictory tendencies: one of sub-inclusion

(non-identified pieces of legislation) and one of over-inclusion (pieces of legislation modifying a measure identified as definitely affecting migration).

Codifying the relevant Romanian legislation

The second step of the analysis was to codify the identified legislation. The system of codes used here is very simple: it assigns 1 for every change in the legislation regarding a certain domain of migration policy as designated by the previous operationalization schema, classified according to year of enactment. If no change in legislation appears, then the variable takes the value 0 for the specific year.

The codifying phase generated a consistent re-evaluation of the operationalization schema putting into evidence some of its drawbacks. First, it proved necessarily to split the third sub-dimension of *emigration related interventions*, into three different segments: bilateral agreements, the interventions in order to control and regulate the activity of private operators on departure market, and measures/agreements on social security rights portability. This way, the dimension seems to better reflect changes in legislation. *Return related interventions* dimension seems to easily fit to the Romanian legislation, but the greatest difficulties were generated by the *diaspora dimension*. In its case, the operationalization is mainly based on Gamlen's work (2006, 2008). The detailed Gamlen's schema proved to be very helpful in identifying legislation, but it seems more suited to a "yes/no" system of codes, pointing out the presence or absence of one mentioned measure as contributing to building or integrating diaspora. This seems to be well fit in the case of a cross-sectional analysis, but in longitudinal perspective, it does not have the capacity to capture the slow process of change and to catch up (sometimes) small modifications in legislation (e.g. in the case of Romania, modifications in the responsible institutions managing the diaspora policies. This is not equivalent with a substantive modification of the diaspora policy, but it might have important consequences on the way diaspora policy is elaborated/implemented and it is reflecting a change in the way authorities are conceiving the involvement with diaspora). Another problem generated by the way we have operationalized diaspora related interventions is that some of the concrete actions it describes do not seem very appropriate for a *policy on paper* approach (i. e. celebrating national holidays may be organized without formalization into legal texts). We then decided to review the second dimension (diaspora related interventions) of the operationalization of migration policies from the origin perspective. The changes consisted in collapsing smaller categories of measures into larger ones, in order to catch up with small, non-substantive changes (see our previous example) that we think, in the phase of the analysis, it is better to be kept under scrutiny. This modification is also making the codification of this second dimension more compatible with the codifications of the other two (emigration related interventions and return migration related interventions). As we were interested in our analysis to identify and codify the changes and compare them within the tree dimensions, in the case of sub-dimension B.I.1. and B.I.2. (cultivating and recognizing diaspora), we have pooled together the measures and present the result for the whole sub-dimension. In the case of sub-dimension B.II.1 - extending rights to diaspora - the Romanian legislation poses an interesting problem that also induces some adjustments to the initial operationalization schema: "intervening in labour relations/public

structure dedicated to this aim" are a type of measure that Romanian authorities adopted as early as 2004 (a structure incorporated into the Ministry of Labour, having its employees working in the embassies and trying to help the Romanian workers to get their rights respected). Even though the structure is *de facto* exercising its functions abroad, on migrant population, it is doubtful that we can talk about extending rights in this case, but, in our opinion, more about protecting a population by assuring the proper conditions to exercise the some rights. Treating it as an indicator of relation with diaspora would be correct if one look at the place where the function is exercised, but not if looking at its content. Taking into account these considerations, we have decided to codify the measures related to the intervening in labour relations and the public structures dedicated to this aim into category of emigration related interventions, as part of the efforts to securing migration and exclude it from diaspora dimension. The same logic applies in excluding supplementing health; welfare and education services support as measures related to extending rights sub-dimension.

The sub-dimension B.II.1. (extracting obligations from diaspora) is missing from our database, as we were unable to identify legal measures related to it.

Figure 2 synthetically presents the operationalization schema after introducing all the above mentioned changes.

Besides the changes related to the operationalization schema, there are some aspects of codifying worth to be mentioned as they have, in our opinion, a consistent influence on the results. First is the *zero starting point* of "departure" in the case of Romanian migration policies. Having a zero point in the closeness of an absolute zero is an advantage if one is interested in the way the system of interventions in migration is built in origin countries. In comparative analyses, it inflates the results, at least in the case of codification system we are using here. In the specific case of Romania, the number of changes identified is probably showing a more intense activity of Romanian authorities related to international migration than they would present if asked about. This is mainly due to the fact that Romania was, as specified before, a communist isolated country from the point of view of international circulation of persons. Then, once the communist regime fell down, the authorities were forced "to catch up with time" and to rapidly adapt Romanian legislation to the realities of the end of XX century. Part of the changes in the laws, rules and regulations were not linked to migration in itself, but to the fact that Romania lacked any modern regulations related to the mobility of people (consequently to migration). In our system of codification, as these measures are related to migration, under the maximal approach adopted in the identifying phase, they inherently inflate the number of changes assigned to migration policy.

The second problem is related to the meaning of changes. Having a long period for analysis is an advantage in order to observe changes. The disadvantage is registering and counting as changes in policy not only the measures changing the policy but also measures reversing the changes. Not having a "sign" associated with changes (as, for example, extending or restraining the intervention in migration) has the same effect of artificially emphasizing the extent of policy. This is the case of several types of interventions of Romanian authorities (e.g. the set up of a public structure to mediate the departures abroad and its dissolutions five years later). The graphs used to present

the results should then be regarded as only having the function of testing the consistency of the definition by comparing changes in the three dimensions and not to provide an analysis of migration policies. Probably other types of codifications are more appropriate for an interpretation on Romanian authorities' intervention in international migration (from the point of view of an origin country).

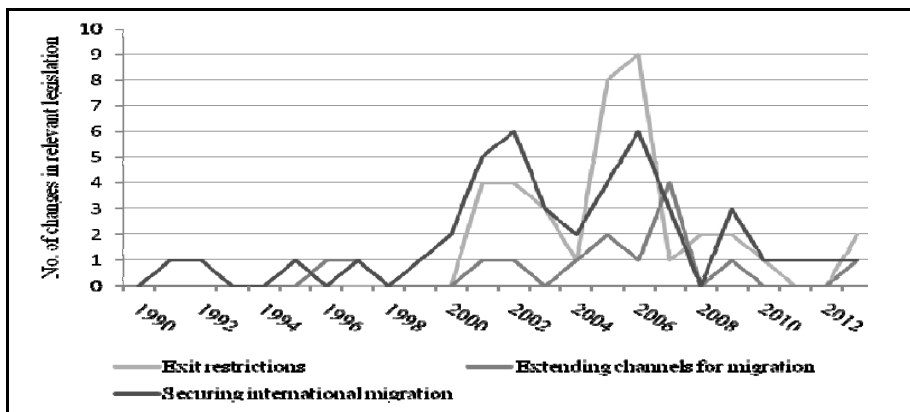
The three dimension of migration policy at origin

Starting from the legislation identified, then coded, the next step was to plot all the identified changes, for every of the sub-dimension and dimension, and all together, against the time scale in order to observe if they vary (or not) together. Our assumption is that the internal coherence of the definition/operationalization should be reflected in the way these policies have developed and that they can be systematically link to evolutions of/related to the migration in Romania.

Figures 3 to 9 present the results, showing how every of sub-dimension of the three dimensions (emigration related interventions; diaspora related interventions and return migration interventions) were built in time.

In the case of *emigration related interventions* (Figure 3), the most intense activity appears to be concentrated during two periods of time: 2000-2002 and 2005-2006. It seems the effort of Romanian authorities was mainly directed to control migration through exist (via passport restrictions and special condition at the exit of the country) and to secure international migration. Less visible is the activity of extending channels for migration during 1990 - 2013. It increases especially during the second period previously identified. Even though not perfectly, the three sub-dimensions seem to vary together, suggesting a certain internal consistency of dimension.

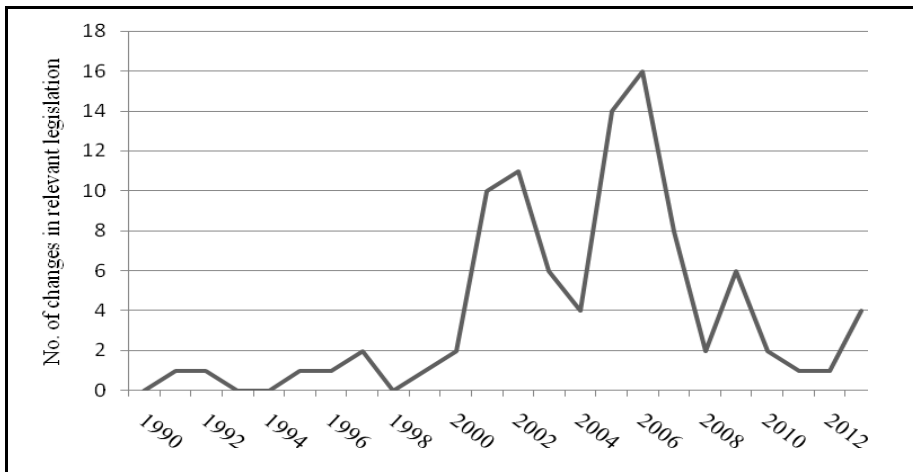
Figure 3. Emigration related interventions - sub-dimensions (Romania)



Source: Own compiled database on Romanian migration policies

Figure 4 reproduces the changes if pooling together the three sub-dimensions. Now three periods of increased activity in relation to international migration becomes evident: the first one has a maximum around 2001-2002, a second around 2005-2006, and a third is linked to 2009. The graph reveals a pattern that can be meaningfully related to the development of migration, when related to the most important steps of the process of Romania's accession to the EU. 2002 and 2007 are clear marks of the accession process: 2002 is the year of removal of visa entry condition for Romanian citizens travelling to Schengen Space, 2007 is the year of Romania accession as a full member to the EU. Both moments seemed to require some preparatory measures on the Romanian side, especially associated with controlling and securing migration. During all this time, Romanian migration, mainly voluntary and economic included a large unregulated segment, increased. The 2009 growth in activity of regulating migration is more related, in our opinion, to late adjustments to the status of full member of the EU. The small increase detected in 2013 is far from the intensity of the previous periods. The changes are too recent by reference to the moment of writing this paper to understand if there are some adjusting minor modifications or 2013 is related to a new intensified set of interventions of Romanian authorities related to international migration.

Figure 4. *Emigration related interventions (Romania)*

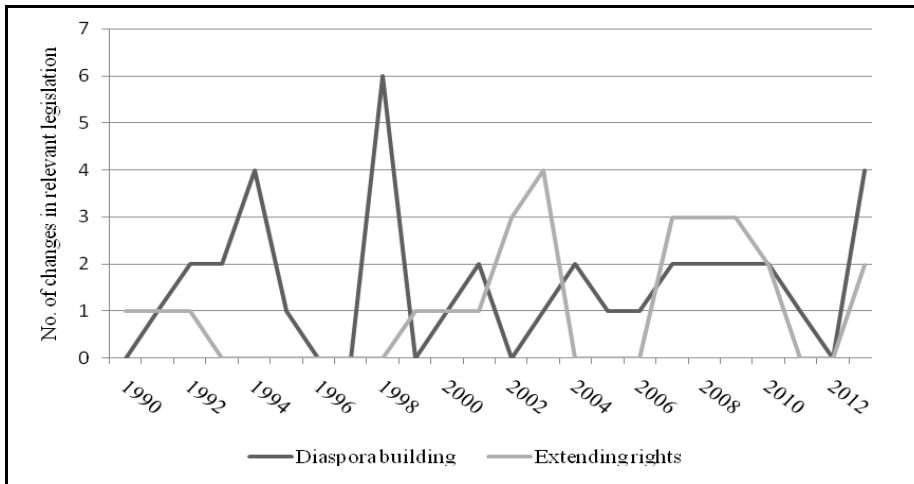


Source: Own compiled database on Romanian migration policies

Figure 5 and Figure 6 deals with *diaspora related interventions* during the same period. The resulting pictures are consistently more confusing than the previous ones, without suggesting clear patterns of authorities' involvement in managing the relation with diaspora. Except for 2006-2011, when a very fragile synchronism may be invoked, the

evolution of the two sub-dimensions diaspora building and extending rights to diaspora seem to evolve independently for the rest of the period 1990-2013.

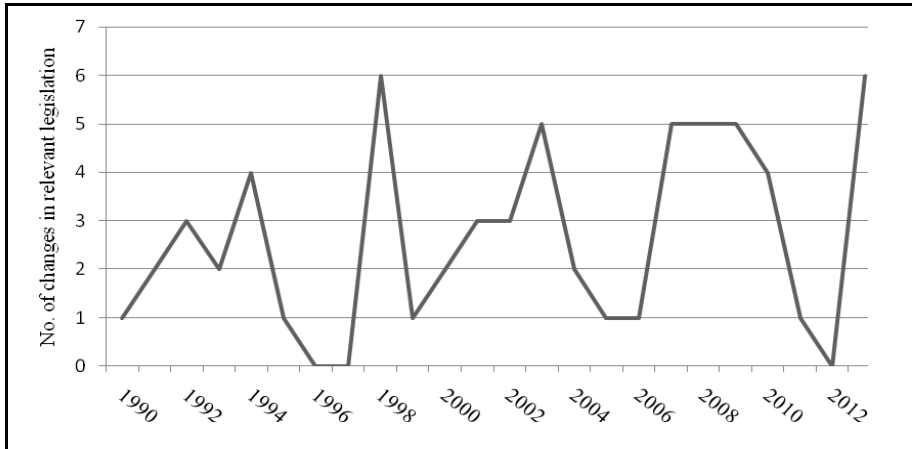
Figure 5. *Diaspora related interventions - sub-dimensions (Romania)*



Source: Own compiled database on Romanian migration policies

More important for our purposes here, the way diaspora related interventions evolved during 1990-2013 (see *Figure 6*) seems unrelated to the general development of migration in Romania. 2002 is the significant threshold in the increase of Romanian migration, but the ethnic communities abroad require time to come into reality. By consequence, if related to migration produced diaspora, the measures should have a certain delay in rapport with phenomenon development. Yet, in the case of Romania, some remedial measures (related to communities abroad produced by the migration before and during the communist time) may be invoked. Looking at the content and particularly to the aim of the measures is in this case informative. In an extensive proportion, the interventions are linked to what Brubaker (2000) calls accidental diaspora or to populations that cannot even be classified in the category of "accidental diaspora", but traditionally are considered by Romanian authorities as belonging to Romanian diaspora. From this point of view, illustrative is the fact that Romanians living abroad as result of post-1990 migration are explicitly included as part of Romanian diaspora starting with 2008 (Government Ordinance 10/2008). If one is considering only the five year period from 2008 to 2013 as time reference (graph not shown here), the picture of rather independent evolution of the two sub-dimensions do not considerably changes.

Figure 6. *Diaspora related interventions*
(Romania)



Source: Own compiled database on Romanian migration policies

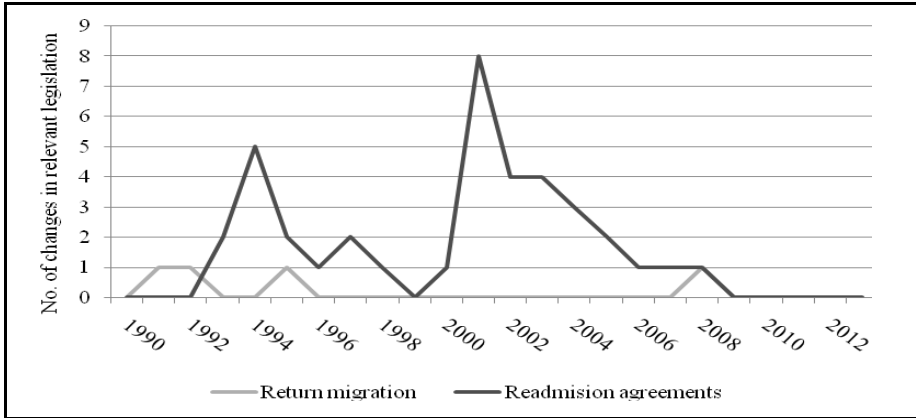
In relation to *return migration*, in the particular case of Romania, the dimension evolution is mainly driven by re-admission agreements (see *Figure 7*)¹. Only one measure, in 2008, explicitly approached the issue providing a plan to support voluntary return migration. The measure appears to be related to a certain perceived need of labour on Romanian internal market, during a short period of sustained economic growth (Șerban&Toth, 2007).

The evolution of re-admission agreements seem, as in the case of emigration related interventions, consistently connected to the process of accession to the EU. The intensified efforts to sign re-admission agreements appear to be related (to precede) important dates in the accession calendar of Romania: the enacting of the Treaty of Association of Romania and the submission of official request for accession (1995) and the opening of accession negotiations between Romania and EU (1999)².

¹ We choose not to present in a separate figure the evolution of the dimension C - return migration related interventions. Being the reduced number of measures related to voluntary return, Figure 7 approximates well the patterns for this third dimension.

² The information about the calendar of Romania's accession to the EU are provided by Ministry of External Affairs, at http://www.mae.ro/sites/default/files/file/mae_old/upload/pdf/cronologia_relatiilor_rom%C3%A2nia_ue.pdf

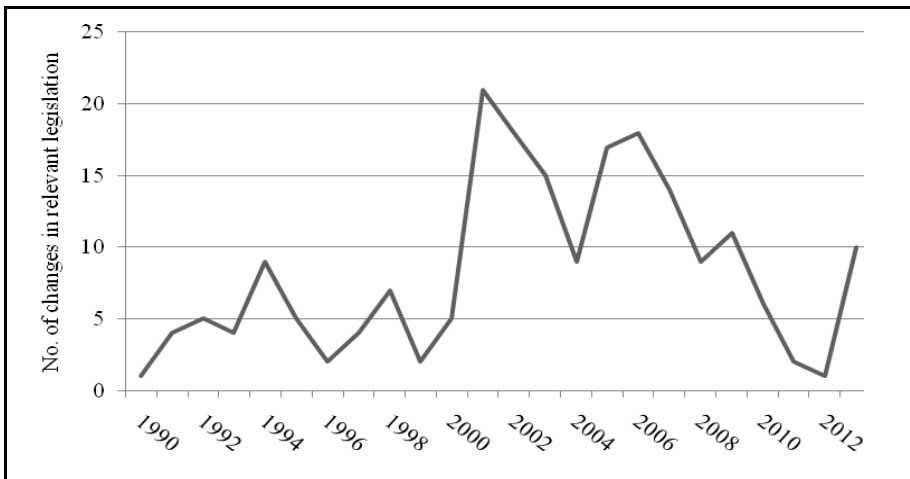
Figure 7. Return migration related interventions - sub-dimensions (Romania)



Source: Own compiled database on Romanian migration policies

Putting together all dimensions, without questioning their belonging together, the picture looks, for Romania, in the case of the last 24 years, pretty coherent (see *Figure 8*).

Figure 8. Migration policies form origin country perspective (Romania)

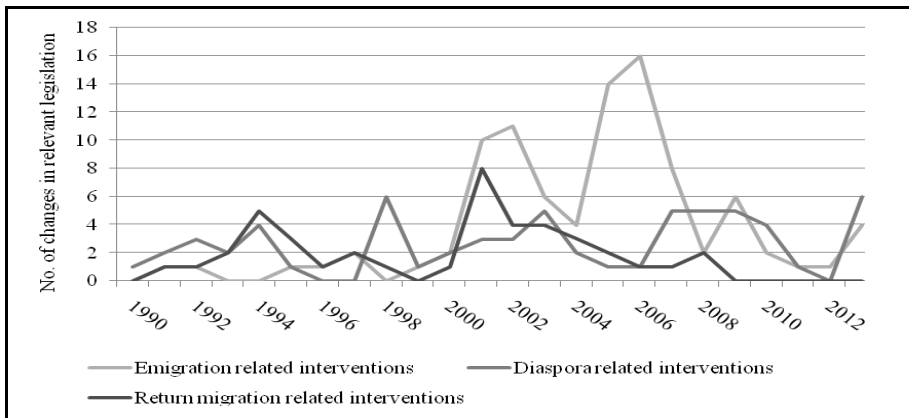


Source: Own compiled database on Romanian migration policies

Emigration related interventions (being their consistent number) and re-admission agreements dictate the trends. Because of the large share of emigration and return migration related changes in the total number of changes in legislation and because of

their accentuated concentration in time, the whole picture may be easily connected with process of Romanian accession to the EU or with adjustments to the new status of the country as an EU member. Building just the last graph, one would be tempted to interpret it as being a coherent expression of migration policies in Romania for the last 24 years. Yet, if the results are shown in separate dimension (as *Figure 9* does), it becomes obvious that diaspora related interventions are unconnected to the patterns of development shown by the other two dimensions.

Figure 9. *Three dimension model of migration policies from origin perspective (Romania)*



Source: Own compiled database on Romanian migration policies

Discussions

The paper approaches one of the gaps in the field of migration studies: origin state intervention in international migration. Guided by similar work on destination state intervention, and inspired by some recent work in the field (DEMIG project, CARIM EAST project, Gamlen's work), the article tries to apply one previous elaborated definition and operationalization of migration policies from the perspective of origin state (Șerban, 2014) on the particular case of Romania. The attempt to consider origin interventions globally, as including emigration, diaspora and return migration related interventions gives specificity of this work.

The aim is not to describe Romanian authorities' intervention in international migration, but to test how this definition/operationalization works against the reality. To achieve it, the pieces of legislation were identified, and then codified as to measure changes. We worked under the assumption that, even being the inherent heterogeneity of the migration policies, one would expect to find some coherence in the way every of the three dimensions assigned to migration policies at origin (emigration, diaspora and return migration related interventions) was built in time and, if our definition is a valid

one, some coherence should be observed also at the aggregated level integrating the three dimensions in a new construct.

The effort to identify and especially to code the legislation claimed some adjustments to the initial operationalization schema. Some type of measures (e. g. intervening in labour relations/public structure dedicated to this) aiming to protect migrants while in their countries of destination, are difficult to be classified as emigration or diaspora related interventions because of their complex nature: their effects are to take place on the territory of another state, addressing diaspora members. Yet, as function they do not confer new rights, but attempt to protect migrants. In the case of this paper we have decided to assign them to emigration dimension, giving priority to the aim, not to the implementation.

Irrespective of the system of codes used, the envisaged aim of interventions proved to be a major variable affecting the validity of decision to keep or not a piece of legislation in the pool of measures of interest and even assigning it to a certain dimension. Establishing the aim of one measure is a difficult process, even when using multiple sources of information, letting room for subjectivity of the researcher to manifest.

Analysing the changes in different laws, rules and regulations related to international migration in Romania seems to suggest that the consistency of what we have called here migration policies at origin is weak. At least in the case of Romania, diaspora policies seem to be unrelated and following a different logic than the emigration and return migration policies. One then may conclude the global approach is unfit with the segmented interventions of the origin states in international migration. It is disputable how much of this segmented picture is the result of the specificities of Romania, especially from the point of view of diaspora definition authorities are using. Yet we do not consider the results as conclusive to exclude one dimension of the definition/operationalization. Our conclusion is that a dimension driven analysis is rather needed and, according to the aim of one specific work (e. g. identifying the effects of migration policies on migration development), one, two or all dimensions should be considered. In any case, considering just one of the dimensions may produce a spurious image on the intervention of origin states in international migration.

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