



# Danube Transnational Programme **YOUMIG**

National policy recommendations for  
improved cooperation on youth migration

## National policy recommendations

WP6  
Activity 6.2

June 2019

**ROMANIA**

## EXECUTIVE SUMMARY

The national level policy recommendations are a core component of the YOUMIG project, being the outcome of a series of workshops based on a common methodology. They are directed at national level institutions for the purpose of resolving two policy challenges – of key importance – identified by the project.

In the last few decades, the phenomenon of emigration in Romania has been more salient than that of immigration. However, the Local Status Quo Analysis (LSQA) conducted within the framework of YOUMIG, has underscored the desire of stakeholders to encourage return migration (interpreted in the context of economic development, rising wages and a shortfall in labour). It has also drawn attention to several critical problems that discourage young people from returning to Romania in general and Sfântu Gheorghe/Sepsiszentgyörgy in particular (i.e. in the context of YOUMIG).

### ***Area of intervention No 1: The development of return migration indicators.***

A central challenge was the lack of information regarding return migration. Although local governments are responsible for the administration of the personal records offices that collect data for the Directorate for Personal Records and Database Administration (DPRDA), they do not have direct access to this data; nor does the National Institute of Statistics (NIS), nor other national level institutions that provide data on return migration at the LAU2 level. The policy recommendations in this area address several national level institutions, which could collaborate in providing quality decentralised data on return migration for the municipalities. Two different strategies can be followed.

The first would require the decentralisation of the system and enhancement of the municipalities' competencies not only in terms of collecting data, but also in terms of access and processing it. In this respect, a good starting point could be the current system of data collection concerning vital statistics. In contrast to migratory flows, vital statistics (births, deaths, marriages, divorces, etc) are collected directly by the NIS from local governments. In this domain, there is no process of double subordination (as in the case of migratory statistics), since the offices that record the elements of the natural population are subordinate only to the local government, and no organs of the Ministry of the Interior are involved. In this regard, the following policy recommendations can be formulated:

## POLICY RECOMMENDATIONS

- I. The Government and Parliament: It is recommended that the Government and Parliament initiate and proceed to the modification of *Law 290/2005 concerning the population records, domicile, residence and identity documents of Romanian citizens* to move towards the decentralisation of the data production system concerning emigration, immigration and especially return migration.
- II. Other national level agencies
  1. The DRPDA and the Inspectorate-General for Immigration (IGI), in collaboration with the NIS should develop a new methodology for data collection concerning migration flows, with an emphasis on return migration.
  2. The NIS should increase cooperation with foreign partner statistical institutes to monitor migration to and from Romania.

A second means of improving data collection on migratory flows, especially return migration, would require organising micro-censuses at regular intervals. In fact, a quasi-micro-census is currently being carried out by the NIS, however, it is focused on internal objectives (calibrating samples for large-scale surveys such as the Labour Force Survey and Household Budgets Survey) and no data are to be published. This quasi-micro-census could serve as a starting point for a genuine micro-census that could also include items on migration processes, including return migration (in addition to other indicators discussed in the framework of YOUMIG.)

- I. The Government: It is recommended that the Government initiate legislative changes in parliament in order to create a framework for conducting micro-censuses on a regular basis in Romania.
- II. Parliament: It is proposed that Parliament proceeds to the modification of the above-mentioned law and adopts the necessary laws for future censuses and micro-censuses.
- III. Other national level agencies: The NIS should develop a methodology for the micro-census and lay down guidelines for data collection. The role of the ministries in this process, especially the Ministry of Internal Affairs should also be clarified.

### ***Area of intervention No 2: The development of multilingual local administration.***

The LSQA conducted within the YOUMIG framework highlighted several critical problems that discourage young people from returning to Romania in general and Sfântu Gheorghe (Sepsiszentgyörgy) in particular (i.e. in the context of YOUMIG). One of these problems is

related to the services provided by local and decentralised authorities. Locals interviewed during the fieldwork and focus group members mentioned the slowness of the local administration – exacerbated by the fact that information is scattered between different institutions. They also complained about the lack of non-Romanian materials (forms, documentation) in the different institutions' communication strategies. It is worth noting that this problem is (relatively) specific to Sfântu Gheorghe (Sepsiszentgyörgy), since 73.6% of its population is Hungarian. Since most return migrants are Hungarian speakers it follows that their Romanian language competencies are comparatively less developed. Further, the issue of migrants' linguistic competencies could have a bearing on other municipalities as well, in particular, with regard to languages of international circulation.

The analysis of the current legal and policy background showed that multilingualism is regulated only in the case of recognised minority languages being involved, and that non-Romanian language use is hindered by several legal, procedural and fiscal procedures.

To address this issue, two parallel policy strategies can be followed. On the one hand, rights related to language provision could be strengthened and formulated more accurately; on the other, regulation on international language use in administration needs to be created. To achieve both strategies, the following policy recommendations can be formulated.

## **POLICY RECOMMENDATIONS**

### I. Various governmental bodies:

1. The government should commit itself to multilingual local administration and formulate best practices regarding the use of international languages within public administration, deconcentrated institutions and public utility companies.
2. The various national ministries, agencies and national offices should re-evaluate their policies towards multilingualism, and elaborate the more widely used forms that reflect their competencies, publishing them in the Official Monitor in at least in one international language and all minority languages.
3. The Government should re-evaluate the law on decentralisation and the laws on public audit in order to break down all legal barriers related to the financing of multilingualism within public administration.
4. The Government should re-evaluate the article on language-use related legislation and initiate changes in Parliament, if necessary.

## II. Parliament:

1. It is recommended that new provisions in Law 215/2001 be introduced that expand and strengthen language rights in decentralised institutions and public utility companies.
2. Provisions in the law should be introduced that focus on the development and use of minority languages or multilingual forms.
3. Barriers hindering language related issues, if any, should be removed from the laws on decentralisation and public audit.

## III. The Court of Auditors:

1. It is recommended that the Court of Auditors change their internal practices to allow local and regional state institutions to spend on multilingualism.
2. The Court should create budgetary guidelines on the real costs of multilingualism.

## YOUMIG AT A GLANCE

**Full name:** YOUMIG - Improving institutional capacities and fostering cooperation to tackle the impacts of transnational youth migration

A project of the **Danube Transnational Programme**

**Start date:** 01-01-2017

**End date:** 30-06-2019

**Budget:** 2,718,853 EUR (ERDF Contribution: 2,055,179 EUR, IPA Contribution: 255,846 EUR)

**Call number:** Call 1

**Priority:** 4. (Well-governed Danube Region)

**Specific objective:** 4.1. (Improve institutional capacities to tackle major societal challenges)

**Project partners:**

**Lead partner:** Hungarian Central Statistical Office (HU)

**Work package leaders:** University of Vienna (AT), Leibniz Institute for East and Southeast European Studies (DE), Maribor Development Agency (SI), INFOSTAT - Institute of Informatics and Statistics (SK)

**ERDF partners:** Municipality of Szeged (HU), City of Graz (AT), Institute for Economic Research (SI), Romanian Institute for Research on National Minorities (RO), Municipality of Sfântu Gheorghe (RO), National Statistical Institute of the Republic of Bulgaria (BG), Burgas Municipality (BG), Municipality of the City district of Bratislava- Rača (SK)

**IPA partners:** Statistical Office of the Republic of Serbia (RS), Institute of Social Sciences (RS), Municipality of Kanjiža (RS)

**Associated Strategic Partners:** Statistics Austria (AT), City of Karlsruhe (DE), Federal Institute for Population Research (DE)

YOUMIG, in which 19 partners from 8 countries work together, wishes to support local governments in capitalising on the developmental potential of youth migration, leading to a better governed and more competitive Danube Region. The project aims to boost their institutional capacities through enhancing the scarce local evidence on youth migration, contributing to improved policymaking with a focus on human capital. Statistical offices and academic organizations are teaming up with local governments in a complex and customised, multi-level and transnational cooperation to create local developmental strategies based on improved youth migration-impact indicators, and introduce transnationally tested tools for managing local challenges. As a result, institutions and stakeholders can obtain increased capacities through intensified cooperation.

YOUMIG's work is structured in six work packages (WPs). Besides management (WP1) and communication (WP2) issues, the thematic work is distributed as follows. In line with the project's conceptual framework, all partners contribute to the development of improved evidence on youth migration and its developmental impacts on the EU, national and local level through elaborating local status quo analyses for the YOUMIG local partners (WP3). Through a comprehensive evaluation of the locally available youth-migration indicators, the project identifies shortcomings related to measuring local challenges, and elaborates and tests new or improved indicators (WP4). At the local level, the project improves capacities to manage related processes by means of jointly testing and introducing good practices and institutional units, tailored to local needs (WP5). The project concludes with the provision of transnationally tested tools for all governance levels, contributing to better strategies, policies and services related to the issue of youth migration (WP6).

YOUMIG's outputs can be viewed at <http://www.interreg-danube.eu/youmig/outputs>

**Map of the Danube Region and location of the YOUMIG partners**



- Danube Region (defined by the Interreg Danube Programme)
- YOUMIG countries/regions
- YOUMIG, cities of academic and statistical partners
- YOUMIG, local municipalities

Cartography: **Ádám Németh**

**INTRODUCTION**

**1.1. Youth migration: a brief introduction**

In recent decades, the mobility of young people throughout the world has increased and taken diverse forms. In this regard, the Danube Region countries are no exception, facing both inflow and outflow challenges related to youth migration. Apart from the traditional causes of this phenomenon, new drivers have emerged making migration patterns more complex. The emigration of young people can lead to a severe loss of labour and human capital, and the phenomenon of (untraceable) incoming transfers (social and financial remittances); while immigration, if not properly managed, may result in the marginalisation and underuse of human resources. Improvements in migration management at the local level requires better governance at all levels of administration in order to harness the full potential of migrants in relation to local development.

## 1.2. Youth migration in Romania

Nowadays, Romania can be classified as part of the Western-European labour frontier, although outmigration was also significant during the former political regime. It could be argued that the socialist-state authorities that exercised control over migratory flows had no intention of stopping outmigration, rather they sought to select those to let go (Horváth 2005). The ethnic selection of emigrants ('ethnic engineering') played a pivotal role in this, and consequently, ethnic and religious minorities were significantly over-represented among emigrants. The foreign-born population among residents was rather low in 1990, consisting mostly of ethnic Romanians who had been born in territories ceded to the Soviet Union (Bessarabia and Northern Bukovina) and Bulgaria (Southern Dobruja or Cadrilater). Only after 2010 did the foreign-born population begin to grow significantly. This process had two major sources: the return migration (or statistical registration) of foreign-born Romanian children on the one hand, and 'real' immigration on the other. In Romania's case, this 'return migration' was more statistically visible. In 2017, 148,445 foreign-born Romanian babies were born in the European Union, among them 50,893 in Italy and 39,492 in Spain. According to the Eurostat data (which differs from that of the UN migration matrix), the proportion of children aged 0-14 among 'Spanish immigrants' was 94.2%, while it was 85.9% in the case of 'Italians'. It is likely that these figures represent neither immigrants nor returning migrants but the children of Romanian emigrants also registered in Romania. Unclear as these statistics may be, there were 'real' inflows into Romania in the shape of Moldovans, who constitute the most numerous group of immigrants. Moldovan-born people in Romania numbered more than 50,000 even in 1990, although their number had not increased significantly by 2010 (see Horváth-Kiss 2016 on this issue). After 2010, however, immigration from Moldova increased drastically, and in 2017, Moldovan-born immigrants numbered more than 150,000, signalling Romania's success in attracting Moldovan immigrants. The process of becoming Western Europe's labour frontier, and consequently, an emigration country has been most visible in Romania's case. The country had an emigrant stock of only 3.5% in 1990, consisting mainly of ethnic minorities (Jews, Germans and Hungarians). In 2017, the emigrant stock compared to the resident population was 18.2% (signifying 3.6 million Romanian-born people residing abroad), a figure identical to that of Bulgaria, a country that started with a larger emigrant stock in 1990.

In terms of migration processes, HORVÁTH and KISS distinguish six main periods following the regime change. The first one took place immediately after the collapse of the old system, between 1990 and 1993, and was characterised by (mostly) ethnic minorities and skilled urban professionals settling in Hungary and Germany. In the second period, between 1994 and 1996, the short-term work-motivated migration of ethnic Hungarians to Hungary and Israel dominated. The main characteristic of the third period, between 1997 and 2001, was



labour migration to Italy, Spain and Hungary. In the fourth period, from 2002 to 2006, younger people continued this trend, staying for longer periods in Italy and Spain. After Romania's accession to the European Union – in the fifth period, ending in 2010 – large communities formed in Italy and Spain. In the sixth period, since 2010, the Roma minority have latched on to migration, with the main receiving countries being Germany, Italy and the United Kingdom (HORVÁTH – KISS 2015: 115).

In the case of Sfântu Gheorghe, the local-partner municipality within YOUMIG, it is practically impossible to reconstruct exactly the population processes of the last two-and-a-half decades. It is telling that according to the Covasna County Directorate of the National Institute of Statistics (INS), the population of Sfântu Gheorghe was 65,118 on 1 January 2016, 10,000 more than that registered in the 2011 census. In what follows, we rely on census figures and statistics to provide quantitative estimations on natural growth in relation to population and migratory processes. While census figures certainly estimate resident populations more precisely than the population register, censuses also tend to overestimate population size. Moreover, it should be noted that Sfântu Gheorghe is distinct – compared to other municipalities in Romania –, owing to the ethnic composition of the city, (approximately 75% of the population are ethnic Hungarians). Suffice to say, migration patterns in this town are different from those characteristic of Romania as a whole; consequently, specific local needs are often not met by the national level institutions and the relationship between the local and national level institutions is often quite often tense.

Concerning population change, there has been a significant population decline of nearly 20% in the municipality. In the 1990s, the population of Sfântu Gheorghe was relatively young (the average age in 1992 was 32.4 years). This was due to a high fertility rate during the former regime and the influx of young internal migrants in the period 1968- 1992 (the population of the town in 1968 was only 22,000, meaning that it tripled in the above-mentioned period). Due to its relatively young population, natural growth was slightly positive even in the period 1992-2011.

According to the official figures, the balance of internal migratory flows was slightly negative in Sfântu Gheorghe, with relatively significant inflows and outflows. According to a World Bank study (2017), the town is a county-level growth pole with some twenty rural municipalities within its area of attraction. Many people from nearby villages commute to Sfântu Gheorghe, and for some of them – usually young people – the town is an attractive place to live. In addition to youth from nearby counties (Harghita, Mureş) that have settled here, there are also many retired people. Overall, more than 20,000 persons obtained a residence in Sfântu Gheorghe between 1992 and 2011. During the same period, however, outflows were even more significant, with more than 21,300 people leaving the town for internal destinations.

Based on the census figures, natural growth, and net internal migration, the balance of international migration is estimated to be -13,000 for the two inter-census periods. International immigration in the town is insignificant. According to the census results, the foreign-born population represents less than 1% of the total, with Hungary the most important country of origin. As for the destination countries of emigrants (alongside the above-mentioned survey), the 2011 census can be cited. This reported an emigrant stock of 2,941 persons, which is far lower than the 'real' figures but still useful in terms of mapping the receiving areas. Hungary topped the list of destination countries, with 56% of registered (long- and short-term) emigrants living there. The United Kingdom was the second most important destination, with 20% percent of the migrant stock. Besides these countries, Germany, Italy, Spain and Israel also figured as important destinations for people in Sfântu Gheorghe. In relation to migration in the Danube Region, there is also an important ethnic difference. Hungary is obviously more attractive to members of the Hungarian minority, although the latter are also over-represented among those opting to live in the United Kingdom. Moreover, ethnic Romanians tend to migrate to Italy and Spain.

### **1.3. The MLG concept: a short introduction**

Multi-level governance (MLG), as defined by the EU Committee of the Regions, refers to coordinated action by the EU, its Member States and local and sub-national governments, based on partnership and involving operational and institutional cooperation in all phases of the policy cycle, from drafting to implementing policies. These actions require the coordination and distribution of competencies from the national to sub-national levels, with priority given to the EU transnational level, especially in view of the growing importance of MLG in migration and integration policy. Therefore, MLG refers to the dispersion of central government authority, both vertically to actors located at different territorial and administrative levels, and horizontally, to actors and domains at the same level of government.

Regional (NUTS2) competencies on migration policies are not broad ranging. Nevertheless, it is incumbent on local governments to provide certain public services for migrants. Therefore, MLG cooperation is essential for local governance, and localities should be considered partners in the national-level policy dialogue on migration and integration objectives and indicators.

### **1.4. Activity 6.2: Building multi-level governance cooperation schemes**

This document is the outcome of YOUMIG's efforts to facilitate cooperation between different levels of governance, and to provide a testing field for knowledge exchange mechanisms. The activity tested the modalities of cooperation between national

administrative bodies, statistical offices, research institutions and local municipalities to improve the measurement and evaluation of youth migration in terms of its causes, patterns and impacts, resulting in improved multi-level governance cooperation. Based on previous project outcomes (LSQAs, new/ improved indicators, One-stop shops), several channels of institutional cooperation on different government levels were incorporated.

The recommendations listed here are derived from these project activities, and from a series of workshops held on the subject in seven project countries. In 2018 and 2019, two types of workshop were organised at the national level in each country. The Ambition Setting Workshop served to map the existing knowledge and competencies, and evaluate the current cooperation practices in order to define the need for improved multi-level governance cooperation based on the MLG concept. The Vision Development Workshop provided a means of discussing the national level policy proposals for better institutional cooperation regarding youth migration, which constituted the main activity output.

## **MLG COOPERATION: NATIONAL POLICY RECOMMENDATIONS**

Based on the findings of the YOUMIG project, two interlinked areas of intervention were localised: the development of indicators on return migration, and multilingual public administration. In the following subchapters, we present our policy proposals for national level institutions.

### ***Area of intervention No 1: The development of return migration indicators.***

#### *Introducing the problem*

In the last few decades, but especially since Romania's accession to the EU, the phenomenon of emigration has clearly been more salient than that of immigration. While at the national level, the latter phenomenon is certainly a subject worthy of research (especially in relation to citizens of neighbouring countries – primarily the Republic of Moldova), in the vast majority of Romania's municipalities immigration is a virtually non-existent phenomenon. In contrast, emigration and depopulation are currently reaching worrying levels. Although located in the centre of one of Romania's 41 counties, the municipality of Sfântu Gheorghe/Sepsiszentgyörgy is not among the settlements most seriously impacted by these problems. It has, nonetheless, endured significant population loss in the period elapsed since the regime change (according to the census figures, the city's population has fallen from 68,359 in 1992 to 56,006 in 2011).

YOUMIG has observed different local migration contexts (traditional and new immigration destinations, emigrant-sending areas, etc.). As the issue of emigration clearly overshadows that of immigration, the municipality of Sfântu Gheorghe (within the framework of YOUMIG) was interested in putting the issue of return migration on the project's agenda. The OSS and pilot activity were also developed and implemented, while keeping in mind the objective of encouraging and facilitating the return of those who had left the city or its surroundings in recent years.

However, the LSQA conducted within the YOUMIG framework underscored the desire of stakeholders to encourage return migration (which should be interpreted in the context of economic development, rising wages and labour shortages). In addition, the LSQA highlighted several critical issues that discourage young people from returning to Romania in general and Sfântu Gheorghe/Sepsiszentgyörgy in particular (i.e. in the context of YOUMIG). A serious obstacle preventing authorities from genuinely engaging in efforts to encourage return migration concerns the availability and quality of data on migratory phenomena. In Romania, data in this area are generally of poor quality, and the phenomenon of return migration is (probably) among the least well documented in statistical data production. This

was the principal reason for selecting return-migration indicators as one of the areas of intervention.

Besides the scarcity of data, some administrative procedures were also considered problematic (among other issues, Hungarian language use, which will be discussed as the next area of intervention).

As discussed in the working paper (WP) on the Conceptual framework, return migration can be defined as ‘migration back to the country or region of origin, after a significant period abroad or in another region’.<sup>1</sup> However, it is worth emphasising that it is very difficult to distinguish this from either emigration or immigration<sup>2</sup>, and this is especially true from the perspective of administration. Although the WP offers further areas of classification on the return migration phenomenon, these do not have much bearing on policy, the basic problem with regard to this issue being the lack of information.

Beyond the fact that data scarcity is a national-wide issue, local authorities also face further obstacles in this respect – it is difficult to obtain data directly from the relevant institutions (the Inspectorate-General for Immigration and the institutions administering the population registers). Instead, they have to rely on sporadic evidence coming from the day-to-day activities of subordinate institutions (e.g. the offices issuing various personal documents). Furthermore, the NIS does not publish any data on return migration at all.

#### *Existing and non-existing indicators*

As part of YOUMIG’S WP4 package, a series of indicators on youth migration and its social context were selected for data collection, improvement and transnational testing. Of these, two were directly related to the issue of return migration:

- Indicator 14 – The number of returnees registered, sex, education level
- Indicator 63 – The skill level of return migrants

In relation to indicator 14, (and in view of the data problems mentioned above) the Romanian Institute for research on National Minorities followed the suggestion of the Hungarian Central Statistical Office and used a proxy that could be derived from the Eurostat data. The data source is *Immigration by sex, citizenship and broad group of country of birth (migr\_imm6ctz)*, and by setting ‘country of birth = reporting country’, the number of people immigrating to Romania who were also born in Romania could be obtained for the 2010-

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<sup>1</sup>Fassmann, H., Gruber, E., Németh Á. (2018). ‘Conceptual overview of youth migration in the Danube region’. YOUMIG Working Papers, No.1., p. 44.(available at: [http://www.interreg-danube.eu/uploads/media/approved\\_project\\_output/0001/13/85f6d084e0981d440cf80fcd5f551c8b6f97467.pdf](http://www.interreg-danube.eu/uploads/media/approved_project_output/0001/13/85f6d084e0981d440cf80fcd5f551c8b6f97467.pdf))  
<sup>2</sup>*Ibid.*

2016 period on a yearly basis, by sex (flow data). However, this data is only available at the national level.

A second option was to include items in the small-scale survey (SSS) that would give a fuller picture of the magnitude of return migration. The SSS was carried out from October 2018 to January 2019 based on a sample drawn using a stratified multi-level random sampling method, resulting in 807 adult individuals being interviewed, with subsamples for both ethnic Hungarians and Romanians. The questionnaires used the traditional pen-and-pencil format and were filled out 'face-to-face' by survey operators. A number of items on migration experiences were included in the questionnaire, which along with the items related to educational attainment allowed us to gather information on the second indicator – 'The skill level of return migrants'. For the second indicator, we were unable to obtain any data from existing administrative sources; therefore, the only solution was to obtain relevant data from the SSS. The education level of returning migrants could be calculated by proxy through an analysis of several items that were included in the questionnaire (especially the last two):

- Sex
- Year of Birth
- Country of Birth
- Have you ever lived outside [country] continuously for at least 1 year?
- What is the highest degree or level of schooling that you have completed?

To our knowledge, these items were also included in the small-scale surveys of the other local partners: Szeged, Burgas, Maribor, Bratislava – Rača, Kanjiža.

Based on the Eurostat proxy and the SSS, some very basic data could be obtained and delivered within the YOUMIG framework for both required indicators. However, this was far from satisfactory, and the problem was further complicated by the fact that the two sources are not commensurable. Eurostat data are only available for the national level and refer to yearly flows. Conversely, the SSS only provides data for the LAU2 level and only for the local partner municipality; and results obtained in this way are closer to those of stock data.

With regard to the existence of administrative data on return migration, we have to mention the fact that we contacted two institutions that process data on immigrants: the Inspectorate-General on Immigration (IGI) and the Directorate for Personal Records and Database Administration (DPRDA). From both the IGI and DRPDA we requested (besides other data referring to immigrants) the number of persons who had returned from residing abroad, by sex, level of education, type of locality, and county and municipality. From the NIS, we attempted to obtain detailed information on return migrants retrievable from the

Eurostat platform, but were unsuccessful. (Based on our previous experience, the NIS's lack of response concerning specific data requests may point to the inexistence of such data).<sup>3</sup>

The IGI's response included some (very general) data on immigrants, but our request concerning return migrants was completely unaddressed. At the Vision Development Workshop, it was clarified that Romanian citizens do not fall within the IGI's remit; hence, their (none) response to this issue was to some extent justified.

From the DRPDA we received a more detailed and serious response, but nothing concerning the returnees. It is also noteworthy that the DRPDA also signalled that neither annual flow data nor stock data are available in their database (here, with reference to immigrants, not returnees). The institution also provided a rather interesting justification in this regard, implying that everything on their database was already available from the NIS, even though the latter is based on data reported by the DRPDA concerning the registration and change of one's place of residence. Here, we quote the official reply:

'Taking into account the permanent dynamics of the population registry, and the updating of the central database on a daily basis, we specify the following. The [available] statistical indicators reflect the current situation with regard to the personal data of Romanian citizens, and at this time it is impossible to obtain information that would reflect the situation characteristic of the period of interest [2010-2018 – the period for which we requested information].'

In order to improve the currently highly unsatisfactory data production concerning return migration, two main routes are conceivable:

- *Rethinking the process of administrative data collection*
- *Decentralising the process of administrative data collection*

The first would require the modification of the current system of administrative data collection, meaning the decentralisation of the system and the enhancement of the municipalities' competencies in terms of collecting, accessing and processing the data.

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<sup>3</sup>We have requested data according to the indicators included within YOUMIG (in a somewhat adapted form, suggesting the need for data that is not only publicly available). Specifically, we have requested the following data: Temporary immigrants by country of origin, disaggregated by counties and municipalities of destination (or at least counties); Top 5 sending countries with regard to the number of persons who have immigrated to Romania, disaggregated by destination counties and municipalities (or at least counties); Temporary emigrants by country of destination, disaggregated by counties and municipalities of origin (or at least counties); Top 5 countries of destination with regard to the number of persons who have emigrated from Romania (or Top 5 countries by size of the Romanian diaspora), disaggregated by counties and municipalities of origin (or at least counties); Number of persons who have returned to Romania after residing abroad, by sex, education level, residence type, by counties and municipalities (or at least counties).

The decentralisation of the personal record-keeping system is the foremost requirement, in this regard. Currently, and as the response received from the DRPDA confirmed, individual requests for a change of domicile and residence are recorded by the public services responsible for the maintenance of population records, that is, the local administrations. However, a deputy mayor (who participated in the Ambition Setting Workshop linked to multi-level governance cooperation schemes) stated that the municipalities only *record* the data, possessing no competencies at all in terms of statistical processing – indeed; they even lack access to the individual level data they collect themselves. All requests for migration-related data have to flow through intermediary actors – national-level institutions –, namely the DRPDA and the NIS, just as they have to for anyone else interested in such data. Clearly, this situation is disadvantageous for the municipalities with regard to planning public services and policies that encourage or facilitate return migration, since even if local policies in this domain are implemented, such regulations make it difficult for municipalities to assess or monitor their progress.

At the follow-up workshop, (the Vision Development Workshop linked to multi-level governance cooperation schemes), representatives of the National Institute of Statistics (NIS) clarified that while not being in any way responsible for the direct collection of data on migratory movements, the county-level directorates of the NIS *do* gather information on vital statistics from the local municipalities. While this still involves producing statistics based solely on administrative data, this arrangement is more flexible than the one concerning migratory flows, because in this case the local municipalities are not only responsible for organising and carrying out the data collection, but are also able to access and process it. Moreover, the process is less centralised, because county-level directorates of the NIS also have attributions, not only the central institution. This data collection system could also serve as a blueprint for the collection of migration-related data.

The decentralisation of the data-recording system would require a change of legislation; *primarily concerning Law 290/2005 on the adoption of Government Ordinance 97/2005 in relation to the population records, domicile, residence and identity documents of Romanian citizens. In addition, Government Decision 839/200 on the form and content of identity documents and Law 123/2001 on the regime of foreign citizens in Romania would require amendment, in addition to Government Ordinance 84/2001 on the establishment, organisation and functioning of public records related to community public services.*

Furthermore, at the VDW it has been suggested that the current legislation on personal identification documents also contains elements that have negative (unintended) consequences with regard to the ability of the Romanian authorities to monitor migratory flows. It should be noted that the scarcity of data on return migration in Romania is a consequence of a broader problem, namely the lack of valid data on emigration. As the



(former) deputy prefect of Cluj county pointed out, in principle, Romanian embassies abroad should also collect data on citizens residing in foreign countries, as Romanian law requires citizens who obtain a residence abroad to visit their nearest embassy and hand in their Romanian identity cards. However, in practice very few people do so, since by giving up their ID cards, citizens not only renounce their official domicile in Romania, but also lose an essential personal identification document, necessary for virtually any official and administrative procedure in Romania. One possible solution would be to modify the legislation on identity documents, effectively, separating ID and residence cards. This practice is already present in many EU member states, and its adoption in Romania might have the effect of making Romanian migrants less circumspect in dealing with the authorities. (However, Romanian citizens would not necessarily be any more willing to hand in their identity documents in the event of such legal changes).

To this end, *Law 290/2005 on the adoption of Government Ordinance 97/2005 concerning the population records, domicile, residence and identity documents of Romanian citizens* and *Government Decision 839/2006 on the form and contents of identity documents* should be modified.

## **POLICY RECOMMENDATIONS**

### I. The Government:

It is recommended that the Government initiate legislative changes in Parliament, modifying the above-mentioned Government Ordinance in order to proceed towards the decentralisation of the data production system concerning emigration, immigration and especially return migration.

The Government should initiate legislative changes, modifying the above-mentioned law and government decision in order to proceed towards the modification of identity-related documentation.

### II. Parliament:

Parliament should proceed to the modification of the above-mentioned laws.

### III. Other national level agencies:

1. The DRPDA and IGI, in collaboration with the NIS, should develop a new methodology for data collection concerning the movement of migrants in the population, with a special emphasis on return migration. This will also require a change in the system of administrative data collection, which is currently unable to facilitate the deregistration of persons who are leaving the country, leading to a situation whereby significant numbers of people do not

appear as emigrants in any statistics, nor by extension, as return migrants in the event of their returning home.

2. The NIS should deliberate over the possibility of switching to a system of data collection concerning the migratory movements of the population. It would be similar to the one currently in place with regard to vital statistics.

3. The NIS should make a greater effort to cooperate with foreign statistical institutes, especially those from the main receiving countries (Italy, Spain, Germany, the UK, and Hungary) to monitor migration to and from Romania.

#### IV Local and county level governments:

1. Local governments should formulate the need for a data collection and processing system, including the need for legislative change.

2. Should implement a new data-collection methodology on migration and return migrants.

3. Should develop and implement a strategy to encourage return migration based on the data.

#### Organizing micro-censuses

The second modality for improving data collection on migratory flows, especially return migration, would be to organise micro-censuses at certain regular intervals. Romania currently does not organise any micro-censuses, and the census is conducted too infrequently (every 10 years). However, a data collection exercise loosely resembling a micro-census is conducted at regular intervals, though its results are not published, the objective in this case being to calibrate the samples of the Labour Force and Household Budget Surveys. This quasi-micro-census could be transformed into a genuine one, and items related to migration (and perhaps other indicators of interest to the YOUMIG project) could also be included. Further, the advantage of the micro-census would be that it could yield information with regard to other indicators that proved to be problematic within the YOUMIG project in the case of Romania, (e.g. intentions to migrate, attitudes towards migration, etc). Organising a micro-census requires the cooperation of a number of national-level institutions, including several ministries, and of course the NIS, while at the level of implementation the local municipalities and the county-level branches of the NIS would play a key role.

Censuses in Romania are conducted based on one-off laws adopted a few years in advance of the following census. For 2021, this law has yet to be passed. In addition, other legislation probably needs to be amended, especially *Law 226/2009 on the organisation and functionality of official statistics in Romania*, and *Government Decision 957/2005 on the organisation and functionality of the National Institute of Statistics*.

## **POLICY RECOMMENDATIONS**

### I. The Government:

It is recommended that the Government initiate legislative change in Parliament in order to create the framework for conducting micro-censuses on a regular basis in Romania.

### II. Parliament:

Parliament should proceed to the modification of the above-mentioned law and adopt the necessary laws for future censuses and micro-censuses.

### III. Other national level agencies:

The NIS should develop a methodology for the micro-census and lay down guidelines for data collection, including, though not limited to the collection of indicators related to the migratory movements of the population, with a special emphasis on return migration. Furthermore, the NIS could consider making available the results collected through the quasi-micro-census and/or provide the opportunity for other stakeholders/research institutions to participate in this data collection process with a proposed battery of questions. In addition, the role of the various Ministries in this process, especially the Ministry of Internal Affairs should be clarified.

### IV. Local and county level governments:

1. Local administrations should formulate the need for carrying out micro-censuses. This need not be based solely on the need for data in the field of migration, but in any other field where data is scarce or insufficiently available.
2. Local-level governments should participate in the implementation of the micro-census, similar to the role already fulfilled in relation to the censuses.
3. Local administrations should develop and implement strategies to encourage return migration based on the data

## ***Area of intervention No 2: The development of multilingual local administrations.***

### *Introducing the problem*

Scientific literature on migration argues that circular migration is one of the main types of migration in the world. This phenomenon *'allows transnational social networks to arise and encourages the transfer of skills and know-how ('brain circulation'), thus creating the opportunity to ameliorate the impacts of 'brain drain.'*<sup>4</sup> In spite of this, in Romania in general and Sfântu Gheorghe (Sepsiszentgyörgy) in particular (i.e. in the context of YOUMIG), return migration is not a typical phenomenon, and population projections for the municipality point to a decrease in population. The municipality's leadership is well aware of this phenomenon and over the last decade has tried to initiate several programmes, in general targeting young people who leave the municipality for short- or longer-term emigration. These programmes focus on persuading migrants to return to home and start businesses in the town.

The LSQA conducted within the framework of YOUMIG drew attention to several critical problems that discourage young people from returning to Romania in general and Sfântu Gheorghe (Sepsiszentgyörgy) in particular (i.e. in the context of YOUMIG). One of these problems is related to the services provided by the local and decentralised authorities. People mentioned the slowness of the administration and the fact that information is scattered between different institutions. Others complained about not being properly informed about their civic duties (and rights) by the authorities in addition to poor communication between the customers and institutions. Unpredictability on the part of the administration was another frequently mentioned problem – in many cases, the authorities changed appointment dates. Young returners also pointed out the lack of non-Romanian materials in relation to the communication strategies of different institutions.

Sfântu Gheorghe's (Sepsiszentgyörgy) ethnic composition places it in a relatively unique position. According to the 2011 census, 73.6% of the population declared themselves Hungarian, which means that most return migrants are Hungarian speakers, often with modest Romanian language competencies. In other words, their expectations are related to their Hungarian language competency in terms of looking for information and dealing with local public institutions.

In June 2018, the local administration targeted both of these problems with the newly established One-stop-shop office. The office's main function was to provide information regarding the civic tasks that a return migrant has to carry out (residency-related issues, finances, healthcare insurance, education and the procurement of different permits etc). The information is provided both physically (in person) and virtually; in the latter case

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<sup>4</sup>Fassmannet al, *op.cit.*, p. 40.

through a continuously updated webpage created and operated by the OSS-office. However, these actions can solve the above-mentioned issues only in part. The office is able to collect some relevant data regarding the stakeholders' activities, such as contact lists, the main activities and opening hours of the relevant institutions. However, neither its staff nor website can offer advice or help to resolve the citizens' respective issues. To receive this kind of service, a citizen is obliged to visit each office and institution separately. Moreover, since virtually all the mayor's office employees speak Hungarian, they would be happy to provide this information in the migrants' preferred language. However, most institutions are not part of the local administration, but rather decentralised institutions of the state, offering documents and forms in Romanian only. Such conservatism, not only makes their services less user-friendly, but also hinders the implementation of any OSS scheme.

### *The legal background of language use in local administration*

The functions of public administration are regulated by Law 215/2001. The law has specific provisions for language use, however only in the context of minority language rights. This means that in municipalities where the minority exceeds 20% the minority language can be used in public administration. As the percentage of Hungarians in Sfântu Gheorghe (Sepsiszentgyörgy) reaches this threshold, the Hungarian language can be used orally and in written form. Regarding language use, several problems may rise.

First, the law formulates relatively clear provisions on what materials can and should be translated into other (minority) languages. Law 215/2001 regulates the following issues related to customer services.

- 1) Local councils should hire minority-language speaking personnel in positions that require direct contact with citizens (art 76(3)).
- 2) Members of the minority have the right to use their own language in their oral and written communication with local state institutions (art 76(2)).
- 3) Public information needs to be disseminated both in Romanian and in the minority language (art 76(4)).

Furthermore, the law underlines that official documents be issued mandatorily in the Romanian language (art 76(5)), but it says nothing about the language of public information materials and bilingual forms. In other words, the law does not prohibit, but neither does it prescribe the use of the minority-language version of these documents.

Second, an important aspect of the law is that it does not prohibit the use of other languages either. The law regulates how minority languages should be used, but has nothing to say concerning languages of international circulation. Although in the case of Sfântu Gheorghe (Sepsiszentgyörgy) the language expected to be used by return migrants is a minority language, this policy issue should be tackled in more general terms that, in addition, address

the needs of immigrants from other countries, as this issue is increasingly salient in some of the larger Romanian cities. Many cities and local administrations receive a growing number of foreigners, thus all institutions would gladly welcome communication in the English language. For instance, in the city of Cluj, where the Ambition Setting and Vision Development workshops were conducted, local stakeholders raised the issue of providing certain public administration services in a language of international circulation (preferably English), due to the high number of international students in the city.

The issue of the using languages other than the national language is especially problematic with regard to decentralised institutions and the local branches of public utility companies, which do not have the authority to introduce new languages without the consent of their central institution. Another issue is that the law is focused on local administration and the functioning of local deconcentrated institutions. It does not contain a provision for a specific form of public service provider (the so-called Regii Autonome) by means of which many public utility companies function (e.g. water, energy, internet providers and postal offices, etc.)

Third, only a handful of forms used in written communication are the actual responsibility of the local administration or the local decentralised institutions. Most of this official literature is developed at the central level, and signed off by the minister(s) responsible. Documentation and forms become official only after they are published in Romania's official bulletin (Monitorul Oficial). In practice, forms and documentation are bilingual only sporadically; most of them are only created and published in Romanian. In such cases, the local decentralised office or the local administration could produce translations, but only on its own initiative and at its own expense.<sup>5</sup> Many state institutions (e.g. the National Integrity Agency, National Agency for Fiscal Administration, etc.), however, do not accept these translations, which remain unofficial, unless approved at the central level. From the perspective of the minority-language law, these practices are not in concordance with the European charter for regional or minority languages, which Romania ratified in 2008.

A further issue in relation to language use was raised at the Ambition Setting Workshop. Some representatives of the local administration remarked that the translation of materials was cumbersome, and that the legitimacy of spending money on such endeavours had been questioned in the past by the Court of Auditors with the effect of dissuading the local administration from engaging further in such actions. The problem was discussed in detail by the experts invited to the Vision Development Workshop, who argued that there were no legal grounds on which the Court of Auditors could make such decisions, and that, besides;

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<sup>5</sup> In the case of language rights, this issue is regulated by the governmental decision 1206/2001 for the approval of the norms of application of the provisions regarding the right of citizens belonging to a national minority to use their mother tongue in the context of local public administration, which in art. 17 clearly states that the costs of minority language use are to be supported by the local budgets of the municipalities.

many central level state institutions used English translations in their online communication. Furthermore, they argued that behaviour of this kind on the part of the Court of Auditors was rare and could be explained by the fact that many legal regulations are interpretable and make allowances for the overly strict and sometimes misinterpreted procedures of the state institutions. Overall, the clarification and improved implementation of legal provisions in the domain of language usage could pre-empt fears of intervention or sanctions by the Court of Accounts.

### *National level stakeholders and policy actors*

To make viable policy recommendations, one needs to localise the main policy actors involved. The described issues cannot be tackled directly by one single institution, since different problems have distinct layers.

First, the shortcomings of Law 215/2001 can only be amended by Parliament, and unless the Government takes initiative, the passing of such amendments is virtually inconceivable. The limitations concerning the official language, the language use of public utility companies and the problem of bilingual documentation all belong to this category.

Second, in the case of bilingual forms, all state institutions (ministries, agencies) need to be involved as they are the ones developing the implementation norms for any legislation, including the official version of the forms. While the requirements can be laid down in the legislation, the various institutions concerned with the implementation of the domains to which the law applies, need to develop and update their forms on their own.

Third, in the case of fiscal and financial limitations the key institution is the Court of Auditors; however, the problem may also be tackled at the parliamentary and governmental level, for the purposes of legal clarity.

### *Policy recommendations*

The modification of Law 215/2001 has been on the official political agenda for the past few years. Therefore, to ensure multilingualism in the local administration two different strategies can be followed. On the one hand, language rights-related provisions could be strengthened and formulated more accurately, and on the other, the regulation of international language use in administration needs to be created. To achieve both strategies, the following policy recommendations can be formulated.

## **POLICY RECOMMENDATIONS**

### I. Various governmental bodies:

1. The Government should commit itself to multilingual local administration and formulate best practices regarding the use of international languages within public administration, decentralised institutions and public utility companies.
2. The various national ministries, agencies and national offices should re-evaluate their policies toward multilingualism and elaborate the more widely used forms that reflect their competencies, publishing them in the Official Monitor in at least in one international language and all minority languages.
3. The Government should re-evaluate the law on decentralisation and the laws on public audit in order to break down all legal barriers related to the financing of multilingualism within public administration.
4. The Government should re-evaluate the legislative article related to language use and initiate changes in Parliament, if necessary.

### II. Parliament:

1. It is recommended that Parliament introduce new provisions in Law 215/2001 that would expand and strengthen the language rights in decentralised institutions and public utility companies.
2. Parliament should introduce provisions in the law that focuses on the development and use of minority language or multilingual forms.
3. Parliament should remove barriers hindering language-related issues, if any, from the laws on decentralisation and public audit.

### III. The Court of Auditors:

1. It is recommended that the Court audits and changes its internal practice to allow local and regional state institutions to spend on multilingualism.
2. The Court of Auditors should create budgetary guidelines on the real costs of multilingualism.