

THE FREE MOVEMENT OF PERSONS AND THE BORDERS OF THE EUROPEAN UNION

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ABSTRACT:

AMID A DOWNTURN TO THE EURO AREA, DISCUSSIONS ABOUT MIGRATION, COMMON POLICY ON SECURITY AND DEFENSE AND THE SCHENGEN AREA COULD BE OF SECONDARY IMPORTANCE. AN ANALYSIS OF THE RELATIONSHIP BETWEEN THESE POLICIES WITH THE ECONOMIC RECESSION IS MORE THAN NECESSARY. SCHENGEN ENLARGEMENT ON ROMANIA AND BULGARIA, UNFAIRLY STOPPED BY LINKING THIS DECISION TO THE COOPERATION AND CONTROL MECHANISM, HAS IMPLICATIONS ON ALL ASPECTS OF EU POLICIES.

ALTHOUGH THE ROMANIAN BORDER POLICE MEET SCHENGEN CATALOGUE STANDARDS, DELAYING ADMISSION OF ROMANIA IN THE SCHENGEN HAS CONSEQUENCES DIFFICULT TO ESTIMATE AT THE PRESENT TIME. IT ACCUSES THE POPULISM AND NATIONALIST OUTBURSTS IN SOME WESTERN COUNTRIES, BUT IT IGNORES THE POLITICAL COSTS IN THE PUBLIC OPINION IN ROMANIA AND BULGARIA.

KEYWORDS: *FREE MOVEMENT OF PERSONS, MIGRATION, MULTICULTURALISM, SCHENGEN BORDERS*

FREE MOVEMENT OF PERSONS

This freedom is derived from the provisions relating to European citizenship by means of which all citizens of the Union have the right to move and reside freely within the territory of the Member States, in compliance with the conditions imposed by the Treaty and the measures taken to implement them².

The primary goal of this objective was actually creating the common market as a will of the people, the will of their willingness to move and practice in other countries of the

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² For the first time, free movement of persons has been provided by the Treaty of Rome, article 48 that comprised the creation of conditions for the implementation of the free movement of persons within the community. This involves the abolition of any discrimination in respect of employment, based on nationality, salary, working conditions. "Freedom of movement is a fundamental right of workers and their families; the mobility of labor within the community must be one of the means by which the worker shall be granted the opportunity to improve his conditions of life and work, as well as the promotion of the social ladder, while helping to satisfy Member States' economy. See, Paul Dănuț Duță, Robert Iulian Stănescu, Lucian Leonard Bădică, *UE-27 de la extindere la adâncirea integrării*, Colecția Politică și Apărare Națională nr.35, (Sibiu: Editura Tehno Media, 2009), 34.

community. Thus, as a whole, the Treaty aims at linking between free movement of goods, persons, services and capital. These economic objectives to be achieved had to rely on the human factor, and to ensure its necessary mobility in the economy³.

The political objective was the creation of a high degree of cohesion between people within the community, through the removal of barriers to the free migration of workers and by promoting the idea of European citizenship.⁴ Thus, the Treaty provides for any worker, apart from conditions which impose limitations justified on grounds of public policy, public security, public health, the ability to accept any offer of: employment that is done and that is to his advantage; to move freely within the boundaries of the Member States of the community in order to achieve this goal; to live temporarily in a Member State, for employment in that state, in accordance with the rules governing legislative and administrative implementation of the hiring process in that state; to remain in the territory of a Member State after having been employed in that state. Not all these regulations on the movement of workers will be applied to the staff employed in public positions within the Member States of the community⁵.

THE IMPACT OF MIGRATION ON EUROPEAN UNION

An important feature of the population is moving from one place to another⁶. Currently, the provisions of the Treaty on European Community stipulate the right of any citizen of the

³ A first step to ensure the free movement of persons has been the conclusion of the Schengen Agreement on June 14, 1985 by France, Germany and the Benelux countries, which turns into reality the free movement of goods and persons. The objective is to eliminate internal borders and to guarantee the safety and security of citizens SM. To do this they had to lay down arrangements for migration and asylum policy as well as on issues related to security and justice. On June 19, 1990, ending of the Convention implementing the Schengen Agreement may accede to: Italy (1990), Portugal and Spain (1991), Greece (1992), Austria (1995), Finland, Sweden and Denmark (1996). To facilitate the dismantling of borders was founded the Schengen information system. It consists of a computer network between national policies, which allows consultations of persons, means of transport when carrying out control operations. See, Paul Dănuț Duță, Dan Ionică, UE-27. *Politica Europeană de Vecinătate, Colecția Politică și Apărare Națională nr.27*. (Sibiu:Editura Tehno Media, 2008), 29.

⁴ The main provisions of the Schengen Agreement: harmonized visa procedure. The creation of a single visa valid for 3 months and the establishment of a common list of third countries whose nationals must obtain Schengen visa to travel within the territory of the signatory countries. If the visa is refused by a member states, it cannot be provided by other state. Right to asylum: in 1995 it ends the Dublin Convention which establishes that asylum may be required in a single country. Police cooperation. An improvement of police cooperation, a uniform vigilance as regards external borders and the possibility of further police action in the territory of another signatory countries; Cooperation on justice; Cooperation in the fight against drug trafficking; The fight against arms trafficking. The 2004 Hague Programme — the multiannual programme for justice and home affairs — invited the Commission ‘to submit, as soon as the abolition of controls at internal borders has been completed, a proposal to supplement the existing Schengen evaluation mechanism with a supervisory mechanism, ensuring full involvement of Member States experts, and including unannounced inspections’. *Proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen acquis*, Brussels, 16.11.2010 COM(2010) 624 final 2010/0312 (COD), 2.

⁵ The Council will have that, acting in accordance with the procedure and after consulting the Economic and Social Committee, issue directives and regulations in order to be able to implement effectively the provisions of the Treaty and to ensure freedom of movement for workers by ensuring close cooperation between national employment services. Elimination of administrative procedures, practices and qualifying periods, available and qualified workers, whereas the maintenance of such measures would be an obstacle to the free movement of workers. Creating an effective mechanism through which to ensure bringing offers of work to the attention of those interested in achieving this balance between supply and demand on the Community market of labor, so as to eliminate any threats to the living standards of workers in certain industrial areas. See, Paul Dănuț Duță, Robert Iulian Stănescu, Lucian Leonard Bădică, *op.cit.*, 53.

⁶ The right to travel has been recognized worldwide for over half a century, with the adoption of the Universal Declaration of human rights. The Declaration States in Article 1: "Everyone shall have the right to move freely

European Union to move and reside freely to the territory of the Member States under the conditions laid down in the Treaty of Rome⁷.

European colonization was closely linked to the rapid development of capitalism, the occurrence of an agrarian overpopulation, dissipation of art and unemployment. Overseas countries have offered open fields at the same time, a strong demand for labor. Migration of the last century and a half can be grouped according to the number, origin and its specific character, in five major stages:

The 1835-1846 stage, period of social reshaping in almost all Western European Countries, represents a revival of migration in the 18th century. The number of those who left is estimated at about 100,000 people, the immigrants being farmers or craftsmen. The directions of movement particularly aimed for the North American and European colonies in Australia and New Zealand.

The 1846-1880 stage is characterized by the massive displacements that reach 300,000-500,000 people per year. During this period, in which emigrants deprived of their material means are predominant, travel directions remain the same as the ones in the previous period.

The 1880-1914 stage, the period leading up to World War I, is characterized by a strong growth of emigration with, on average, about 800,000 people annually. Unskilled emigrants without means and resources form the mass of emigrants. Immigration areas extend, North America remaining the main attraction.

The 1914-1940 stage presents distinct characteristics. As opposed to the period before World War I, it increased the forced migration resulting from the position of some Governments towards national minorities or of other political and religious attitudes, of the conditions of the peace treaty, after the formation of new independent States etc. In this period it outlines a range of attractions of emigration to Western Europe. The emergence of these new areas of Immigration announced a reversal of the traditional currents.

The stage after the World War II led to important changes in the migratory movement. Millions of people have been evacuated, others emigrated temporarily, population exchanges took place between neighboring countries, and migrations by economic causes have revived. After the end of the World War II, European countries have experienced four major periods of migration⁸.

and to establish residence in the territory of any State" and "Everyone has the right to leave a country, including those of origin, and to return to his country". For the citizens of the Member States of the European Union, the free movement of workers was one of the earliest recognized rights within the community. If the initial regulations (*Regulation No 1612/68 on freedom of movement for workers and Directive No. 360/1968 on the right of residence of workers and members of their families*) pertained only to those who were exercising an economic activity, the single European Act extended the right of residence to nationals of Member States, all independent of the deployment of economic activities. See, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions*, "Circular migration and mobility partnerships between the European Union and third countries", COM (2007) 248, 16 May 2007, Brussels, 1.

⁷ For years, politicians placed individuals' mobility at the heart of the EU's popularity. Projects such as the Schengen and Euro areas reduced obstacles to free movement, thereby creating greater employment chances as well as more choice and means of exchange for citizens. But not all citizens can or want to move. An immobile sub-section of the population has long worried that it bears the brunt of low-paid immi-grant labour. Now, it increasingly worries too that more mobile elites will emigrate and abandon it to face national economic decline and debt liabilities alone. If govern-ments are to convince their publics of the need for painful reforms to shore up the Euro and Schengen areas, they must ensure that all sections of society feel the benefits of mobility. Roderick Parkes and Daniela Schwarzer, *The Divisiveness of Mobility: Fuelling Populism in the Euro and Schengen Areas*, German Institute for International and Security Affairs, July 2012, Berlin, 1.

⁸ These migrations differ, however, from those of the pre-war through proportions, shapes and directions. Garson, Loizillon, *Change and challenges Europe and migration from 1950 to Present*, OCDE, 2003, 32.

The 1950-1970 period. Immediately after World War II, ethnic and others that had deployed, began to return to their countries of origin, generating migration flows in Europe. At the same time, however, the reconstruction of post-war Europe required a huge amount of manpower. As a result, the authorities of the states concerned, companies or private agencies have begun to recruit foreign workers. These wide-ranging migratory movements within Europe and from developing countries have contributed to the development and successive economic increases recorded in Europe between 1945 and 1975.

Competition with the socialist political model in Central and Eastern Europe has stimulated the development of policies that have led not only to the achievement of a high level of employment, but also to the improvement and modernization of social security systems and, thus, to the evolution of the general welfare states in Western Europe. During this period, the heavy industry, the manufacturing one, the construction and public activities sector developed, causing a significant growth in the European countries. Migrant workers in Ireland and southern Europe⁹ – countries which have experienced stagnating economies and high rates of unemployment -have responded, in the beginning, to the needs of the labour market in Western Europe.

The Treaty of Rome in 1957, which established the European Economic Community, was based on certain principles, including ensuring free movement of people within the six founding states. As a result, in the 1960s there was a large increase in migration within the Community, largely due to the significant number of Italian workers who traveled to the other five member states. But even after completion in 1968 of the legal and institutional framework to ensure this freedom, migration waves from third countries remained quantitatively superior to intracommunitary labour migration, according to the study carried out by Garson and Loizillon¹⁰.

Between 1945 and 1975, dependence of member states' economies on foreign workers decreased the volume of illegal immigration. Combating illegal immigration has become a priority issue for many member states policies after the economic decline from the mid-1970s, followed by unemployment increase¹¹.

The second period of migration was marked by economic crises brought about by the increase in oil prices in 1973 and 1979. In the following years, the changes in the world economy, the economic revolution and new models of business organization changed the

⁹ Greece, Portugal, Spain and, to a smaller extent, Italy. See, Koopmans, R., Statham, P., Giugni, M. și Passy, F., *Contested Citizenship. Immigration and Cultural Diversity in Europe*, (Minneapolis: University of Minnesota Press, 2005), 41.

¹⁰ During this period, there were concluded many bilateral agreements on the movement of labour between the six member states and third countries – for example, between Germany and countries like Italy (1955), Greece and Spain (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). European Commission studies show that, during this period, forms of labour migration have varied considerably, in line with the historical circumstances. Thus, France, Belgium, the Netherlands and the United Kingdom had the ability to use force in their colonies or former colonies, and economic, political and cultural relations, offer the chance to get the workforce even without using specific recruitment systems. On the contrary, countries such as Germany or Switzerland lacked access to "colonial" labour. That's why they created the recruitment systems of labor to attract temporary foreign workers, who have been granted permission to stay as "guest workers", as their work is required. Garson, Loizillon, *Change and challenges Europe and migration from 1950 to Present*, OCDE, 2003, 46.

¹¹ According to OECD statistics, from the early 1960s to the early 1970s, more than 30 million foreign workers have entered the European Economic Community, including temporary workers and those with multiple entries. Until the early 1980s, the number of foreign residents in Western Europe has tripled compared to the 1950s, reaching 15 million. In 2000, more than 20 million foreign workers lived in the European Economic Area, accounting for 5.4% of the total population, with slight variations between countries. See, Rețeaua de migrație europeană (2011), *Statistici fundamentale ale Uniunii Europene*; Eurostat (2011), 23; *Populația și condițiile sociale*, 38/2011, 34/2011.

nature of the work, thereby undermining the traditional employment patterns. As a result, the labour force has changed. Some European countries have reduced or have tried to reduce immigration. Rising unemployment and escalating social tensions have prompted Governments to eliminate active recruitment policies abroad. The costs of recruitment from abroad increased for employers, the categories of foreign workers who could be hired were limited and annual allowances have been established for the labour force from abroad. Also, Governments have implemented policies to encourage migrant workers to return to their countries of origin. In reality, economic regress in host countries did not lead to the massive return of migrants in countries of origin. According to United Nations estimates, only 10 percent of migrant workers returned to the countries of origin in the coming two years after the 1973 oil crisis, combined with civic crisis of 1974-1975¹². Although the European Union expanded in 1974, through the accession of Great Britain, Ireland and Denmark, the intra-Community migration has stalled, not only as a result of the economic crisis, but also because of wage convergence between member states.

The third period of migration that began in the late '80s, is characterized by diversification of host countries and homelands¹³. Migrants do not come mostly from former colonies, but from a group of more diversified countries. The number of asylum-seekers and refugees has significantly increased. This was partially due to political changes in Central and Eastern Europe and the former Soviet Union. Regional conflicts, as well as those in the former Yugoslavia and Northern Iraq, have caused considerable flows of asylum-seekers and refugees in affected areas¹⁴. Since the early 1990s, border issues, especially those related to migration have become issues of major concern in Europe. Third countries do not benefit from privileged conditions of access to and participation in the European integration process, but must face the consequences of the Union's external border and illegal immigration.

On the other hand, the member states of the European Union, as well as the applicant countries are facing new problems in the field of border control and migration. In recent years there has been an increase in the permanent immigration and temporary labour migration as a result, on the one hand, of the intensity of the expansion phase of the late '90s, and, on the other hand, of the development of information technology and communication, health and education, sectors requiring highly skilled labour¹⁵. At the same time, the demand for

¹² However, as Gaston and Loizillon indicated in their study, labour migration has decreased up to the late 1980s. At the same time, according to data provided by EUROSTAT, other categories of migrants have increased significantly, mainly as a result of family reunifications. In addition, labour migration was more and more followed by migration for other purposes, especially in search of asylum. See, Collett, E., *The Global Approach to Migration: Rhetoric or Reality?*, European Policy Centre, Policy Brief, Brussels, November 2007, 3.

¹³ Traditional countries of emigration from Europe, such as Spain, Italy, Ireland, Greece and Portugal, turn gradually in countries of immigration.

¹⁴ According to the statistics of the OECD, this period is also characterized by the predominance of migration flows to family reunification and the return of interest for labour migration, particularly for skilled workers and highly qualified, towards the late '90s. After the collapse of the communist bloc and the opening of borders, the migratory East-West flow increased, and in particular the movement of ethnic minorities. From the late 1980s to the early 1990s, the return of ethnic minorities in the countries of origin was significant and targeted to a limited number of Member States, especially Germany but also Greece and Finland. See, Gordon H. Hanson, *The Economic Consequences of the International Migration of Labor*, NBER Working Paper No. 14490 Issued in November 2008, 24.

¹⁵ The "freedom to study, work and travel any-where in the EU" is typically mentioned by around 45 per cent of interviewees in Euro-barometer surveys as an element they associate closely with European integration. The sense of association is particularly strong in the north (66 per cent in Sweden, and 58 per cent in Denmark, Eurobarometer 75/2011). Meanwhile, EU-wide, only a small number of respondents associate their country's membership of the EU with an increase in crime (13 per cent) or a deficit in border controls (18 per cent). See,

unskilled foreign labour increased, particularly in agriculture, constructions and public works, as well as domestic services¹⁶.

After 1989, migration has increased particularly in Germany and the United Kingdom, policies regarding recruitment of labour from abroad encouraging foreign workers temporary solution. At the same time, foreign students contributed to the coverage of labour demand in host countries¹⁷. In the 1990s the share of women among migrants has also increased¹⁸. The trend of "feminization" is notable in all components of migration flows, not only in the case of family reunifications.

ILLEGAL MIGRATION

The countries of Central and Eastern Europe are no longer just countries of emigration and immigration and transit, becoming attractive to immigrants from the Middle East. While the population of Central Europe¹⁹ migrates to Western Europe, these same countries become a destination for migrants from Eastern European countries²⁰. At the same time, illegal migration has acquired new dimensions and has become more dangerous. As a result of the development of international traffic networks and increase of their role in the international movement of labor, Member States' policies on migration and employment of foreigners increased repressive measures against traffickers, employers or immigrants who are in a situation of illegality²¹.

From the second half of the 90s, discussions about the effects of international migration of highly skilled workers have intensified. In Europe, the specialists and students migration from Central and Eastern Europe to Western Europe was noticed after the fall of the Berlin Wall and fall of the socialist regimes in 1989²². Countries such as Great Britain, Germany

Roderick Parkes and Daniela Schwarzer, *The Divisiveness of Mobility: Fuelling Populism in the Euro and Schengen Areas*, German Institute for International and Security Affairs, July 2012, Berlin, 8.

¹⁶ Italy, Spain, Greece and Portugal.

¹⁷ United Kingdom, Germany, France and Spain.

¹⁸ This trend is particularly observed in France, Greece, Sweden, the United Kingdom and Italy.

¹⁹ The Czech Republic, the Slovak Republic, Hungary and Poland.

²⁰ Such as Belarus or Ukraine. A viable solution to this double dilemma – lowering the population able to work and shortage of skilled workers is the migration of qualified workers. European citizens have understood this and Eurobarometer polls show that 70% of them believe that immigrants are important to the European economy. As obvious, however, is the fact that, without migration, strategy generates difficulties and endangers the competitiveness of the EU. The EU must assert in the global competition for the brightest minds. Member States should aim at a qualitative migration and not at a quantitative one. It is already apparent that attracting high qualified labour will be a challenge. The integration of EU citizens and third-country nationals coming from migrant families becomes a social problem of our time. See, *Report on the integration of migrants, its effects on the labour market and the external dimension of the coordination of social security* (2012/2131(INI)) Committee on employment and social affairs, 3.

²¹ The European Union is at a turning point in terms of employment policy. For the first time in the 20th and 21st centuries, it happens that, in times of peace, the population capable of work decreases, a phenomenon that started in 2012. If immigration is not going to increase, in the next ten years it will decrease by over 14 million people. See, *Report on the integration of migrants, its effects on the labour market and the external dimension of the coordination of social security* (2012/2131(INI)) Committee on employment and social affairs, 4.

²² Concerns about "brain drain" and the emigration of the well-qualified have been a constant refrain in poorer EU member states. Yet, this fear of "being left behind" by a more mobile elite has recently become a feature of politics in northern Europe as well. In 2005/2006, when Germany experienced net emigration for the first time in 40 years, there was widespread disquiet that the "brightest and the best" were leaving the country – statistical analysis of those leaving Germany confirming that the emigrants were indeed better qualified than the compatriots they were leaving behind. Meanwhile, figures on the intra-EU migration of scientists and managers give many northern governments cause for concern, with France, Denmark and the Netherlands frequently suffering net deficits, even if analysis suggested the vast majority of emigrants return home. See, Roderick

and France have adopted measures to facilitate the entry of highly qualified individuals, especially IT professionals, to face global competition for this kind of workers²³.

Request of highly qualified workers can be satisfied mainly in the developing countries, the direct benefits of the "brains drain" being still very popular. Specialists' import still occurs, even if its significance is lower. One can predict, however, an increase in the reverse flow of specialists from rich countries towards the least developed as a result of reduced demand for highly qualified personnel due to increased economic efficiency in the developed countries.

Also, capital and direct investments will go towards poor countries, attracting specialists from rich countries. The link between demographic changes and migration policies, including migration of highly qualified individuals, will be an important issue in the near future. It is expected that some Member States to prefer the migration of specialists and develop rules and procedures to facilitate it²⁴.

In general, foreigners are more vulnerable to unemployment than nationals. Also, foreigners are directly affected by unemployment, according to their nationality²⁵. These differences are due to economic trends, and the nature of activities of foreign nature. The demographic structure of the foreign population and the time when migrants arrived in the host country has the same influences. Employment of migrants is determined also by their profiles. Unemployment varies by age, sex, nationality, class immigrants (refugees, family member or worker), skills, professional experience and length of stay. Knowledge of the host country language contributes to the integration in the labor market and society.

Migration can be considered an indicator of the true state of health of the social organism and the result of cumulative effects, the most important being the impoverishment of the population²⁶. Due to rising unemployment, some states have adopted a policy of limiting immigration, although initially it was encouraged²⁷. However, the increased unemployment rate has prompted Swiss authorities to examine the possibility of introducing temporary restrictions on the labor market for the community citizens²⁸. In order to prevent

Parkes and Daniela Schwarzer, *The Divisiveness of Mobility: Fuelling Populism in the Euro and Schengen Areas*, German Institute for International and Security Affairs, July 2012, Berlin, 8.

²³ On long term, this phenomenon negatively affects the balance of the European pension schemes, on short and medium term, causing a shortage of qualified labor force. It is a situation which has already been felt, despite an unemployment rate in the EU of around 10% (23.8 million) and that it will worsen in the coming years. For example, in 2015 from 380 000 and 700 000 jobs in the IT sector will be available throughout Europe. See, *Report on the integration of migrants, its effects on the labor market and the external dimension of the coordination of social security (2012/2131(INI))* Committee on employment and Social Affairs, 7.

²⁴ But, as it was remarked by Marc Verwilghen (2004), the Belgian Minister for development cooperation, the European Union will have to identify, at the same time, and in order to limit the negative effects of "brain drain" on the development of States.

²⁵ On 28 November, the Commission presented its annual *Analysis of the increase on the 2013* (COM (2012) 750) by opening the European semester for economic governance for 2013. Annual growth analysis establishes the budgetary priorities, economic, employment and social policies of the EU and reforms for the next 12 months of the Commission. See, *Report on the first half of the European coordination of economic policies: employment and social issues in the analysis of annual growth on the 2013* (2012/2257) Committee on employment and Social Affairs, 13.

²⁶ See, Andreea Lazăr, "Conceptii europene despre apartenența națională și preferințe publice în materie de politici ale controlului imigrației", *Revista Transilvană de Științe Administrative* 1 (28)/2011, 76.

²⁷ We will give only one example: Switzerland. Following the referendum of 8 February 2009, the Swiss have approved an agreement that facilitates the Romanians and Bulgarians' access to the labor market. They are given work permits, "limited in number by 2016, based on transitional measures." See, Madalina Țugui, *Migration effects on economic growth under the conditions of the global crisis*, Bucharest Academy of Economic Studies, Bucuresti, 2008, 41.

²⁸ Mădălina Țugui, *Migration effects on economic growth under the conditions of the global crisis*, Bucharest Academy of Economic Studies, Bucuresti, 2008, 45.

these reactions from other Member States of the European Union in Romania, the authorities shall promote an active policy of integration, without restrictions on the labor market of the Romanian emigrant, succeeding, at least at the level of intent, to give him a credible image²⁹.

In the context of European integration of Romania and of the possibilities offered by the job markets of the Member States of the European Union, pointed out that the Romanian authorities try to find a safer environment and opportunities for legal immigration. Romanian legislation harmonized with European profile was completed in the last period with a series of programs, regulations and norms of professional bodies, which concern the impact of migration on society³⁰.

In the present context, it is difficult to assess the contribution of foreign workers to the development of the economies of the host countries³¹. Studies that have as subject the economic impact assessment of the immigrants did not treat them as a homogeneous mass, because a significant percentage of foreign workers is made up of highly qualified specialists. They represent a viable alternative to cover shortages of highly qualified staff in some economic areas. For employers, their presence represents a great opportunity because it offers the possibility to choose the posts placed on the labor market, the most suitable persons from the point of view of the "skills and abilities". Another advantage to the economy of host countries is to implement the knowledge acquired in the origin countries of the migrants. Through the establishment of some firms, automatically creates jobs for compatriots and citizens of the destination country.

The presence of immigrants is, however, beneficial for other reasons, according to Andrei Banc. In a study entitled "Migrația creierelor și a brațelor", it shows that, despite an unemployment rate, high enough, Europeans in the European Union "will not longer carry out unqualified or poorly qualified and, consequently, low-paid". The need to import the highly qualified specialists and millions of workers "of poor or average skill" is acute and is due to the decrease of population and ageing³². Author argues the ideas calling for prognosis

²⁹ Flagship European projects such as the Eurozone and the Schengen passport-free travel area have the aim of increasing the free movement of persons, goods, capital and services in order to fuel economic growth and employment. This is one basis for the EU's popular legitimacy. Yet, it has proved easier for the EU member states to create these liberal areas than to sustain them. They were called into life largely by "negative integration". Roderick Parkes and Daniela Schwarzer, *The Divisiveness of Mobility: Fuelling Populism in the Euro and Schengen Areas*, German Institute for International and Security Affairs, July 2012, Berlin, 1.

³⁰ Highlight in this respect, the work of the National Agency for employment to develop useful materials preparation, prevention and education to those who intended to emigrate. The materials published on this occasion and called What I need to know in order to work legally in ...(country concerned) contain data particularly relevant to access to the labor market and employment, regulation of the employment relationship with the employer, social security for foreign workers are Romanians, the recognition and equivalence of diplomas etc. Make clear that the rules in question are in line with the specifics of each country, so that Romanian citizen should be able to find a framework conducive to its development in the country of destination. See, *Raport referitor la semestrul european pentru coordonarea politicilor economice: ocuparea forței de muncă și aspecte sociale în Analiza anuală a creșterii pe 2013 (2012/2257(INI))* Comisia pentru ocuparea forței de muncă și afaceri sociale.

³¹ *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions*, "Circular migration and mobility partnerships between the European Union and third countries", COM (2007) 248, 16 May 2007, Brussels, 4.

³² The member states merely had to remove national obstacles – for example border controls – in order to increase intra-European mobility. Agreeing on common flanking measures – positive integration – has been rather neglected, and where attempted, much more difficult. In the Schengen space, the member states may have removed the border controls between them, but there is still no real common policy on guarding their shared external borders or on dealing with immi-grants from outside the bloc, let alone asy-lum-seekers or cross-border criminal net-works. In the Eurozone, while market inte-gration was promoted, the first Barroso Commission neglected supervision and regulation, leaving the bloc vulnerable to the repercussions of the US-subprime crisis

studies indicating these negative trends and manifestation in the following decades. In such circumstances, "will no longer have to deal with more job vacancies, times, and seriously, who will no longer have to pay the necessary taxes pensions Europeans active today"³³. Approximately 40% of Europe's population will be comprised of immigrants in the year 2050 and their descendants of the first generation", so this modern migration will change people's identity.

Europe will have fewer inhabitants in 2050 than today³⁴. That's why it has to close the borders and the "acceptance of the immigration of tens of millions of people in Asia and North Africa." Andrei Banc rhetorically asks their readers at the end of his study, if they believe that the past 50 years "million Romanians will be black or yellow, Muslims or Hindus, and our cities are going to have hundreds of mosques". And he is the one who gives them the answer: "everything is repeated in history". "The barbarian invasions" stand at the gates of Europe, without weapons as two thousand years ago, without the desire to Rob or kill, but only with the desire to live better"³⁵.

This phenomenon implies the existence of highly qualified specialists in a certain country, that are either underpaid or do not have any place in the labour market, or are constrained by the political situation in the origin countries and prefer to emigrate. Their departure from a country less developed towards a more developed one, without any compensation, represents a vital resource loss, dramatic consequences on the evolution of the country in the future³⁶. European level feels the need of importing labour personnel of higher qualification. Forecasting studies highlight the need for imported by developed countries in the European Union of a number of 700,000 researchers over the next three decades³⁷.

of 2007/2008. See, Roderick Parkes and Daniela Schwarzer, *The Divisiveness of Mobility: Fuelling Populism in the Euro and Schengen Areas*, German Institute for International and Security Affairs, July 2012, Berlin, p.3.

³³ UN Statistics show that the ratio for 3 people to a retiree and active employment vacancies, the EU will have to "import" annually in the period 2015 and 2040 to about 6.1 million people.

<http://www.stiintasitehnica.ro/index.php?menu=8&id=172>

³⁴ See, *Communication from the Commission to the Council and the European Parliament*, "The global approach to migration one year on: towards a comprehensive European migration policy", COM (2006) 73, 30 November 2006, Brussels, 2.

³⁵ Annual growth analysis on the 2013 requires that the efforts at national and EU level to focus on five priorities: tracing for fiscal consolidation and favorable economic growth differentiated; restoring normal levels of lending in the economy; promoting the growth and competitiveness of the present and the future; combating unemployment and the social consequences of the crisis; the modernization of public administration. See, *Report on the first half of the European coordination of economic policies: employment and social issues in the analysis of annual growth on the 2013* (2012/2257) Committee on employment and Social Affairs.

³⁶ It slows the growth and promotion of technology, revenue declines and leaves found in certain sectors. See, Carmen Tudorache, *The effects of labor movements in Europe*, (Editura Universității Naționale de Apărare "Carol I" București, 2008), 95.

³⁷ <http://www.stiintasitehnica.ro/index.php?menu=8&id=172>

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