

LEGAL MECHANISMS FOR MANAGING THE PHENOMENON OF MIGRATION AT THE INTERNATIONAL AND EUROPEAN LEVEL

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Abstract

Migration is one of the forms of human mobility that has manifested itself in all stages of the history of human society, including contemporary society, and has embraced different forms and dimensions from one historical stage to the next.

In general, migration has generated positive effects for the progress of mankind, favoring the transfer of ideas and other spiritual values, satisfying the need for diversity of societies and economies, but it has often been perceived negatively because taking advantage of these people's movements have penetrated into space destination of migrants certain serious phenomena such as cross-border crime and terrorism.

The United Nations is addressing the phenomenon of migration as being the expression of freedom of movement enshrined in art. 13 of the Universal Declaration of Human Rights of December 10, 1948, in which the freedom of movement is structured on two components: freedom of movement on the territory of the country - art.13 (1) b) the right to leave any country and to return to its country Article 13 (2).

Within the UN there are several institutions with tasks in managing the migration issue such as: Human Rights Council - HRC; United Nations Refugee Agency - UNRA; International Organization for Migration - IOM; United Nations Office for the Coordination of Humanitarian Assistance - OCHA. With the contribution of these institutions, reference documents were adopted to identify the solutions and measures required for each category of migrants.

Also, at the EU level, there is a well-defined policy on migration, with distinctive elements for the migration of European citizens and their families towards the migration policy of non-European citizens.

The volume, concentration and serious events that have followed migration have recently highlighted the vulnerabilities of systems designed to manage this phenomenon at European and international level.

These consequences are the subject of the work agenda of the international and European institutions, from which they expect effective measures to find a fair measure between the benefits of migration and the possible vulnerabilities it generates.

Keywords: migration, freedom of movement, repatriation, European citizen, non- European citizens

JEL Codes : K33,K36

1. The general context of migration phenomena manifestation

The migration constitutes one of the most important challenges of modern societies, with huge impact over geopolitics.

As a mobile form of individuals and human groups, migration is met in all stages from human society history, including in modern age society, with different shapes and sizes from one historical event to another, in report with the historical, political and demographic context in which it has manifested.³

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³ Ancestral forms of migration were trans humanity and exodus. With the state organization and the crystallization of the military force, migration has embraced aggressive forms: invasions, colonisations, population displacements. In historical order, the first waves of migration occur at the end of the ancient period: the migration of the Germanic peoples to Central and Northern Europe, including the British Isles; that of the Slavic peoples to eastern Europe and the Balkan Peninsula; that of peoples of Mongolian origin to Asian countries and Eastern Europe; that of the Arabs in the Middle and Near East countries; and so on.

In the Middle Ages, when America is discovered, there is a migration to these lands, first of all, Spanish and Portuguese (in Central and South America), then French, Dutch, English, Scottish, Irish (especially in North America). The colonization of America is followed by the forced displacement of a huge number of black-slaves brought from Africa and other parts of the world. It is estimated that their number amounts to several tens of millions, which led to the depopulation of Africa in the eighteenth century.

The following centuries mark a continuous and systematic process of population emigration from Europe to America, but also to other areas such as Australia, Southeast Asia and even Alaska.

Migration caused the disappearance of some civilisations and empires (Persian, Roman, Mayan) but in other circumstances it has represented the development engine of some powerful countries – and what better example than the history of The United States. It favours the transfer of ideas and other spiritual values, satisfying the need of diversity for societies and current economies. (*Tache (Uzlău) Marilena Carmen, 2017*).

Migration leads to social, economic and cultural changes which in turn changes the way of life, the character and dynamics of social groups, both those who migrate and those receiving migrants¹, thus generating a continuous adjustment of social management with potential assimilation or rejection issues.

Sometimes from migration, certain individuals with harmful behaviours have profited, as those of transnational criminality or terrorism. From this cause, the world's states have recently developed a reticence in what regards migration phenomena.

Most analysis and studies with the objective of migration phenomena are focused on mass movement of labour force, although migration, economically, generates the smallest concerns. Migration due to political instability and determined by armed conflicts or political persecution, must concern mainly human kind (*Massey, D. et al, 1998*).

Considering the generating factor of migration, international document is distinct amongst different categories of migrants², (migrants due to economic reasons, asylees, refugees from war zones, political refugees, etc.) instituting legal treatment differentiated by them. (*IOM, Glossary no. 25, 2011*).

Given the multitude of issues and implicitly the instruments and studies used to manage migration phenomena, an exhaustive approach is not possible in this context, therefore we will stop on what regards the architecture and functionality of institutional system within The United Nations Organisation and that of the European Union level, stating that between the two systems, there is a substantial convergence³.

2. Managing migration phenomena by The United Nations Organisation

In modern age society, migration knows an amplitude without precedent. According to the data provided by The International Organisation of Migration, nowadays one billion people – out of seven billion of the world's population – have migrated from their origins. 244 million of that are international migrants, meaning persons living in another country than the one where they've been born. The number also includes the 21 million refugees according to the New York Statement as of December 2016⁴, 3 million asylum applicants and over 40 million internally transferred persons.

Under these circumstances, it is obvious that only The United Nations Organisation, as a competent structure in dealing with global issues of mankind, has the possibility to admit

¹ When supported by appropriate policies, migration can contribute to sustainable and inclusive economic growth and economic development both in home and host communities. In 2014, migrants from developing countries sent home an estimated \$ 436 billion in remittances; an increase of 4.4% over the 2013 level (World Bank 2015), far exceeding official development assistance.

² Migrant person departing from one place to another, crossing an international border or moving within a state, away from the place of residence or family. Some United Nations documents state that a person who has been living in a foreign country for more than one year regardless of cause, whether voluntary or involuntary, and means, legal or illegal, used to migrate (IOM, Glossary, no. 25, 2011).

³ According to a resolution adopted by the UN General Assembly in May 2011, the EU can speak before other important groups when it speaks on behalf of the 28 EU Member States and is invited to intervene in the general debate at the opening of the General Assembly (No 65 / 276 of 3 May 2011). On this basis, EU Council President Donald Tusk agreed at the UN General Assembly in New York on 20 September 2017 on migration that the EU and its Member States act to achieve balanced and comprehensive global pacts for refugees (www.consilium.europa.eu)

⁴ UNHCR The UN Refugee Agency: Better protection for refugees in the EU and globally December 2016, accessible on <http://www.refworld.org/cgi-bin>

and coordinate the multitude of issues concerning migration management. A such step is not possible without approaching profound causes which animate this phenomenon: proliferation of conflicts, terrorism, severe violations of human rights, poverty, substantiating unlawfulness, poor governing, natural disasters, climatic changes, etc.

2.1. The contents of migration right and institutional structures with attributions of protecting it

Legally, migration constitutes in the UN approach, an expression of free movement, recognised by The Universal Statement of Human Rights as of December 10th, 1948.¹

Art. 13 The statement consecrates the freedom of circulation under two types:

-art 13(1): *freedom of circulation on the country's territory* - „Any person has the right to circulate freely and to choose one's residence within the borders of a state”);

- art 13(2): *the right to leave any country and not to come back* –”Any person has the right to leave any country and the right to return to his or her own country.

Granting circulation freedom has its bases the provisions of art. 12 of the International Pact on Civil and Political Rights², which states the following: ”...3.*The abovementioned rights fail to make the objectives of some restrictions only if they are foreseen by law, necessary to protect national security, public order, public health or morality or the rights and freedoms of others and are compatible with other known rights in the hereby Pact.*

4. No one shall be deprived arbitrary from the right to enter in his/her own country”.

In the same meaning, the provisions of the Pact regarding economic, social and cultural rights are also adopted in 1966 and that of the two additional protocols of the Pact regarding civil and political rights, with the first adopted in 1966 and the second in 1989.

All five documents aforementioned comprise The International Carta of Human Rights considered as being the core of UN human rights protection system.

To apply them, under aegis of UN, more institutions and organisms have been created, as The International Organisation for Migrants (IOM); The Council of Human Rights (CHR); The UN Agency for Refugees (HCR); The UN Office for Coordination of Humanitarian Assistance (OCHA).

Managing the phenomena of migration by these institutions, in cooperation with the national states, raised lots of issues, deriving from the statute of different categories of migrants, from the attribution of duties to the generating states of migration phenomena as well as the attribution duties of the receiving states. The unitary approach of these issues has at its basis common standards instituted by a series of international documents, agreed within some conferences and other types of inter-state reunions.³ as well as based upon common initiatives⁴.

¹ The Universal Declaration of Human Rights was adopted on December 16, 1948, by Resolution 217 A at the Third Session of the United Nations General Assembly.

² Adopted and opened for signature by the General Assembly of the United Nations on 16 December 1966. It entered into force on 23 March 1976, 49, for all provisions except those under art. 41; on 28 March for the provisions of Art. 41. Romania ratified the Pact on 31 October 1974 by Decree no. 212, published in the "Official Gazette of Romania", Part I, no. 146 of November 20, 1974.

³ Amongst which we mention: International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication no. E.95.XIII.18), chap. I, Resolution 1, Annex; World Summit on Social Development, Copenhagen, 6-12 March 1995 (United Nations publication no. E.96.IV.8), chap. I, Resolution 1, Annex I; the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication no. E.96.IV.13), chap. I, Resolution 1, Annex II. Resolution S-24/2, annex; Resolution S-25/2, annex; Resolution 217 A (United Nations A / RES / 58/208; Resolution No 49/127 of 19 December 1994, No 50/123 of 20 December 1995, No 52/189 of 18 December 1997, No 54/212 of 22 December 1999 and 56/203 of 21 December 2001 on international migration and development, Resolution 56/203 of 21 December 2001 (56th session of the Agenda 93 (c), 58th plenary of 23 December 2003).

⁴ Common initiatives in this regard include those on United Nations agencies, the International Organization for Migration (IOM) or the International Centre for Migration Policy Development, conducted together with the

2.2 Standards and regulations applicable to different categories of migrants

Work standards and instruments applicable to the migration case start off from defining types of migrants.

- The economic migrant – person leaving his place of residence to settle outside the country to improve the quality of life. This term is often used to persons trying to enter the country without legal permission and/or using the asylum procedures without a bona fide reason; it can also apply to persons leaving the country of origin for employment purposes. Also, these term does not involve refugees fleeing from persecution;

- The legal migrant – the migrant who entered the country according to admission criteria of a country and stays there;

- Illegal migrant – person without a legal statute in the transit or host country (breaching entry conditions; visa expiry¹. The term of „with illegal statute” is preferred with „illegal” because the later has a penal connotation and is foreseen as denying the humanity of migrants;

- Qualified migrant – person who, due to his/her qualifications or professional experience, receives a preferential treatment in what regards the admission in the host country², being subjected to fewer restrictions in what regards the duration of stay, workplace change and family reunion;

- Temporary working migrant – qualified workers, semi-qualified or unqualified workers staying in the destination country for defined periods determined by the employment agreement or a services agreement concluded with a company;

- Person under ordered migration – a person’s movement from one’s usual place of residence, in accordance with the laws and regulations governing the exit from the country of origin and travelling, transit and entering the destination or host country;

- Refugees are a category of persons, distinct from migrants, of which statue is clearly defined in the Convention on refugee statute, as of 1951, in its protocols, 3 as well as in the national legislations. Refugees are endowed with special protection, so that they will not get banished or returned to those areas where their life might be in danger. Refugees have the right to be supported in what regards repatriation. The repatriation constitutes the personal right of a refugee, war prisoner or civil detainee to return to his/her country, under specific

European Commission and addressing a wide range of migration issues International. Examples include services for migrants and resource centres in the Western Balkans and Asia, the ACP Migration Observatory, Regional Protection Programs (PPRs) in Africa and Eastern Europe, and numerous projects supporting the implementation of Mobility Partnerships in Eastern Europe (Moldova and Georgia) and Africa (Cape Verde).

¹ The definition includes, inter alia, those persons who have legally entered the country of transit or destination but have remained for a longer period than the authorized period or who have subsequently entered into unauthorized work (also a migrant clandestinely / without documents or a migrant with an unregulated situation).

² The most disputable way of economic migration is the brain drain phenomenon "considered to be" an abnormal form of scientific exchange between countries, characterized by the existence of a unidirectional flow in favour of the most developed countries "(See Massey, D. et al. The opposite is the reverse of brain drain, brain gain, immigration of trained and talented individuals to their home country. It is certain that contemporary migration, as compared to earlier periods, tends to "pick up cream" in some of the most educated and skilled labour sectors, degrading the domestic economy.

³ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 18 December 1990 The Geneva Convention recognizes refugee status for any person who:

(1) was considered a refugee to the arrangements of 12 May 1926 and 30 June 1928 or to the conventions of 28 October 1933 and 10 February 1938 and to the Protocol of 14 September 1939 or to the application of the Constitution of the United Nations High Commissioner for Refugees.

(2) following events occurring before 1 January 1951 and fears of being persecuted because of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of nationality and who cannot or, due to this fear, does not want the protection of this country; or who, having no citizenship and being outside the country in which he has been habitually resident as a result of such events, cannot or, due to that fear, does not wish to return.

conditions established by diverse international instruments¹ The repatriation option is conferred to a person individually and not to the holding power.² There are statute differences between refugees and international migrants although these categories have the same vulnerabilities, benefit of the same universal human rights and most of the challenges confronted are common.

Regarding the work of the UN and its specialized institutions on the protection and assistance in case of danger of people in a form of migration, there are opinions officially expressed that the performance of these institutions is modest, especially when considering the situation of persons coming from areas of military conflict or natural disaster.

It has led to a growing differentiation between the policies of the international organization and the approaches of the Member States facing the phenomenon of migration, which calls for a crisis of authority that the UN and its institutions have been going through lately (*Apostoiu, G, 2012*).

An attempt to reactivate Member States' solidarity in supporting the UN migration policy stems from the New York Declaration on Refugees and Migrants of September 2016. The text of the document reaffirms the importance of international protection and represents the commitment of Member States to enhance and improve the protection mechanisms for people forced to migrate. The negotiating message was that no government can tackle large-scale refugee movements on its own. International cooperation is the only way to go.

However, on the basis of the commitment signatory States to the declaration, the UN has taken steps to adopt a comprehensive, regulated and ordered Global Pact on Migration, and this document was voted by 193 states at the 73rd UN General Assembly sessions September 27th, 2018 (except for the US) after several European countries voted Austria, Hungary, Poland, the Czech Republic and more recently Bulgaria said they would not sign this document at the Marrakech Conference (Morocco) from December 10-11th, 2018. This confirms once again that the United Nations mechanism cannot manage this issue satisfactorily when it has acute manifestations.

3. EU policy on migration

EU countries face both internal and external migration. In order to effectively manage it, the European Union has called for the development of common policies in the field.

These common policies aim at: regulating and controlling migratory flows; fight illegal migration; integration of immigrants; international cooperation on migration; the creation of a European asylum system.

There are Community-wide measures aimed at providing a favourable framework to attract labour.

Policies start from the premise that mobility generates many benefits: providing labour force needs in developed countries and better use of labour in the countries of origin; facilitating economic integration and intercultural dialogue at global and regional level; generating transfers of cash flows to less developed countries; facilitating the transfer of knowledge and technology to migrants' countries of origin after their repatriation.

European migration policy also involves a number of risks and vulnerabilities, especially when it benefits of large groups of people coming from outside the European area.

¹ The Geneva Convention (1949) and the Protocols; Regulations on respect for laws and customs on earth, annexed to the Hague Convention (1977)

² In the face of an international armed conflict, repatriation includes the obligation of the retaining power to release the eligible persons (soldiers and civilians) and the country of origin's debt to receive their citizens at the end of the hostilities. Even if the law of the Treaties does not include a general rule on this point, today it is easy to accept that repatriation of prisoners of war and civilian detainees is implicitly accepted by stakeholders. Repatriation as a term applies also to diplomatic representatives and international officials during an international crisis, as well as to expatriates and migrants.

For these reasons, it is nuanced, as regards migrants from the European area or people from outside.

Neither European migration nor the refugee policy is a complete success. An official EU document recognising its poor share¹.

The reality is that across Europe there are serious doubts about the adequacy of migration policy to the pressure of thousands of migrants.

3.1. Migration of Europeans and their family members who are European citizens

This starts from the concept of a "common space of freedom, security and justice." It is a reality that the European area is developing its multi-ethnic and cultural diversity and that European policy must consider both the respect for human rights and the humanitarian aspects, European Union and migrants, while taking into account the needs for a secure immigration developing, implementing and developing border control measures to prevent and fight cross-border crime and terrorism. From a social and economic matter, the European policy is centred on the model of a social Europe.

The Directive 2004/38/EC brings together all legislation on the right of entry and residence of citizens of the Union into a single instrument (*Official Journal of the European Union L 158/77, 30.4.2004*). The purpose of this legislation is to simplify and reduce the formalities of EU citizens and their family members that have to meet in practice of their right of movement and residence.

The Directive lays down the conditions for practicing the right to exit and enter into a Member State, the right of residence, the right of residence for a period of three months, the right of residence for a period longer than three months, equal treatment with nationals of the Member State, the acquisition of the right of permanent residence by family members who do not have the nationality of a Member State.

On January 1st, 2017, 16.9 million people living in one of the EU Member States had the nationality of another EU Member State.

As far as the country of origin is concerned, on January 1st, 2017, 36.9 million people born outside the EU - 28 lived in an EU Member State, while 20.4 million people were born in another state EU Member State than the one in which they resided: Only in Hungary, Ireland, Luxembourg, Slovakia and Cyprus the number of people born in other EU Member States was higher than the number of persons born outside the EU.

The largest share of the foreign population was recorded in Luxembourg, and the lowest in Poland.

Specifically, migration of European citizens into the European Economic Area is a circular migration. By definition, any circular migration is also temporary. The phenomenon is featured by permanent migration (establishment in the destination country) and return migration (travel and return). There are, however, tangencies between these two forms of migration: they can lead to permanent migration or definitive return.

The main rights recognized by the European legislation for migrants are as follows:

- The right of residence is granted to European citizens working or looking for a job in that country. Where a European citizen is in a State other than where he is a national, then the members of his family are entitled to accompany or join him. The EU also facilitates the entry and residence of other family members, including: life partners with whom people have a long-lasting relationship, people with serious health problems, needing care, or being dependent or part of the household. By facilitation, it is understood that these people do not automatically enjoy the right to enter and stay in the hosting State. Their situation must be

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Migration Agenda, 13.5.2015 COM (2015) 240 final.

examined by the hosting Member State in accordance with its domestic law. Concerning their relationship with the citizen of the Union, it will be decided whether or not to allow such persons to enter and reside.

- The right of residence for a period of three months. This right is also recognized for family members who are European citizens, as they enjoy the same rights as the citizen they accompany. In case of family members who are not European citizens, they may be required to have either a short-stay visa or a short-term residence permit. The host State may require the citizen and/or his/her family members to report their presence on the territory of the State within a reasonable and non-discriminatory term. In the event of failure to comply with this requirement, such persons may be subject to proportionate administrative sanctions.

- The right of residence for a period of more than three months is granted where the period of residence for Union citizens and their family members exceeds three months, but fulfils certain conditions, namely: they are engaged in an economic activity (to an employer or are freelancers); have sufficient resources for them and their family members so that they do not require the intervention of the host Member State's social assistance system; are enrolled in an accredited or funded educational institution by the host Member State or attend training courses and have sufficient resources and health insurance; are family members of a person who is a citizen of the Union and falls within one of the categories mentioned above. For family members who are not citizens of the Union, registration certificates are issued which have taken the place of residence permits.

- The right of permanent residence granted to citizens of the Union and members of their families if they have resided in the host Member State for an uninterrupted period of five years, provided that an expulsion decision has not been taken against them. This rule also applies to family members who are not nationals of a Member State and who have lived for five years with a citizen of the Union. The permanent residence document for citizens of the Union shall be issued on the basis of a request from the citizen and shall be issued as soon as possible after the date of filing this request.

- The right of free movement of persons within the Schengen area¹. The most significant facilitation which the Schengen Agreement² institutes, is that of eliminating internal controls, thus, EU citizens, their family members and residents may enjoy the right of free movement within the Schengen area. Foreign citizens residing in the Schengen area can circulate freely, without the need for a visa, for the period of validity of the permit. By eliminating internal controls, EU citizens, their family members and nationals enjoy the right to free movement of persons within the Schengen area. Foreign nationals residing in the Schengen area may circulate freely, without the need for a visa, for the period of validity of the valid permit.

In addition to the free movement of persons and the abolition of checks on persons at internal borders, the objectives of the Schengen Agreement are aimed at developing common

¹ The Schengen area is an area of free movement for persons based on the Schengen Agreement. It was signed on 14 June 1985 and aimed at removing controls at the common borders. The first signatory states were Germany, France, Belgium, Luxembourg and the Netherlands. Five years later, the Convention implementing the Schengen Agreement was drafted and signed. It removed controls at the internal borders of the Schengen area and created a single external border where immigration controls for the Schengen area are carried out according to the common rules of the Member States. Currently, the Schengen Agreement has 26 full European states. Of these, 22 are members of the EU, and the other four are: Switzerland, Norway, Iceland and Liechtenstein. The UK and Ireland chose not to apply the Schengen acquis in full, but they work with the signatory states in some areas. Romania, Bulgaria and Cyprus are in the process of negotiating and preparing for accession to the Schengen Area.

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rules applicable to persons crossing the external borders of EU Member States; harmonization of entry conditions and visa rules; better police cooperation; the establishment of a Common European Asylum System (CEAS); judicial cooperation through a rapid system of extradition and transfer of the enforcement of criminal judgments; the development of a Schengen Information System (SIS).

3.1. Migration of Non-EU citizens and their family members

In 2015 and 2016, the European Union faced an unprecedented influx of refugees and migrants.

Official statistics show that in 2016 almost 2 million non-EU citizens immigrated to the EU, and more than a million of them were declared war refugees.

EU Member States granted citizenship to nearly 1 million people in 2016, or 994.8 thousand, representing an increase of 18% compared to 2015. Italy has the highest number of people who have acquired citizenship in 2016, e.g. 201.6 thousand (or 20% of the total EU-28). The countries with the highest levels of citizenship were Spain (150.9 thousand), United Kingdom (149.4 thousand), France (119.2 thousand) and Germany (112.8 thousand). In absolute terms, the highest increases compared to 2015 were observed in Spain, where the number of residents who were granted Spanish citizenship was 36,600, followed by the United Kingdom (31,400), Italy (23 600), Greece (19 300) and Sweden (12 300). On the opposite side, the largest decreases in absolute terms were observed in Ireland (the number of Irish citizenships was that of 3500 less than in 2015), followed by Poland (300)

On January 1st, 2017, the number of third-country nationals residing in an EU Member State was that 21.6 million.

The percentage of foreign citizens who resided for different reasons in the EU Member States on January 1st, 2017 was 7.5% of the population of the Member States.

In absolute terms, the largest number of foreign nationals living in the EU Member States on January 1st, 2017 were in Germany (9.2 million people), the United Kingdom (6.1 million), Italy (5.0 million), France (4.6 million) and Spain (4.4 million). Foreign nationals from these five Member States together accounted for 76% of the total number of foreign nationals living in all EU Member States, with the five Member States accounting for 63% of the EU - 28 population together.

In relative terms, the EU Member State with the largest share of foreign nationals was Luxembourg, with the proportion of foreign nationals accounting for 48% of the total population. A high proportion of foreign citizens (at least 10% of the resident population) was also found in Cyprus, Austria, Estonia, Latvia, Belgium, Ireland, Malta and Germany. In contrast, foreign nationals accounted for less than 1% of the population of Poland and Romania (0.6% in both countries) and Lithuania (0.7%).

An analysis of the age structure of the population shows that for the EU as a total, the population of foreign citizens was younger than the national population. The age distribution of foreign citizens, compared to national citizens, indicates a higher proportion of relatively young, working-age adults. On January 1st, 2017, the average age of the EU-28 national population was 44 years, while the average age of foreign nationals living in the EU was 36 years. (*Up to date March 2018, accessed at <https://ec.europa.eu/>*)

The large-scale, uncontrolled arrival of migrants and asylum seekers has tried not only the asylum systems of many Member States but also the Common European Asylum System 1 as a total.

At institutional level, a series of measures have been initiated to cope with the crisis.

¹ Common European Asylum System, also called the Dublin System, has been in operation since 1999 but has been consolidated under Council Directive 2005/85 / EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee (OJ L 326, 13.12.2005, p. 13)

One of these concerns the relocation of asylum seekers already in Europe, the resettlement of people in difficulty from neighbouring countries and the return of those who do not qualify for asylum.

It is also intended to increase aid to people in need of humanitarian assistance, both inside and outside the EU.

The EU improves border security, combating trafficking in migrants and providing safe ways of entering its territory.

In a report of the European Commission presented to the European Parliament on October 10th, 2018¹ the progress towards a genuine and real security union on objectives such as strengthening external borders, *improving the exchange of information and achieving interoperability of all data systems, as well as protecting citizens both online and on the ground, were mentioned*: However, attempted terrorist attacks, the use of chemical weapons on the streets of a Member State, and, more recently, the cyber-attack on the headquarters of an international organization, point out that now, more than ever, Europe remains a target and demonstrates the importance of increasing our security and resilience.

Conclusions

It should not be overlooked that immigration has an effect on the security level of the insertion society. This has to be said even more forcefully as a globalization vector of migration causes and collisions of civilizations. Only the ability of the community and the State to manage it together with the results of these efforts, are able to lead to the benefits of this phenomenon. In other words, the degree of social integration of immigrant groups is the barometer of integration and also the level of a community's security. Security should be a key target of the wide range efforts that the receiving community makes: funding instruments, research and innovation programs, as well as training initiatives.

Unfortunately, migration brings with them (infiltrated among migrant groups) individuals with ideologies of extremist intolerance, terrorists that are preached and sometimes even appropriated by the citizens of the receiving countries in migratory flows.

The recipient countries of migratory flows are currently confronted with the mixed migration phenomenon in which economic migrants and asylum seekers travel together. In reality, these groups may mix and even overlap, and this grey area is frequently exacerbated by the contradictory methods with which asylum claims are often processed.

The challenge for countries of destination or transit of migrants is clear: maintaining authority over policies in a system of increased interdependence that requires multidimensional structural policy making, flexibility, adaptability to the conflicting forces of the international environment.

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- Council Decision 2006/619/EC from 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol on the Prevention, Suppression and Punishment of

¹ <https://ec.europa.eu/romania/news/2018>

Human Trafficking, in particular Women and Children, supplementing the United Nations Convention against Organized Crime to the extent that the provisions of the Protocol fall within the scope of Title IV of Part Three of the Treaty establishing the European Community (OJ L 262 of 22 September 2006);

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- Commission Decision 2011/502/EU of 10 August 2011 on the establishment of the Group of Experts on Human Trafficking and repealing Decision 2007/675/EC (OJ L 207, 12.8.2011);

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- Council Directive 2003/109/EC from 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004);

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