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IMMIGRANTS' LABOUR MARKET INTEGRATION IN ROMANIA

Case Study

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JEL Classification

J21, J61, K37

Abstract

This paper analyses the labour immigration trends in Romania in the context of an evolving institutional, social and economic environment. It investigates the access and participation of the immigrant workforce into the Romanian labour market through the main labour market indicators and it provides an overall view on the immigrants' labour market integration by using different migrant specific data and descriptive statistics. The paper discusses the advantages and possible socio-economic consequences related to filling labour shortages by means of immigration and the how the labour immigration in Romania is taking shape as a result of employment policies and immigration regime. Furthermore, it reflects on the relevant legislative, institutional and policy developments that impact on the immigrants' labour market integration in Romania. This research highlights how Romania makes use of the immigrant human capital and whether the characteristics and skills of the immigrant workforce represent a competitive resource on the national labour market.

MIGRATION TRENDS

Although migration in Romania constitutes a rather recent phenomenon, it has become of utmost importance and it has deeply influenced and transformed the Romanian society in all its aspects, from the individual and community experiences to the general public perceptions. "By moving to work abroad, return in the home country and immigration into Romania, we can see how the major social and economic processes are being defined. Migration represents 'a total social phenomenon' which offers the way 'to read' the problems and opportunities, history, present and future that characterize the Romanian society" (Sandu, 2010).

At the end of 2014, Romania represents the main source country for migrants within the European Union (EU) with an estimated number of more than three million Romanians left to work or to study abroad. Romania still remains a net emigration country and it slowly transforms into a destination country for immigrants, being the host country for about 100,000 immigrants.

Over the last two and a half decades, the population in Romania registered a continuous decrease from 23 million in 1990, to 21.4 million in 2008, respectively around 20 million inhabitants in 2011 and it is forecast that by 2050 it will reach only 16 million persons. The changes in the population structures by age groups and gender, corroborated with the decrease of the fertility rate lead to a continuous process of demographic ageing. Furthermore, the population decrease is also greatly influenced by the Romanian emigration, characterized by emigration of youth and active people, leading to labour market shortages and putting pressure on social services and insurance market. In this sense, immigration to Romania should be understood in direct correlation with the Romanian labour emigration in terms of migrants' profiles, skills and employment opportunities available on the national labour market (Alexe, 2010). The share of immigrants in total population of Romania accounts for 0.5 per cent. (total population of Romania in June 2014 was of 19,473,488 persons according to the National Statistics Institute). It is generally expected that the proportion of immigrants will continue to rise in the coming decades in Romania because of the labour needs related to population ageing. The Eurostat predicts that, from 2008 to 2060, Romania would register a net migration ratio of 1.8 per cent.

Data provided by the Romanian General Inspectorate for Immigration (GII) highlights that during 2011-2014 the migration inflows in Romania have had a stable evolution reaching every year an average of 100,000 persons, with an annual rate of +/- two per cent. In 2014, the total number of immigrants in Romania was of 98,586,

out of which 57,471 third-country nationals and 41,115 that came from UE and EEA Member States and Swiss Confederation.

Data for the years 2005-2014 regarding the number of third-country nationals (TCNs) residing in Romania indicate a rather linear trend with small annual variations of the total number since the year of 2008 (see figure 1). At the same time, it is worth to be noted that since Romania became a member of the European Union (2007), the number of third-country increased quite a lot with 29 per cent and in 2014 compared to 2005 we have a growth in the TCNs of around 38 per cent (GII, 2008a; 2008b;2009; 2010; 2011; 2012; 2013;2014)

In 2014, main five countries of origin for third-country nationals with legal stay in Romania were Moldova – 9,838 persons; Turkey - 8816 persons; China – 7359 persons; Syria – 4136 persons; USA – 2010 persons. As regards the EU citizens in Romania, they come from: Italy - 11,369 persons; Germany – 5,255 persons; France – 4,378 persons; Hungary – 3,171 persons; Greece – 2,134 persons (GII, 2014).

Until 2005, the immigration for commercial activities was prevailing while during the economic boom (2006-2008) labour immigration had an ascending trend. Immigration for study purposes represents a constant of the immigration phenomenon in Romania. This constitutes a direct result of the national policies that encourage foreigners to come and study in Romania and of the scholarships and special places in the national educational system offered for the Romanian ethnics abroad (Alexe et al., 2011). In 2014, as in the previous years the migrants who arrived through family reunion together with those who are family members of a Romanian citizen stand for the majority of Romania's migrant population.

More than half of the migrants are young, in the age group less than 35 years old and around 60 per cent are men. During the years, the immigrants had settled predominantly in cities where they find more economic, education and labour market opportunities as well as their established ethnic communities and social networks. Almost half of the migrants in Romania are concentrated around the capital city, in the region Bucharest-Ilfov while the cities, especially, the ones with universities attract the rest of immigrants: Iasi, Constanta, Timis, Cluj, Prahova account for a total share of about 40 per cent.

LABOUR IMMIGRATION POLICIES

The accession to the EU brought substantial developments in the legislation regulating the foreigners' regime in Romania, EU/EEA Member States citizens, as well as regarding the legal framework on asylum in

Romania. Moreover, in order to fully apply the Schengen acquis provisions, legal, institutional, administrative and technical measures for the its transposition into the national legislation have been adopted (Alexe et al., 2010; GII, 2014).

The present legal framework regulating the foreigners' regime in Romania, as well as the legislation regulating the asylum in Romania includes the Government Emergency Ordinance (GEO) 194/2002 on foreigners' regime in Romania, republished, the GEO 102/2005 on free movement on the Romanian territory for EU/EEA Member States citizens subsequently modified and completed by Law 260/2005, Law 122/2006 on asylum in Romania, subsequently modified and completed and GEO 56/2007 on employment and posting of workers on the Romanian territory, approved with changes and completions by Law 134/2008.

GEO 194/2002 introduced the types of support that the foreigners with legal stay on the Romanian territory are entitled to, in order to facilitate their integration into the Romanian society. Furthermore, GO 41/2006 amended the GO 44/2004 to include TCNs as beneficiaries of social integration defined as the "process of active participation to the economic, social and cultural life of the Romanian society, in the view of preventing and combating their social exclusion and marginalization."

The National Strategy on Immigration is the strategic document that governs the actions of the Romanian institutions in the field of immigration, asylum and integration of foreigners and it is implemented through National Annual Plans. The inter-institutional cooperation mechanism defined in the Government Decision 572/2008 states that the Romanian General Inspectorate for Immigration as the leading institution with a coordinating role for the Strategy's implementation that will collaborate also with IOs and NGOs in this sense.

Labour immigration has been considered a major area addressed by the Strategy on Immigration 2011-2014. According to the document it is highlighted that Romania gives a special attention to the policies regulating the admission of TCNs for the purpose of work with a special focus on attracting the highly-skilled migrant workers. Additionally, the Strategy on Immigration 2011-2014 clearly underlines that Romania has provided a legal framework with targeted facilities so that TCNs graduating in Romania could remain on the national territory as high-skilled labour force or be employed in the research and development sector.

Concerning the labour market requirements, according to the National Strategy on Immigration, the Government of Romania undertakes yearly evaluations to establish the needs

of foreign labour force and to identify the economic sectors that are characterized by labour shortages that should be addressed through labour immigration. The annual quota representing the number of work authorizations (employment/posting notices) to be issued to foreigners is established by GD at the proposal of the Ministry of Labour, Family, Social Protection and Elderly Persons and taking into account the provisions of the relevant normative acts in the field.

GD 25/2014 on the employment and posting of foreigners in Romania and on amending and supplementing certain normative acts concerning foreigners' regime in Romania that entered into force in 28 November 2014 is the newest and relevant labour immigration policy adopted. GD 25/2014 established a clear legal framework, both in terms of linking terminology with the EU law and the use of rigorous and complex assumptions related to various institutions and legal instruments specific to migration. In addition, the aim was to achieve transposition into the national legislation of the following Directives: Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals; Directive 2011/98/EU on a single application procedure for a unique permit for third-country nationals to reside and to get employment in the Member States and a common set of rights for third-country workers legally residing in a Member State.

Among the most important aspects regarding employment and posting of foreigners in Romania several important changes have been introduced, as follows: definition of terms and phrases that are used throughout GD 25/2014 in relation to changes to GEO 194/2002 and the provisions of Directive 2011/98 / EU; as a general rule, the employers have the obligation to get employment notice when assigning a foreigner on a particular work function; the employment notice is issued at the request of the employer if there is cumulative fulfillment of general conditions and special conditions set by GD 25/2014 for each type of worker; some facilities have been given for the employment for some categories of foreigners who have been admitted to the national labour market in Romania; setting the limiting situations in which foreigners may be employed without employment notice; establishment of provisions similar to those in employment for foreigners to be posted on the Romanian territory, considering that the document to be obtained by the services' recipient is to be the notice of posting; regulating the competences and procedures for setting up the annual quota on new types of workers admitted to the labour market in Romania; regulating the procedural measures, including related fees to be charged for issuing employment or posting notices, and the penalties

applicable to infringements of the provisions of the GD 25/2014; linking to some of the provisions of Directive 2009/52/EC by establishing the minimum standards on sanctions and measures against employers that hire illegally the third-country nationals; putting in place transitional rules; repealing of the GEO 56/2007, as amended and supplemented.

In addition, two major aspects in amending and supplementing GEO 194/2002 with impact on the migrants' labour market integration have been taken into account: on one hand, clarifying problematic issues arising in implementation such as establishing a list of border crossing documents accepted by the Romanian state; granting access for workers from subordinated structures of the Ministry of Internal Affairs to the data on foreigners staying in tourist accommodations, exceptions to invitation procedure; correlating with the applicable legislation in the field of independent economic activities or liberal professions or empower the police officers within GII to claim any expertise or consult experts to determine the legal status of foreigners; and, on the other hand changing the provisions related to long-stay visa issuance and extension of the right of residence for work purposes, and those on equal treatment of foreigners, so as to ensure correct and complete transposition of the provisions of Directive 2011/98/EU.

The legislative changes brought by the GD 25/2014 on the employment and posting of foreigners in Romania and on amending and supplementing certain normative acts concerning foreigners' regime in Romania can improve and facilitate both access and mobility of foreigners in the national labour market with a potential positive effect on business. At the same time, strengthening the legal rights of foreign workers may lead to increased integration into the Romanian society and, consequently, to an increased contribution of the immigrants in the social, economic and cultural life of Romania.

LABOUR MARKET IMPACT

The Romanian labour market is characterized by a complexity of issues. One of most importance among these is a gross deficiency in demand that is translated in a low employment rate, on one hand, and in massive labour emigration to take advantage of better opportunities abroad, on the other hand. In such situation of low demand on the national labour market, we notice that: employees are forced to accept low levels of remuneration and poor terms and conditions of employment; employers hire in the mostly skilled and adaptable workers; there is little investment by employers in skills development; there is low job mobility; people in employment hold onto

positions and it is difficult to access the labour market; there is a reduced possibility for improving the position of people who are disadvantaged in the labour market - young people with no prior experience, older workers, disabled people, ethnic minorities, migrants, people lacking in education and skills. (Ministry of European Funds, 2014)

In Romania, few data concerning the labour market participation of foreigners is being collected and often they reflect partially the labour market integration of different categories of immigrants (Toader et al., 2010; Huddleston et al., 2011; Platonova, Urso, 2012). For example, for TCNs workers some indicators (such as unemployment rate) are not applicable because of the provisions of the immigration regime that are prevailing (after termination of employment, the migrant worker has two months to regularize his/her situation and find a new employer, if not, the stay permit is cancelled, the right to stay is revoked, and the migrant worker becomes irregular and is forced to leave the Romanian territory).

Furthermore, for the migrants that are family member of a Romanian/ EU and EEA citizen, representing about half of the TCNs migrant population in Romania, scarce data is available and/ or collected as such. The Romanian authorities gather information on the access to labour market only for the migrants that need work authorization. Moreover, there is almost no information and/or statistics available to reflect the access and outcomes of the refugees, asylum seekers and migrants with subsidiary protection.

Considering the above, the present assessment of the immigrants' labour market integration in Romania is undertaken using the following types of data: information provided by the Romanian GII on the work authorizations issued and annual quota, reflecting specifically on the labour immigration, information on employment contracts of foreign workers provided by the Labour Inspection, data regarding migrants' entrepreneurship available on Eurostat and information provided by the National Employment Agency on vacancies. In this way, it's possible to have some information on two labour market indicators: migrant 'employment rate' and self-employment among migrants.

The TCNs' participation to the Romanian labour market and their labour market outcomes are in direct correlation with their migration purposes: family reunification, studies, employment, professional and commercial activities. In this sense, the work authorization represents a relevant but limited indicator that could reflect migrants' employment, the work authorization being a common requirement to be employed for labour immigrants and students. It is worth to be noted that for more than half of the immigrants (family

members of Romanian/ EU/EEA citizen) there is no information about their labour market outcomes. Compared to other EU countries, in Romania, the immigrant labour force is negligible. However, at national level, its dynamics over the decade has been impressive, with an increase of ten times: from around 1,500 work permits issued in 2000 to 15,000 work authorizations issued in 2008, its highest peak. Also, in 2008, the share of TCNs labour force in total native and foreign employees in Romania accounted for 0.2 per cent (in 2008, there were 15,000 work authorizations issued and the total number of employees in Romania represented 4,827 thousand persons), while, particularly for 2010-2014, this represented less than 0.1 per cent. The rate is calculated as number of work authorizations into total number of employees in Romania. In 2010 to 2014, the total number of active employees in Romania was over 4 million while the work authorizations issued were below 3,000 for each of these years.

Labour market developments and the dynamics of migratory flows are closely linked and in direct correlation with the national economic performance (Table 1). Labour immigration is thus playing a significant role in responding to the demand for migrant workforce in certain sectors of the national economy expressed in the annual quota. Moreover, the annual quota is dependant mostly on the changing nature of labour demand for particular skills and occupations and on the extent to which they can be filled from existing sources of supply that can be made easily available to address the immediate needs on the labour market.

As per the data indicated in table 1, after 2008 / 2009 (at the beginning of 2009 the crisis was still not so visible) the number of work authorizations issued every year during 2010-2014 remained rather stable of less than 50 per cent out of the established annual quota.

During 2013, GII issued a number of 2,093 work authorisations to foreign citizens. Most of them were issued to permanent workers 1,581, for posted workers 163, sportsmen 201, to highly skilled workers 144, and for trans-border worker 1 work authorization. When it comes to fight against undeclared work, a number of 624 actions and checks were carried out, 211 by own powers and 413 in cooperation with structures with similar competences, especially the Labour Inspection. In this context a number of 58 foreign citizens were found in an illegal situation or performing undeclared work. In 2014, the number of work authorizations issued was 2,677. Most work authorizations were issued for migrants originated from China (455), Turkey (407), Vietnam (307) and the Philippines (216) (GII, 2013; 2014).

For 2015, the annual quota was established through GD 52/2015 stating that the

Romanian GII may issue employment / posting notices for a total number of 5,500 foreign citizens. Thus, for permanent workers was established the issuance of 3300 employment / posting notices, other 900 for posted workers, 800 for highly skilled workers, 200 for seasonal workers, 200 for trainees, and 100 for cross-border workers.

Labour Inspection statistical data shows that in 2013, the number of foreign citizens employed in Romania with a working contract reached 21,018 persons higher than in 2012 when this number was of 20,166 persons. In addition, in 2013, the number of employment contracts concluded for foreigners represented 22,333 employment contracts (one person has the possibility to have more than one employment contract).

As indicated in Table 2, there is a specific dynamic of the number of active foreign employees, immigrants with an employment contract in Romania during 2008 to 2013 with a rather linear evolution during 2008-2010 and an increase by 40 percent from 2011 to 2013.

Data available for 2013 show that the top countries of origin for the foreigners working in Romania are: Turkey (3,449 persons), China (2,259 persons), Italy (1,939 persons), Hungary (1,337 persons), Republic of Moldova (1,102 persons), Bulgaria (881 persons), Germany (750 persons), France (729 persons), Greece (642 persons) and Philippines (613 persons) (GII, 2013).

Most of the foreign workers are employed in sectors such as commerce of clothes and shoes (1,137 employment contracts), restaurants (1,111 employment contracts), constructions (755 employment contracts), transportation of merchandise (653 employment contracts) and consultancy (647 employment contracts). At the same time, other sectors where foreigners are employed include, as follows: call centres, bread and pastry production, and infrastructure' constructions, engineering and petrol extraction.

Labour Inspection data highlights that the most employment contracts were registered for the following occupations: general director (754), truck driver (744), messenger (496), governess (433), merchandise handler (421), administrator (412), cook (408), seller (322), sales agent (288) and project manager (265). In addition, it is to be noted that the vast majority of foreigners working in Romania, more than 70 per cent came with the purpose of employment on different business projects while about 20 per cent represent foreign entrepreneurs that have developed their own business in Romania. Among the reasons for which employers have been hiring foreign labour force there is the need for workers with a certain expertise, or who are proficient in rare languages, the lack of qualified personnel on the national labour market (Romanian Labour Inspection, 2014).

According to data provided National Employment Agency, in February 2015, a number of 17,530 jobs were registered as vacant at national level out of which less than 10 per cent for highly-skilled workers. The vacancies for workers with higher education were available in IT sector, engineering and research. Most jobs addressed the workers with professional, secondary education or unqualified workers in the following fields: textile industry, sales agent and seller, truck driver, merchandise carrier, security guard, fitter. Most vacant workplaces were found in the region of Bucharest-Ilfov and in the following counties: 2121 Cluj; 1296 Arad; 1101 Prahova; 810 Arges; 758 Timis (National Employment Agency, 2015).

It is observable that migrant workers access and participation to the Romanian labour market follow a territorial pattern similar to the vacant jobs registered and the characteristics of the labour demand mirror the profile, education and professional experience of immigrants. However, the most important asset to increase the labour market integration is the knowledge of Romanian.

The highest self-employment shares of non-EU citizens in EU-28 are recorded in Romania and the Czech Republic, almost 40 per cent, Poland and Bulgaria, 33.7 per cent and 24.8 per cent respectively (Eurostat, 2013). In most countries, the foreign-born are slightly more likely than the native born to be self-employed and open new businesses. There are several positive aspects to immigrants becoming self-employed or setting their own businesses, such as the significant contribution they make to employment and tentative evidence of growing trade with the countries of origin (OECD, 2010; 2012). Still, doing so is no panacea for labour market integration. Many immigrants end up in self-employment to escape from marginalization in the labour market. In other words, self-employment is not always related to entrepreneurial skills. The foreign born are more likely to both enter and exit self-employment while new immigrant-run businesses have a lower survival rate than businesses founded by the native-born (OECD, 2014).

There are barriers to entrepreneurship that are particularly difficult to overcome for immigrants. Among these is access to credit. On the borrower's side, the immigrant entrepreneurs have a more limited credit history in the country of residence than their native born counterparts. One reason is the lack of cross-border information sharing on credit history and for this the banking system may apply more stringent lending criteria and even discriminate against them (OECD, 2014).

The immigrant labour force in Romania is rather complementary to the native workforce filling in the labour shortages and the vacant jobs available and it seems that immigration represents a rapid response to the needs of the national labour

market. At the same time, the migrant entrepreneurship, rather significant in Romania, may constitute a vector of development not only for the local communities but also for the Romanian society in general.

CONCLUSIONS

Labour migration should not be seen simply as a tool of economic policy, but as a decision with far-reaching and often unforeseeable social and economic impacts.

Considering the very recent policy developments at the end of 2014 concerning the legislation regulating the foreigners' regime and immigrants' admission and employment, their implementation will further demonstrate if these newly introduced changes will actually meet their purpose to bring advantages in terms of an increased labour market integration for immigrants as well as better correlation between the demand and supply of migrant workforce. Also, they will not automatically or necessarily translate into improved labour market outcomes, more jobs or an increased access to labour market and employment for immigrants. Nor they will immediately result in a greater flexibility and security of labour market.

Immigrants' labour market integration in Romania is directly connected with the immigration regime and how policies are implemented to favour or not the employment or entrepreneurship of migrants. In addition, it fluctuates depending on the economic growth when the labour shortages become more stringent and the employers resort to immigration as the rapid response to their needs.

Because in Romania the collected immigration data is insufficient and capture only partially and from the perspective of law enforcement the social reality, it is imperative to gather specific data and to produce relevant statistics and migrant integration indicators for well-grounded, evidence-based and efficient policies.

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TABLES AND FIGURES

Table no. 1

Table title: Correlation between Romania's economic growth (GDP %), annual quota and work authorizations issued, 2008-2014 period

Year	2008	2009	2010	2011	2012	2013	2014
Economic growth (GDP %)	+7.1%	-7.1%	-1.3%	+2.3%	+0.6%	+3.5%	+2.9%
Annual quota	10,000 supplemented by 5,000	8,000	8,000	5,500	5,500	5,500	5,500
# of work authorizations issued	15,000	4,278	2,970	2,680	2,834	2,093	2,677

Source of data: Romanian General Inspectorate for Immigration, the Ministry of Labour, Family, Social Protection and Elderly Persons and the National Institute for Statistics

Table no. 2

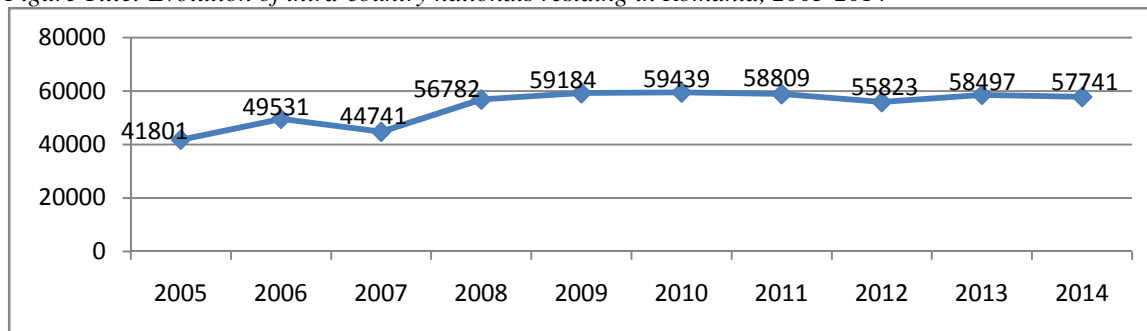
Table title: Dynamics of active foreign employees during 2008 to 2013

Year/	2008	2009	2010	2011	2012	2013
Number of active foreign employees	12,569	13,230	14,388	13,242	20,166	21,018

Source of data: Labour Inspection and the Ministry of Labour, Family, Social Protection and Elderly Persons

Figure no. 1

Figure Title: Evolution of third-country nationals residing in Romania, 2005-2014



Source of data: Romanian General Inspectorate for Immigration