

# The role of the State in implementing the legislation and public policies concerning Diaspora

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## ABSTRACT

The present research aims to analyse, on the one hand, the Romanian legislation applicable in the area of diaspora, regarding the rights and obligations of migrants, and on the other hand, the public policies implemented by the state in support of the diaspora, in particular, in supporting those who wish to return to their country of origin.

Regarding the first aspect mentioned, this work will consist of an analysis of the rules applicable in the matter, starting from the European requirements, and continuing with those at national level, to observe, in particular, whether the right applicable to the diaspora, at national level, is directly aligned with the requirements of the European Union, in the sectors in which the Union legislation establishes common principles, rules or procedures.

Since its emigrants and descendants, continue to be relevant political and economic actors in the countries of origin<sup>1)</sup>, despite the fact that they no longer live in their territory (they have the right to vote, pay/should pay contributions) we consider relevant not only the knowledge of the national regulations applicable to the diaspora, but also the knowledge of the public policies, considered by the state, regarding the diaspora, a brief analysis of them will be presented in the research paper.

**KEYWORDS:** *diaspora, migration, state of law, role of state, diaspora rights, rules*

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## 1. Introduction

As the present study aims to follow the diaspora phenomenon at Romanian level, as state of law, a few preliminary details are required.

Therefore, regarding the diaspora, reference will be made to this phenomenon as representing “*the result of the massive migration that occurred after the fall of the communism, whether we refer to the migration of the unskilled labor force, (...), or to the migration of the professional workforce*”<sup>2)</sup> and regarding the state of law, the concept

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<sup>1)</sup> See Lafleur, J.M., 2012, *Transnational Politics and the State. The External Voting Rights of Diasporas*, New York, United States of America: Routledge Publishing House, p. 1-2.

<sup>2)</sup> See Ciocea, M.; Cârlan, A., 2012, *Debating Migration as a Public problem: Diasporic Stances in Media Discourse*, in Romanian Journal of Communication and Public Relations, (27), 181-201.

will be used as regulated in art. 28 of the Constitution of the German Federal Republic, art. 11 of the Spanish Constitution, art. 1 paragraph (3) of the Constitution of the Republic of Moldova, art. 1 paragraph (3) of the Romanian Constitution, as representing that structure in which the state and the law are in a complementarity report.

Therefore, the state cannot exist outside the law because nothing can exist beyond the state and no one is above the law. The state must obey its own rules, being the one that limits itself<sup>3)</sup>.

*“Migration is defined as representing the movement of a person or a group of people, either by crossing an international border or within the same state. Migration is a movement of the population, which includes all types of movements of people, regardless of distance, composition of the group of migrants and causes; this includes the migration of refugees, displaced persons, economic migrants and persons moving for other reasons, including for family reunification”<sup>4)</sup>.*

The previous points prove to be relevant because the migration phenomenon has increased with the regulation at European level, as well as at national level, of freedom of movement.

In today's state of law, migration – a process of social change, becomes one of the most important occupational and life strategies, adopted mainly by young people. This continuous process records more and more Romanians leaving Romania or foreigners coming here. Compared to the fact that Romanian migration is one of the main migrations from the east and west of the continent, being very dynamic, a differentiated analysis is required regarding it and also very complex<sup>5)</sup>.

From the literature, it has emerged that the evolution of the Romanian diaspora is a rather slightly debated topic. Likewise, I noticed that the need for labor force of the Western countries is determined by economic considerations. Some Western countries are beginning to experience a slight natural decline in population and immigration is replacing this natural decline.

After 1989, when border barriers have fallen, migration reached the highlight in Romania.

It is known that our country is a country of net emigration and this implies severe consequences at different levels, respectively the economic one, the social one and the demographic one.

The migration of labour force is difficult to quantify, although in recent years it has become the most important component of Romanian migration.

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<sup>3)</sup> See Silasi, G.; Simina, O., 2008, *Migration, Mobility and Human Rights at the Eastern Border of the European Union – Space of Freedom and Security*, Timișoara, Romania: Universităţii de Vest Publishing House, p. 13.

<sup>4)</sup> As defined by the International Organization for Migration, 2015.

<sup>5)</sup> See Horváth, I.; Anghel, G.R., 2009, *Migration and Its Consequences for Romania*, Südosteuropa Publishing, pp. 386-403.

The communist regime established a severe control of the population in terms of international mobility<sup>6)</sup>. Despite this confinement regime, the emigration during the communist period was not insignificant at all.

There were some major ways in which those who wished could leave the country: ethnic migration, legal emigration, and irregular migration, respectively, by appeal to the political asylum institution. Among these emigration routes, the most significant, and we refer here in terms of volume, was the ethnic migration – more precisely, the emigration of the Jews and the Germans from Romania.

The literature is generous regarding the analysis concerning the correlation between migration and economic growth, from the immigration countries perspective.

Even so, from our research, we can say that there are a limited number of empirical studies regarding this topic.

The results of the identified studies appear to be quite contradictory. For example, Barro and Sala-i-Martin (1992) demonstrate that migration in the United States and Japan has a positive effect, although it does not significantly impact the economic level, in contrast to the empirical results of Blanchard and Katz (1992) and Dolado et al. (1993).

The current debates on migration concerns, first and foremost, the issue from the perspective of economic effects to the receiving countries. However, neither the causes nor the consequences of migration are well understood, nor is it obvious how research will develop in this direction in the future. Immigration has become a complex phenomenon, causing controversy in the research effort, especially for the receiving region represented by Europe.

In Europe, the free movement agreement within the European Union clears the way for labour migration beyond national borders. The most common approach concerns the impact of immigration on the domestic labour market. Most of the existing studies refer to the effects of the immigrant labour market on the domestic labour market.

Regarding the external migration of Romania, we believe that, in the next period, it will be influenced by how high and sustainable the economic growth rate will be, by the extent to which this growth will raise the standard of living and of course, the immigration policies of the Western countries (Roman & Voicu, 2010). According to the existing scenarios, after a severe destabilization caused by the economic crisis, in Romania the first signs of recovery are extremely uncertain.

Romania subscribes to the migration phenomenon worldwide, having a history of migration marked by periods of ascension and decline, based mainly on the internal economic, social and political conditions.

Human nature requires trying to find better living conditions, naturally the more developed regions attract population from poorer parts of the world. The migration process involves a subject (emigrant or immigrant), at least two countries (the country of origin and the country of destination, but also the transitional countries), as well as the intention of obtaining a residence permit or finding a job in the country of

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<sup>6)</sup> See Mueller, C., 1999, Escape from the GDR, 1961-1989: *Hybrid Exit Repertoires in a Disintegrating Leninist Regime*, The American Journal of Sociology, 105(1999/3), pp. 697-735.

destination. Romania's external migration has two sides: a legal one, statistically registered in the form of emigration and immigration, as well as labour migration. The first component is not especially important in size being between 10 – 15 thousand emigrants and several thousand immigrants per year. You can see the large proportion of emigrants who have University studies, which is close to 25%, the main countries of destination being Germany, Italy, USA and Canada.

## 2. Public Administration and its Role in Migration

The migration phenomenon, as we have presented it, is influenced, first of all, by economic evolution, which opens up new possibilities for future analysis<sup>7)</sup>.

At the OECD level<sup>8)</sup>, the Romanian diaspora is the fifth in size, after the Mexican, the Chinese, the Indian and the Polish ones, and it continues to grow, shows a report made by the OECD commanded by the Ministry of Foreign Affairs of Romania. In 2015 – 2016, 3.6 million people born in Romania (17%) lived in OECD countries, of which 54% were women. Between 2000 – 2001 and 2015 – 2016, the number of Romanian emigrants increased by 2.3 million. Italy, with almost a third of the Romanian emigrant population (over 1 million), was the leading host country, followed by Germany (680 000) and Spain (573 000), according to the document, entitled "*Talent Abroad: A Review of Romanian Emigrants*".

About 25% of Romanians living in Romania have expressed, in the last two years, the desire to settle permanently abroad if they would have the possibility, one of the highest percentages registered in the region.

Also, almost half of the people aged 15 – 24 from Romania, have declared that they intend to emigrate, informs Agerpres. The report says that Romanian immigrants work mostly in low-skilled trades and of those with University education are many overqualified. In OECD countries, Romanian emigrants are three times more likely than citizens of the country in which they emigrated to work in activities that involve unskilled or semi-skilled work and half of them have the chance to work in high-skilled jobs.

Between 2000 – 2001 and 2015 – 2016, their number increased by 2.3 million to 3.4 million. Most of this increase (1.1 million emigrants) occurred between 2005 – 2006 and 2010 – 2011. The OECD European countries included 90% of the total Romanian emigrants from the OECD area in 2015 – 2016 and 67% lived in Italy, Germany or Spain. The increase of their number was particularly high in Italy, Spain and the United Kingdom, mainly driven by young and recent emigrants, although the growth occurred at different times in each country.

Most of the Romanian emigrants are not citizens of the host country. Recently, naturalizations (granting a foreigner the quality and right of citizenship of the country

<sup>7)</sup> See Silasi, G.; Simina, O., 2008, *Migration, Mobility and Human Rights at the Eastern Border of the European Union – Space of Freedom and Security*, Timișoara, Romania: Universităţii de Vest Publishing, p. 6.

<sup>8)</sup> See OECD and the European Commission, *Indicators of Immigrant Integration 2015*.

in which he lives) from countries from the European Union, such as Italy, Germany and the United Kingdom, have strongly increased. In contrast, naturalization in the United States and Hungary has declined.

Both Romania's accession to the European Union and the global economic crisis have strongly influenced the evolution of the trends of Romanian emigration and of the specific countries of destination. In 2016, Romanian emigrants accounted for 6% of the entries into the OECD countries, increasing from only 3% in 2000.

The characteristics of the Romanian emigrants were quite stable over time: on average, most of the new arrivals from Romania between 2004 and 2016 were women, almost two thirds (62%) were under 30, more than one third (37%) were not married at the time of arrival and 78% lived in a household without children.

The problem of employment opportunities is the main reason the Romanians invoke for their desire to leave their country. The educational level of the Romanian diaspora in OECD countries is relatively high, with a quarter of emigrants having higher education.

Although Italy hosts the majority of Romanian emigrants and those with the lowest education among all OECD countries, Germany is the main destination for Romanian emigrants with higher education. The levels of education among Romanian emigrants vary widely according to the countries and the countries of Southern Europe, such as Spain or Italy, are the countries where the low-educated emigrants are the most represented. In the last 15 years, the education level of the Romanian emigrants is not increasing, but it is relatively stable, and it even tended to decrease slightly.

According to the OECD report mentioned above, Romanian emigrants still face frequent discrimination. The integration of the Romanian diaspora into the labor market in OECD countries is complex on a global level. Despite higher rates of employment, the unemployment rates among Romanian emigrants are higher than those of the native population and these gaps have increased after the economic crisis

Also, despite higher rates of employment, job creation has been particularly slow for high-skilled workers. In addition, the main jobs occupied by Romanian emigrants in OECD countries are poorly qualified, especially those for women. At the same time, the over qualification rates of Romanians remain high and have increased over time.

Although Romanian migrants between sectors are oriented towards low-skilled sectors of activity, the emigration of healthcare professionals from Romania represents a large and well-established diaspora in the OECD area. The Organization for Economic Cooperation and Development acknowledges that the large flows of Romanian emigrants from the last 10 – 15 years in the OECD countries, especially in the EU member states, have led to significant return flows to Romania. However, it is exceedingly difficult to determine the exact degree of these return migration flows<sup>9)</sup>.

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<sup>9)</sup> Andreescu, M., 2010, *Raport internațional: Diaspora românească, a cincea cea mai numeroasă din lume/Aproape jumătate dintre românii cu studii universitare care lucrează în străinătate au locuri de muncă destinate muncitorilor necalificați*. <https://www.g4media.ro/raport-international-diaspora-romaneasca-a-cincea-cea-mai-numeroasa-din-lume-aproape-jumatate-dintre-romanii-cu-studii-universitare-care-lucreaza-in-strainatate-au-locuri-de-munca-destinate-muncitorilor-necalificati>, accessed on 19.09.2019.

Beyond the diaspora phenomenon, because the paper aims to investigate the role of the state on this phenomenon, at the beginning of the research initiative, we conducted a comprehensive analysis on the specificity of the public administration on what the public power means, on the acts and facts emanating from the administration public, on the state of law in which administrations are built which should respond to the needs of the Romanian diaspora, focusing our attention, both on the administrative theory and on the public policies developed in the field, until this moment

As a result of conducting the initial research, finding that one of the topics, less treated in the doctrine and in the literature, is the one regarding the role of the state, implicitly, of the public administration, in the control of the diaspora, we focused our attention to study this topic, trying to build a series of questions to help us finally find the following:

- If there are regulations, applicable at European level, as well as at national level, regarding the fiscal rights and obligations of Romanian migrants;
- If there are public policies developed in the context of the Romanian state of law, regarding the diaspora;
- To the extent that there are special regulations to protect the diaspora and, at the same time, public policies developed in this area, how they should be systematized, so that the diaspora can appeal to them in an easy way, when necessary.

In the process of transforming the Romanian society from the perspective of migration, the public administration cannot be ignored. In all the complexity of the social life, implicitly of the diaspora, the administration is one of the most important human activities. "*The public administration is inextricably linked to the state*"<sup>10)</sup>, even though by decentralization the administrative autonomy at local level can be achieved.

Over time, the concept of public administration has come to know various meanings, and one of them that we consider to be appropriate in the context of carrying out this work is that of Andre de Laubadere, according to which the administration is defined as "an assembly of authorities, agencies and organisms in charge, under the impulse of the political power to ensure multiple interventions of the modern state"<sup>11)</sup>.

The Romanian public administration operates according to the regulations of the Romanian Constitution<sup>12)</sup>, as well as the legislation elaborated in compliance with the constitutional principles, mainly: Law of the local public administration, 215 of 201<sup>13)</sup> (republished in 2006). The framework law of decentralization 195 of 2006 and the methodological norms for its application; Law 273 of 2006, regarding the local public

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<sup>10)</sup> See Brezoianu, D.; Oprican, M., 2008, *Public Administration in Romania*, Bucharest, Romania: C.H. Beck Publishing House, p. 3

<sup>11)</sup> See de Laubadere, A., 1973, *Traite de Droit Administratif*, 6th edition, vol I, Paris, France: L.G.D.J, p. 11.

<sup>12)</sup> See Romanian Constitution, *Amended and supplemented by the Law of revision of the Romanian Constitution no. 29/2003*, published in the Official Gazette of Romania, Part I, no. 758 of October 29, 2003.

<sup>13)</sup> The Law of the Local Public Administration no. 215/2001, republished in the Official Gazette no. 123 of February 2007.

finances. Also, in the field of public service there are regulations such as Law 51 of 2006 of the community services of public utilities.

The birth of the administrative phenomenon is closely linked to the birth of the state and the separation of powers in the state. As a result of the development process of the society, the state appears as a social – economic phenomenon, political, legal and historical alike.

The state cannot exist outside the law, because nothing can exist beyond the state and no one is above the law. The state must obey its own rules, being the one that limits itself<sup>14)</sup>.

In the Romania state of law, the labor migration phenomenon has become a permanent agenda item.

After Romania's accession to the European Union, on 1<sup>st</sup> January, 2007, there is a certain "institutionalization" of this theme: "*institutionalization can be understood as a property of specific organizations/institutions, but it also means consolidating a daily practical knowledge and some values*"<sup>15)</sup>. Thus, the press and the TV reconfigure their editorial format by introducing special headings and adopting media strategies. The same theme becomes a constant of political speech (governmental, electoral, etc.), by legitimizing public policies and institutional reconfigurations. The decision makers use the diaspora argument to promote various policies. The experience of delocalization, of various forms of mobility and, in general, of the image of the foreigner are arguments frequently used by politicians looking for efficient models or ways of public action. It has become a widespread reflection, in the making decision sphere, reporting to other forms of transnational otherness and mobility – a phenomenon theorized in the political sciences by the term policy transfer<sup>16)</sup>. For example, the diasporic phenomenon reopens the debate on the international image of Romania and contributes to the instrumentalization of this theme, by imposing in the public space the concept of "country brand" (the same phenomenon generates, at present time, a debate about the opportunity of introducing the voting system by correspondence. ). Labor migration and the "new diaspora" are therefore found at the level of various "agendas" (media, politics, various institutions, etc.), of daily life and national imaginary. As a result, "headings", "policies" and "speeches" appear – various "*communication contracts*" (in the public space in Romania, "the new diaspora" and/or "the new migration" is a conventional term and refers to the phenomenon of labour force migration, as a result of the liberalization of labour movement in the European space; the term is therefore equivalent to "intra – EU migration"). Romanian communities abroad indicate a certain economic, socio-institutional, and cultural reality.

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<sup>14)</sup> Gheorghe, M., 2002, *The Inevitable Law*, Bucharest, Romania: Lumina Lex Publishing House, pp. 116-118.

<sup>15)</sup> Edensor, T., 2006, *Reconsidering national temporalities: institutional times, everyday routines, serial spaces and synchronicities*, in *European Journal of Social Theory*, 9(4), pp. 525-545.

<sup>16)</sup> Frinault, T.; Le Bart, C., 2009, *L'exemplarité de l'étranger*, in *Revue française de science politique*, vol. 59, nr. 4, pp. 629-631.

Around this phenomenon is rearticulated the social imaginary regarding the national identity, the country image, and the repertoire of opportunities for the individual and society. Implications include both the country of origin and the host territory. On the other hand, labour migration is a constitutive phenomenon of the so-called Europeanization of national policies and public cultures.

In this framework, the questions are asked: 1. What is the role of the state in supporting and controlling the diaspora? 2. Are there any public policies from the perspective of the current programs of government, regarding the problems of the Romanian communities abroad, whether we are talking about the mobility diaspora or the minorities around the borders?

Important to note from the very beginning, is the fact that, in Romania, there are a series of Laws (Law5), which come to support the Romanians from the diaspora, on areas such as:

- the support given to Romanians abroad;
- establishment of Romanian community centres abroad;
- approval of the National Strategies for Romanians abroad;
- the vote in the diaspora;
- taxation of income from abroad and avoidance of double taxation.

Once the Ministry of Romanians Abroad was abolished, the laws have undergone a number of amendments, which were necessary considering that the normative acts referred to this public institution.

From an economic perspective, we mention that at government level, in 2018, the transposition into Romanian legislation of the European Union Directive 2015/849 which require Romanians from diaspora to justify the amounts transferred into the country, when exceeding 2000 euros, was discussed. (Hotnews, Barbuta, 2018). This is about adopting a draft law to prevent and combat money laundering and terrorist financing, as well as to amend and complement some normative acts. To date, this European provision has not been transposed into Romanian law.

As a recommendation, we believe that there should be a legislative uniformity on the rights and obligations of diaspora, so that Romanians in diaspora could cover it more easily and could understand with greater clarity all the rules of Law applicable thereto.

Beyond the normative acts in force on Romanians in diaspora, it is paramount that states, through their public authorities and institutions, ensure relations with Romanians in diaspora.

A key role lies here with the national, independent, equidistant institutions created by law, with dispositions containing warranties of this independence and equidistance, with specific powers, irrespective of their name — institutes, centres, departments, committees, ombudsman, etc. They can effectively contribute to training and informing people in public structures and institutions with duties in the field of protection and promotion of diaspora rights — legislative, executive, legal, educational, etc., at national, regional and local level.



Civil society, composed of non-governmental organisations, in a wide and diverse range, trade unions and the media, has a huge potential and a consistent contribution to informing, training and educating in the field of human rights, a contribution it brings through means specific to each of its components, but also to the creation of a climate conducive to respect for human rights; civil society also exerts strong pressure on decision-makers to boost the adoption of those legislative, institutional and other measures that are necessary for the progress of the effective consecration and observance of rights and freedoms enshrined in the Universal Declaration of Human Rights and in the Treaties which constitute, together with the mechanisms it establishes, the international human rights system.

Between state bodies and civil society, national institutions must fulfill and fulfil a function that some call "bridge", and others "articulation", realizing through partnerships with both state and non-governmental entities a context for dialogue and cooperation in the common interest of advancing on the difficult, but generous path of the actual respect of Romanians in diaspora<sup>17)</sup>.

In this order of ideas, by way of example, we indicate that in Romania there is the Department for Relations with Romanians outside the Borders. It represents the structure of the Presidential Administration that ensures the relationship between the President of Romania and Romanians abroad and the communities to which they belong.

The Department has as main tasks the collaboration with Romanian state institutions in the field and the representatives of Romanians abroad, the elaboration of specific documents, the organization of actions dedicated to Romanian communities, networking with them, as well as the representation of the president at various events. In order to fulfil these tasks, the Department performs preparatory actions with the aim of planning, organizing, and conducting activities in the country and abroad where the President of Romania participates and dialogue with Romanians abroad is discussed.

The department is strategically aimed at ensuring and strengthening the relationship between the President of Romania and Romanians outside the country's borders by creating new mechanisms of dialogue. To this end, it brings before the President of Romania proposals for establishing and improving the objectives on the strategy to be followed for better relations with Romanians abroad, by intensifying dialogue with their representatives. The Department's main concern also aims to improve the mechanisms of representation and consultation of Romanians abroad by directly engaging them in defining the policies of the Romanian state.

To support Romanian citizens and communities outside the borders, the department aims to initiate action directions leading to the correct implementation of the main commitments made publicly by the President of Romania. From this point of view, the Department will pursue all necessary steps for the presidential administration to be an integrator harmonizing the efforts of all actors involved: State institutions and Romanian citizens.

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<sup>17)</sup> See Moroianu-Zlătescu, I., 2007, *Drepturile omului - un sistem în evoluție*, Bucharest, Romania: I.R.D.O. Publishing House, p. 3.

In this field, dialogue between institutions and citizens is particularly important, and complementarity of state policies and real needs decided upon permanent consultations with citizens must lead to what all Romanians expect: a National policy for Romanians Abroad.

In the long term, the goal of the president of Romania is to build a strong relationship of the Romanian Society and the Romanian state with diaspora, beneficial in both directions. It implies, on the one hand, the ability to harness the strategic potential of the Romanian diaspora, as a bridge of connection with the other states, and, on the other hand, it clearly implies what we must do for diaspora, we, the ones at home.

The Romanian State must make increased efforts to meet the legitimate expectations of Romanian citizens abroad for consular services and assistance to the specific standards of a Member State of the European Union.

The preservation and affirmation of Romanian ethnic, linguistic, cultural and religious identity among communities abroad is one of Romania's most important objectives in foreign policy. Traditional values must represent the binder between Romania and Romanian communities abroad.

Living and working abroad must become just a matter of choice, not one of coercion. This will be accomplished when Romanians outside the borders will have the option to return to the country, knowing that their work and performance are acknowledged and rewarded at home.

Like the important states of the world, it is time for Romania to provide the possibility for members of Romanian communities abroad to form an advisory Council of Romanians outside the borders. Constant dialogue with Romanians abroad and providing the possibility for their representatives to convene periodically is necessary to constitute a debate.

This body, set up at the initiative of the Presidential administration, will be the formal framework within which the most important topics involving and preoccupying Romanian communities, their transposition into public policies and harmonization with those initiated by the State institutions in order to improve performance of the obtained results are to be debated.

In this order of ideas, we show that in Romania, until November 6, 2019, the Ministry of Romanians Abroad existed. It was disbanded<sup>18)</sup> and instead of it and the Eudoxiu Hurmuzachi Institute, the Government established a department without legal personality under the Prime Minister's responsibility, by taking over activity in the field of Romanians in diaspora and specialized structures in this field.

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<sup>18)</sup> See Andrei, N., 2018, Ministerul Românilor de Pretutindeni și Institutul „Eudoxiu Hurmuzachi” au fost desființate. În locul lor, Guvernul a înființat un Departament, fără personalitate juridică, în subordinea Premierului, <https://www.activenews.ro/stiri-diaspora/Ministerul-Romanilor-de-Pretutindeni-si-Institutul-%E2%80%9EEudoxiu-Hurmuzachi-au-fost-desfiintate.-In-lucul-lor-Guvernul-a-infiintat-un-Departament-fara-personalitate-juridica-in-subordinea-Premierului-158682>.

### 3. Public Policies concerning Diaspora

With regards to the public policies developed by the Romanian State, on diaspora, from the research carried out, we found that the state, through its government, drafted the government program on public policies for the period 2018-2020<sup>19)</sup>.

In this governance program, in the chapter entitled "*Policies for diaspora*" we have identified that, starting from the concerns and problems of Romanian and foreign communities, the Government presents a number of public policies that are to be implemented in the period 2018-2020<sup>20)</sup>.

In this context, the following are shown:

- Historical communities around the borders are particularly interested in the:
  - Respect for the rights of persons belonging to the communities of Romanian minorities in the neighboring countries of Romania, in accordance with European standards;
  - Affirmation, preservation and promotion of cultural, linguistic and spiritual identity;
  - The right to learn and freely express themselves in Romanian language;
  - The development and affirmation of the associative environment of those communities;
  - The study and developments related to the European integration process of the Republic of Moldova;
- Diaspora mobility has a specific problem primarily linked to:
  - Equal and non-discriminatory treatment, guaranteeing full exercise of European citizenship, full integration into the Schengen area and eliminating restrictions on the labour market (Labour law, free movement, trafficking in human beings, etc.);
  - Relationship with the authorities of the Romanian State;
  - Situation of families remaining in the country
  - Ways of reintegration of Romanians from Diaspora wishing to return to the country
  - Affirmation, preservation and promotion of cultural, linguistic and spiritual identity;
  - Development and affirmation of the associative environment;
  - Regional and international political developments (Brexit, xenophobic and racist manifestations, the migrant crisis).

In view of observing economic rights, the application of policies for Romanians abroad will be done in the new legislative framework offered by the 2017 update of Law No. 321/2006 on the regime for granting of non-reimbursable financing for

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<sup>19)</sup> See Lex5, <https://lege5.ro/Gratuit/gi3donzxi2q/politici-pentru-diaspora-program?dp=gi2tcobuga2dcny>.

<sup>20)</sup> See Government Program on public policies for the period 2018-2020.

programmes, projects or actions to support the work of Romanians abroad and their representative organisations.

The changes mainly targeted greater accessibility to the non-reimbursable funds offered by the Romanian State for Romanian citizens/ethnic abroad and better adaptation of public policies to thematic and geographic priorities in the field. It will continue to follow the adaptation of the existing regulatory framework to new realities in diaspora communities.

Legislative updates include supporting the process of Romanians returning from abroad, notably by facilitating the match between workforce and work demand, as well as by providing assistance and advice for reinsertion into the market and development of entrepreneurial initiatives.

To this end, facilitating the process of recognition in Romania of formal and informal qualifications obtained by Romanians who worked/are working abroad will also be aimed.

At the same time, the amendment of the legislative framework will also be envisaged so as to enable the local public administration authorities in Romania to conclude partnering/cooperation agreements and local public administration authorities in other States to achieve and finance investment objectives, common cultural sports, youth and educational programmes, vocational training placements and other actions contributing to the development of friendship relations.

The institutional plan will be aimed at strengthening the administrative capacity of the Ministry for Romanians Abroad, with a view to better coordinating programmes and projects that are for Romanians abroad. In this respect, an important role will be that of the interinstitutional group for Romanians abroad.

What are, in particular, the measures proposed/ taken to support diaspora?

The government program on public policies for the period 2018-2020, in the chapter entitled "Policies for Diaspora", provides as follows:

***Program for preservation, development and affirmation of Romanian identity-CULTURE***

This program aims, on the one hand, to preserve, develop and assert the ethnic, cultural, religious and linguistic identity of neighbouring Romanians, those from emigration and the diaspora of mobility, as well as strengthening the links between Romania and the Romanian communities outside the country's borders. In this respect, the Government will continue the programmes foreseen in the existing strategy, which, over time, have proved useful to the purpose for which they were initiated, and new ones will start. The government will continue the "Constantin Brâncuși" program. There will be increased emphasis on promoting Romanian cultural and spiritual values, in the public opinion of the state of residence/home, the support of Romanian local traditions and customs, as well as better identification and promotion of Romanian elites.

The program will be supported by:

- setting up 5 (five) new cultural centres of Romanians abroad and supporting existing ones;
- conducting studies on the heritage of Romanian communities;
- organizing and supporting the current activity of Romanian libraries;
- supporting the affirmation and promotion of artists of Romanian origin from abroad;
- the establishment of the Romanians Abroad museum, in virtual format and by identifying and arranging an establishment in the municipality of Bucharest;
- recovery, restoration, maintenance of museums, memorial houses, historical and art monuments, etc. The arrangement of the Memorial House “Aron Pumnul” of Cernăuți and the organization of a museum in the memory of Mihai Eminescu and Aron Pumnul will constitute a priority;
- the opening of 5 (five) new information centres of Romania on Comrat's model.

### ***Program for preservation, development and affirmation of Romanian identity -EDUCATION***

In the field of education, the government will continue the “Nicolae Iorga” programme, which aims to support the integration process of Romanians residing abroad parallel to preserving and affirming the linguistic identity of Romanians abroad and forming new generations representing Romania and Romanian interests abroad.

The achievement of these objectives is to be done by:

- organizing language, Romanian culture and civilization courses in university centres and schools from countries with Romanian communities;
- supporting the establishment of teaching classes in the Romanian language;
- development and modernisation of the network of schools, kindergartens, libraries and cultural centres in countries with Romanian communities focusing on neighbouring communities;
- organizing summer camps and schools in Romania. Thus, the “ARC” project, where in 2017 more than 2000 students from Romanian communities abroad participated, will continue and will be extended for the winter period;
- continuation of the program for distribution of manuals, handbooks and other materials of an identical nature among the Romanian communities abroad;
- support for students and Romanian language teachers from Ukraine through an educational package that will include financial support in the form of scholarships and the expansion of this initiative at a later stage and in other communities;
- continuation and extension of training programmes for diaspora specialists.

***Program for preservation, development and affirmation of Romanian identity - SPIRITUALITY AND TRADITION***

In the field of spirituality and tradition, the government aims to preserve the spiritual identity and respect for the religious freedom of Romanians abroad by continuing the “Andrei Şaguna” program.

Thus, are proposed for support:

- organizing, within parishes, of traditional events;
- supporting the development of educational actions within parishes;
- supporting charitable actions initiated by churches;
- building, preserving, repairing churches in places where there are large communities of Romanians.

***Program for preservation, development and affirmation of Romanian identity - MASS-MEDIA***

When it comes to media, the Government will continue the “Mihai Eminescu” programme in order to preserve and assert the cultural identity of Romanians, the promotion of Romania and the values of Romanian communities, the preservation of better links with the country of Romanians residing abroad and defending the interests of Romanians' communities.

In this respect, there will be support and expansion for:

- supporting the functioning of the Romanian language media in the virtual environment;
- organizing and supporting vocational training stages;
- supporting partnerships between the media in the country and the foreign Romanian language media;

development of the common communicational space with the Republic of Moldova and its extension to other neighbouring countries.

***Program for preservation, development and affirmation of Romanian identity - CIVIL SOCIETY***

Civil society will be supported by the government through the “Dimitrie Gusti” programme, aiming to support, consolidate and expand the associative environment in the communities inhabited by Romanians and solidarity that the civil society generates among the Romanian communities.

Other objectives will be pursued by:

- encouraging the initiation of large-scale projects;
- supporting networking activity between associations or between associations and authorities;
- supporting projects and programmes for knowledge of the rights that Romanians have in their home/residence countries.

The implementation of the “Discover and know Romania” project will be continued, aiming to ensure the relational continuity of Romanians outside the borders with Romanian language, the spiritual component, ethnic identity and Romanian cultural heritage by organizing itinerant activities in Romania. Hundreds of young Romanians from outside the borders, especially from neighbouring states will participate in these activities.

– 2018 Centenary

An objective that was sought to benefit from the government's support was the “2018 Centenary “. It should be approached in the light of preserving and promoting the idea of belonging to Romanity, promoting the image of Romania and the education of the young generation in the spirit of respect for Romanian values.

To this end, the government should support:

- local celebration initiatives of the “2018 Centenary” (by creating the “Centenary Fund 2018”);
- organizing conferences, seminars, symposia, cultural actions, etc. with the theme “Centenary 2018”;
- supporting large-scale actions contributing to the promotion of Romanian values in countries where there are significant Romanian communities;
- access to the contribution that artists of Romanian origin from abroad have had in promoting Romanian culture;
- initiating the project “Romanian Champions in Diaspora” which seeks, in the context of the centenary year, the expansion to the diaspora communities of the national programme “Romanian Champions in school, high school and university”;
- organizing the “Centenary by partnering” programme, the campaign to twinning the counties of Romania and the sectors of Bucharest with similar administrative-territorial units in the countries where there are Romanian communities;
- initiating the project “100 for Centenary”, which seeks to award and promote Romanian personalities outside the borders.

***Programme for the protection of the rights, freedoms and dignity of Romanians***

The government will guarantee the unrestricted expression of political options by all Romanians. In this respect, the Government will ensure, in the executive plan, all the conditions for Romanians, including those outside the country's borders, to exercise their right to express their political choices.

At the same time, the Government will support Romanian communities in such a way as to ensure respect for human rights and fundamental freedoms and non-discrimination by the administrations of the countries in which they live. The Government will provide support and assistance services, in agreement with the rules in the field and with the status of Romania as EU member State.

In bilateral relations with the neighbouring and Balkan states in which ethnic Romanians live, the government will pursue the proper application of European rules on the treatment of national minorities in the territory of a State, as well as a balance between the rights provided in this area to national minorities by the Romanian State and those insured to the Romanian minority in the territory of the partner state.

The Government will act for the access of Romanian workers to the labour market to be non-discriminatory. At the same time, the Government will contribute to strengthening the partnership between the Romanian authorities abroad in order to find new solutions to the problems faced by citizens, in view of defending the rights, freedoms and the dignity of Romanians.

The number of consulates will increase according to existing demands and conditions. The quality of consular services will be improved for the purposes of applying new technologies and new means of communication. At the same time, itinerant consulates will find their usefulness in areas where the conditions for setting up new consulates are not met.

The government will support the preservation and affirmation of Romanian identity from an ethnic, cultural, religious and linguistic standpoint.

An important role in this process will continue to have the Interdepartmental Action Group, established in 2017, which assesses and proposes measures in cases of abuses against Romanian citizens abroad.

### ***Programme to support the process of integrating Romanians into countries where they live, study or work***

The government, parallel to its support for the preservation, development and affirming of Romanian identity, will also pursue the simplification of the integration process of Romanians in countries where they live, study or work.

Thus, the Government will make every effort to facilitate contact with local and central authorities in the adoption countries.

At the same time, Romanians will be encouraged to participate in decision-making in the countries where they live, also taking into account existing legislation.

Projects and programmes which seek a better informing on local working and living conditions will be encouraged, in this respect the associative environment, civil society, the church and the media having a very important role to play.

The informing campaign will be continued: "Information at home! Safety in the world! ", intended for Romanians who want to work, study and live abroad. The general object of this national campaign is to increase the knowledge and awareness of Romanian migrant workers on their rights in the EU states.

In parallel with the preservation of Romanian identity, integration into the local education system will be encouraged. The Government will initiate information campaigns for Romanians to leave the country through institutions that have expertise in the field for integration to be an easier process.

## **4. Conclusions**

Past times have marked the role of the state in the lives of citizens as a low one. This principle, however, began to prove its limits quite quickly, as state power intervened in many areas. Today, as a result of a gradual transformation, practically the overturning



of the principle has been achieved, and the role of the state, through its authorities, has become quasi-absolute in supporting its citizens, both in identifying them the most important resources in order to consolidate a healthy life in the country of origin, but more to the support of those who have left their country, identifying opportune ways to reintegrate “home”, facing all the factors that could lead them to (re) immigration.

Important to note from the very beginning, is the fact that, in Romania, there are a series of Laws (see Law5), which come to support the Romanians from the diaspora, on areas such as:

- the support given to Romanians abroad;
- establishment of Romanian community centres abroad;
- approval of the National Strategies for Romanians abroad;
- the vote in the diaspora;
- taxation of income from abroad and avoidance of double taxation.

Between state bodies and civil society, national institutions must fulfil and fulfil a function that some call “bridge”, and others “articulation”, realizing through partnerships with both state and non-governmental entities a context for dialogue and cooperation in the common interest of advancing on the difficult, but generous path of the actual respect of Romanians in diaspora.

In this order of ideas, by way of example, we indicate that in Romania there is the Department for Relations with Romanians outside the Borders. It represents the structure of the Presidential Administration that ensures the relationship between the President of Romania and Romanians abroad and the communities to which they belong. To support Romanian citizens and communities outside the borders, the department aims to initiate action directions leading to the correct implementation of the main commitments made publicly by the President of Romania.

Also, we show that in Romania, until November 6, 2019, the Ministry of Romanians Abroad existed. It was disbanded<sup>21)</sup> and instead of it and the Eudoxiu Hurmuzachi Institute, the Government established a department without legal personality under the Prime Minister's responsibility, by taking over activity in the field of Romanians in diaspora and specialised structures in this field.

With regards to the public policies developed by the Romanian State, on diaspora, from the research carried out, we found that the state, through its government, drafted the government programme on public policies for the period 2018-2020.

Such programme refer to:

- Program for preservation, development and affirmation of Romanian identity-CULTURE;
- Program for preservation, development and affirmation of Romanian identity-CULTURE;

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<sup>21)</sup> See Andrei, N., 2018, Ministerul Românilor de Pretutindeni și Institutul „Eudoxiu Hurmuzachi” au fost desființate. În locul lor, Guvernul a înființat un Departament, fără personalitate juridică, în subordinea Premierului, <https://www.activenews.ro/stiri-diaspora/Ministerul-Romanilor-de-Pretutindeni-si-Institutul-%E2%80%9EEudoxiu-Hurmuzachi-au-fost-desfiintate.-In-lucul-lor-Guvernul-a-infiintat-un-Departament-fara-personalitate-juridica-in-subordinea-Premierului-158682>.

- Program for preservation, development and affirmation of Romanian identity - EDUCATION;
- Program for preservation, development and affirmation of Romanian identity - SPIRITUALITY AND TRADITION;
- Program for preservation, development and affirmation of Romanian identity - MASS-MEDIA;
- Program for preservation, development and affirmation of Romanian identity - CIVIL SOCIETY;
- Programme for the protection of the rights, freedoms and dignity of Romanians
- Programme to support the process of integrating Romanians into countries where they live, study or work.

As we can see, the state, through its institutions, is concerned about developing public policies to support the diaspora. But it is not enough. More important is that they be, for real, implemented.

As a recommendation, we believe that there should be a legislative uniformity on the rights, obligations and public policies of diaspora, so that Romanians in diaspora could cover it more easily and could understand with greater clarity all the rules of Law applicable thereto.

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