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Societății Civile



Bridging Communities

An Exploratory Study on Labor
Immigration in Romania

Anatolie Coșciug (coord.)

Andriana Coșciug

Alexandra Porumbescu

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Acknowledgment

The authors are grateful to the many interviewees and participants involved throughout various phases of the research, whose insights helped us better understand the challenges faced by South Asian labor immigrants in Romania. We also extend our thanks to those who assisted in data collection and processing activities.

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Fundația pentru Dezvoltarea Societății Civile/ Civil Society Development Foundation 21, Nerva Traian Blvd., sector 3, Bucharest

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Data collection and analysis was undertaken by the Romanian Centre for Comparative Migration Studies (Centrul pentru Studiul Comparat al Migratiei/CSCM).

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Graphic Design and DTP: ȘERBAN P. ANCA PERSOANĂ FIZICĂ AUTORIZATĂ

Recommended citation: Anatolie Cosciug, Andriana Cosciug, Alexandra Porumbescu, Viktoriia Kyrychenko, Andreea Mercea, 2024. Bridging Communities: An Exploratory Study on Labor Immigration in Romania. Bucharest: FDSC.

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Executive summary

Romania is undergoing significant demographic changes, marked by a shift from a pattern of out-migration to become an important immigration destination. This trend, driven also by high labor market demand in Romania and beyond, has increased the employment of non-EU citizens, particularly from South Asia. However, this mobility shift presents several challenges, including long-term inclusion and the need for policies that protect migrant rights while addressing labor shortages.

This report provides a comprehensive overview of the dynamics of labor immigration in Romania, offering insights into both the broader trends and the individual experiences of immigrants, context of Romania's response to labor shortages by issuing an increasing number of work permits to non-EU citizens, particularly from South Asia. While the information presented examines the complexity of the labor immigration process in Romania, it also integrates a human rights approach to address the socio-economic dynamics alongside the rights, dignity, and well-being of immigrant workers. Acknowledging the concerns regarding potential rights infringements within the labor migration schemes, the study extends its focus beyond the workplace, to consider the broader experiences of migrants. Thus, we do not view labor migrants merely as workers, but as human beings and rights-holders who are fully entitled to benefit from all human rights and liberties. In doing so, we use the framework provided by International Bill of Human Rights¹ which stipulates non-discriminatory access for all migrants under the jurisdiction of the State to all civil, political, economic, social and cultural rights.

Labor migration is often presented as a mechanism that offers economic benefits to destination countries and industries by meeting labor market demands, to countries of origin through remittances and the return of workers with new competencies, and to migrants through the acquisition of skills and, critically, better remuneration than they could obtain in their home countries. Yet, migrant workers often face vulnerabilities due to language barriers, unfamiliarity with destination context, and 'dependence' on their employers. By analyzing immigration trends and labor market dynamics, the report aims to inform policies and stakeholders that ensure the protection of migrants' rights. Thus, the personal recollections of the migrant interviewees suggest that workers participating in labor migration schemes in Romania frequently fail to realize these promised benefits and are instead subjected to various mistreatments and sometimes even gaps in human rights compliance. It is important to acknowledge that systematic quantitative data on the prevalence of these abuses is limited. The personal testimonies and qualitative insights highlight significant concerns around exploitation, inadequate living conditions, and discrimination, yet these reflect individual experiences rather than representative statistics.

¹which include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights

The study argues that a thorough evaluation of Labor Migration in Romania must consider the full lived experiences of migrants, both at and away from the workplace, as well as the broader impacts of this type of migration on their families and communities. In this context, the study concludes that labor migration is sometimes at the limit of complying, often incompatible with Romania's human rights obligations and advocates for the adoption of rights-based, comprehensive labor migration policies that prioritize the well-being of migrant workers and their families.

The methodology employed in this study included two phases. In Phase 1, the research analyzed existing data from institutions like the General Inspectorate for Immigration (GII), the Romanian National Institute of Statistics (INSEE), the European Statistics Office (Eurostat), and the United Nations Department of Economic and Social Affairs (UN DESA), alongside a review of Romanian legislation and policies. This phase also mapped key actors in the labor migration process. In Phase 2, qualitative methods such as semi-structured interviews, focus groups, case studies, and participant observation were employed. These methods targeted three groups: Civil Society Organizations, South Asian labor immigrants in Romania, and relevant public institutions and stakeholders. The study used theoretical sampling to select diverse and relevant participants, ensuring a comprehensive understanding of the experiences, challenges, and best practices associated with inclusion of South Asian labor migrants into Romania's labor market.

In the wider EU context, employment is key to migrant long-term inclusion, though national labor migration laws vary. Western EU countries tend to use migration to address labor gaps for a long time, while Eastern EU countries struggle with less flexible labor markets and integration challenges like language barriers and discrimination. In Romania, addressing labor shortages has become a government priority, reflected in increased work permit quotas for non-EU. The recent influx of migrant workers, particularly from Nepal, Sri Lanka, and Turkey, shows a growing reliance on the international labor force. However, a number of challenges remain, including restrictive regulations and regional disparities in foreign worker distribution. The second part of the study examines the parameters of labor migration in Romania through the lens of human rights. The projected temporary nature of labor migration in Romania is often used to justify limitations on a wide range of human rights, even when migrant workers may engage in repeated migrations for decades, or effectively for their entire working lives as it happens with several of the respondents in this research. Even though the labor needs fulfilled by these workers are often permanent, migrant workers are, in many situations, excluded from the so called 'regular pathways' to long-term or permanent residency or citizenship. Additionally, the existing legal framework inadequately addresses the protection of rights before, during, and after labor migration, while the inherent restrictions of this type of migration may, in fact, facilitate rather than prevent irregular migration statuses or onward migration.

South Asian workers are increasingly migrating to Romania for better economic opportunities due to favorable legal frameworks and labor shortages in various sectors. Recruitment agencies help connect them with Romanian employers, streamlining the process of obtaining work permits and handling most of the logistics. However, the information shared throughout the interviews reveals that not all migrants find success. Many discover that their jobs and salaries differ from what was initially promised verbally or in the signed contracts. Although most of the interviewed migrants express satisfaction with their working conditions and efforts to integrate, they also mention facing issues like exploitation, discrimination, and even violence at the time of the research or during their time in Romania. Less-educated migrants, especially those with limited language skills, are more vulnerable to experiencing such hardships.

In the Romanian context, as the research demonstrates, the conditionalities of this type of migration influence the individual specificities of their lives: the fact that most of the vacant positions are in occupational fields typical addressed by men, that physical fitness or strength is needed to complete certain labors, combined with the fact that in the respective countries of origin it is usually males who are providers for their families, contribute to shaping a portrait of the temporary labor immigrants in Romania. The study reveals that most of the migrant workers are employed in unskilled jobs such as retail, hospitality, and construction. Some have remained in the same position since their arrival, while many others change jobs in search of better opportunities. In terms of future intentions, many of the respondents plan to stay in Romania long-term, considering family reunification or further education. Financial hardship in their home countries, exacerbated by the COVID-19 pandemic and other wider societal transformations, is the primary driver for emigration. Although wages in Romania are lower than in most EU countries, they are still significantly higher than in South Asia, and most migrants receive additional benefits such as free or discounted accommodation, food, or transportation. Despite this, a quarter of the migrants consider emigrating to other countries, while some face challenges such as returning to the origin country due to employer misconduct. For many, Romania's appeal lies in its easier and more affordable visa process compared to other European countries but also its membership in the 'European family' which, among other issues, is seen as a safeguard against human rights infringement as many of the respondents in this research or immediate kin have witnessed during their migratory careers

However, employment and residence permit regulations that bind migrant workers to a specific employer or job for the duration of their stay create additional structural vulnerabilities and significant power imbalances. These issues are further exacerbated by the public institutions 'de facto' outsourcing in varying degrees of responsibility for the operation and oversight of labor migration to employers and other private intermediaries. Given that labor migration and the characteristics it entails permeate every aspect of migrants' lives, this 'privatization' of labor migration governance, as well as migrants' access to social services, generates significant protection and accountability gaps for migrant workers and, potentially, for their families.

The research indicates that the situations of reported concerns regarding the upholding of migrants' human rights are directly influenced by the lack of decent work, such as poor working conditions and unfair wages, which hinder an adequate standard of living for migrants. This situation is exacerbated by their de facto difficulties in accessing public health systems and other essential public services. Labor migration also profoundly disrupts migrant workers' personal lives through family separation and constraints on family formation, or by neglecting or obstructing rights to expression, assembly, and association, undermining migrant workers' access to social justice and the exercise of other fundamental rights.

The increasing use of digital systems in migration management, although an innovative solution for bureaucracy and long waiting times, further complicates the situation, as migrant workers are often required to provide personal information, including biometric data, repeatedly to systems and public institutions that sometimes lack adequate data protection laws and practices. Furthermore, the human rights deficits inherent in the labor migration are perpetuated by and reinforce multiple and intersecting forms of discrimination against migrant workers, including those based on gender, race, nationality, class, and education.

Beyond the guidance provided by international human rights and labor law standards, this report proposes a migrant-centered approach to the labor migration programs in Romania. Realizing this reimagined approach to labor mobility would ensure that all migrant workers, regardless of the duration or sector of their migration, their nationality, gender, race, or class, along with their family members, enjoy equal protection of all civil, political, economic, social, and cultural rights. Protecting the human rights of migrant workers is not only a moral imperative but also essential for ensuring long-term social and economic stability. When workers' rights are respected, they are more likely to contribute positively to society, engage constructively and bring diversity to local communities, fostering a stable and productive workforce that benefits the entire nation.

Introduction

Romania is witnessing notable transformations in its demographic landscape², as reflected in the change of the migratory balance. In 2022, the country experienced a potentially historic event – a rise in the resident population, a departure from the strong out-migration three decades trend when Romania reported a decreasing population. This growth is attributed to a positive migratory balance, with 85.000 more immigrants than emigrants. This shift marks Romania's transition from a predominantly emigration-focused society to one increasingly characterized by immigration.

The analysis of immigration patterns in Romania encounters challenges due to the intricate nature of the phenomenon and the systematic lack of data. Using a broad definition of immigrants – individuals born outside the country of residence – the data suggests a population exceeding 700.000 immigrants in Romania as for 2021, constituting almost 3.7% of the total population³. However, this estimation comes with potential limitations, such as the inclusion of Romanian citizens born abroad, particularly in diaspora communities. Other more conservative estimations (based on the number of foreign citizens) report several hundred thousand individuals, increasing several times in the last decade.

This demographic shift has far-reaching implications across various sectors, necessitating a nuanced understanding and proactive measures to address the multifaceted aspects of this evolving trend. The impact extends to labor markets, economic dynamics, and the formulation of social policies, among other domains.

In addition to this, Romania's economic landscape⁴ is defined by severe workforce demand, resulting in a continuous increase in the number of foreign citizens employed. Concurrently, there is a noteworthy surge in the issuance of work permits for non-EU citizens across Eastern European states, with Croatia and Romania emerging as prominent players. Between 2013 and 2022, the annual number of work permits for non-EU citizens in Eastern European countries tripled on average⁵. However, the sheer increase in work permits does not guarantee stability for the newly arrived citizens, prompting a closer examination of factors influencing migration patterns in the region.

This dual narrative of Romania's demographic shift and the surge in work permits underlines the country's evolving role in immigration trends. It signifies not only the changing dynamics of migration within Romania but also the region's growing attractiveness for non-EU citizens seeking employment opportunities.

² Robert Santa and Anotolie Coșciug (2023), Spre o nouă realitate demografică, Rethink România în 2023.

³ Anotolie Cosciug (2023), Migrație și integrare într-o țară de emigrare.

⁴ <https://monitorsocial.ro/indicator/romania-devine-o-tara-de-destinatia-pentru-migratie-economica/>

⁵https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_first_permits_issued_during_the_year&oldid=643911

The complex interplay of demographic and labor market factors calls for comprehensive and informed strategies to navigate this transformative phase in Romania's socio-economic landscape. In this context, the increasing presence of South Asian migrants plays a major role in reshaping the demographic landscape in Romania. Studying their situation is important for understanding the cultural and social inclusion challenges they face, which can inform policies that promote harmonious coexistence and reduce social tensions.

This report creates an overview of labor immigration trends in the European Union (EU) and Romania, focusing on the country's efforts to address labor shortages by increasing work permits for non-EU nationals. Specifically, it examines the rise in foreign workers from South Asia, particularly from countries like Nepal, India and Sri Lanka, who have become integral to sectors such as construction, retail and manufacturing between 2019 and 2023. Through a detailed analysis of relevant laws regulating foreign employment and the growing presence of these workers, the study highlights the critical importance of respecting and implementing migrants' rights in Romania. Combining statistical trends with insights from semi-structured interviews with various stakeholders, this research not only sheds light on the economic contributions of South Asian migrants but also serves as a foundation for further exploration of human rights in the context of labor migration.

Methodology and participants at the study

This section of the methodology outlines the research design, its primary objective, and the data collection and analysis methods employed in the study.

Labor immigration from South Asia to Romania is primarily driven by the country's severe labor shortages, especially in key sectors, exacerbated by an aging and shrinking domestic workforce. This demand for affordable foreign labor, combined with simplified visa regulations and Romania's comparatively better economic prospects, makes it an appealing destination for South Asian workers.

Given the increasing interest of South Asian migrants in Romania, this research seeks to thoroughly examine the dynamics of labor migration, highlighting both the challenges and opportunities faced by these workers. The main objectives are to identify key trends, provide stakeholders with a comprehensive overview, uncover gaps in current practices, support evidence-based policymaking, and equip NGOs with actionable insights to better advocate for the rights and well-being of South Asian immigrant workers.

This study consisted of two phases:

Phase 1 (December 2023 – January 2024) aimed to document and analyze the existing data from the General Inspectorate for Immigration (GII), National Institute of Statistics (INSEE), Eurostat, Department of Economic and Social Affairs (UN DESA), and International Labor Organization (ILO), as well as to examine the existing legislation, public policies, and practices at both local and national levels. A multi-level documentary analysis method was employed to thoroughly understand the labor market integration of third-country nationals (TCNs) in Romania. On this stage main actors and institutions involved in the process of labor migration in Romania were mapped, considering also the intention to engage them in the next stage of the research. Additionally, the analysis included statistical examination of the characteristics of immigrants, focusing on variables such as country of origin, age, education, employment status, and geographical distribution, in order to capture the diversity within the immigrant population.

Phase 2 (February – August 2024) had the purpose to gain a comprehensive understanding of the experiences, challenges, and best practices associated with integrating labor immigrants from Asian countries into the Romanian labor market. There were selected representatives of Civil Society Organizations and stakeholders based on their experience in the field, who is/was actively involved in the integration process of labor immigrants or similar groups. This phase of the research was based on qualitative methods, focused on collecting in-depth data through approaches such as semi-structured interviews, focus groups, case studies, and participant observation.

The study targeted three primary groups:

(1) Civil Society Organizations (CSOs) – non-governmental organizations (NGOs) that work in the field of migration (2) labor immigrants from Asian countries (3) relevant public institutions and stakeholders. A case study was also conducted at this stage with a non-governmental organization in the Netherlands that advocates for the rights and freedoms of immigrants. The findings from this study were partially utilized to formulate recommendations for enhancing this process in Romania. This phase employed a theoretical sampling approach to allow for the deliberate selection of respondents and cases that could provide the most relevant and diverse insights into the research questions. By focusing on key stakeholders, including migrant workers, employers, and policymakers, the sampling strategy ensured that the data collected was varied, and directly aligned with the study's objectives, facilitating a deeper analysis of the underlying trends and challenges in this area.

Specific qualitative methods were tailored to each of the three target groups:

(1) Civil Society Organizations (CSOs) and Intergovernmental Organizations. In total, nine CSOs and one IGO participated in the study. Some took part in focus groups, while those unable to join the discussions were invited for individual interviews. One focus group was done with representatives of Migrant Integration Center (MIC) and Association for Liberty and Equality of Gender (A.L.E.G.), another focus group was conducted with representatives of Novapolis, Hilfswerk der Evangelischen Kirchen Schweiz (HEKS EPPER), Peace Action, Training and Research Institute of Romania (PATRIR), Asociația Profesională Neguvernamentală de Asistență Socială (ASSOC) and Asociația Ateliere Fără Frontiere (AFF).

Additionally two individual interviews were conducted with representatives of non-governmental organizations, covering different Romanian cities (Fundatia Consiliul National Roman pentru Refugiati (CNRR) and Jesuit Refugee Service Romania (JRS, Romania)). One interview was done with the International Organization for Migration (IOM) who is part of the United Nations System.

(2) Based on the findings from the first stage, efforts were made to involve immigrants regardless of their age, gender, family status and work experience from different countries from South Asia, who arrived in Romania with work purpose. Due to the specifics of the study, the snowball sampling method was used to identify potential respondents. Based on statistical data showing that most labor migrants from the focus countries are male, the majority of participants reflected this demographic. In total, contacts were established with 26 immigrants, and 20 of them participated in the study (19 males and 1 female). Participants represented countries such as Sri Lanka (8 males, one female), Nepal (three males), Bangladesh (five males), Pakistan (one male) and India (two males). The geographical distribution in Romania includes cities such as Bucharest, Constanta, Cluj Napoca, Braşov, Timișoara, Sibiu, Galati, Apahida, Turda, Beliu, and Arad. Considering cultural and ethnic differences, the participant observation method was additionally employed to gain a deeper understanding of the current situation faced by those who came to Romania for work. This approach allowed immigrants to share specific moments from their life and work experiences in Romania that they deemed most relevant and which were not mapped during the interviews.

(3) Semi-structured interviews were conducted with four relevant public institutions – representatives of the General Inspectorate for Immigration Bucharest and Suceava, one representative of the County Agency for Employment (AJOFM) Braşov, and one representative of the Territorial Labor Inspectorate (TLI) Dolj. Additionally, 1 interview and one data request were conducted with two private legal advisors specializing in the field of migration. In addition, due to the limited availability of the representatives of public institutions to participate in interviews, following preliminary discussions, data requests were sent to the Territorial Labor Inspectorates of Braşov and Sibiu, and based on the written replies, information about their activity and expertise related to labor migrants was collected and analyzed.

Three interviews were conducted with representatives of labor unions (Cartel Alfa, Confederatia Patronala Concordia, Blocul National Sindical) who covered different perspectives.

To gain a detailed understanding of the process of recruiting and attracting migrants to the labor market, three representatives from recruitment agencies, along with three employers and/or HR staff, were also contacted for semi-structured interviews.

All information gathered during the qualitative data collection was analyzed using Atlas.TI software.

Limitations

The main challenge in our research was locating respondents. Most immigrants do not speak Romanian, and many have only a basic understanding of English. Identifying potential immigrants to conduct interviews within their community was also extremely difficult. Even those who do speak English are often hesitant to participate due to fear of repercussions from their employers. To overcome this barrier, we enlisted Hindi and Sinhala-speaking immigrants to conduct interviews with non-English-speaking immigrants. This strategy allowed us to include a greater number of participants and improve the study's diversity.

Regarding the participation of representatives of public institutions (key informants) in the study, the main obstacle was represented by their limited availability in participating in the interviews, justified either by lack of time, or by difficult pre-approval procedures with their superiors. In the situations when the time frame and the procedures permitted, the CSCM team and interviewer submitted participation requests and, after approval, the interviews were conducted. Two institutions opted to respond in writing to the data request submitted, instead of participating in an interview.

One possible limitation concerning the participation of employers and recruiting agencies is that their answers might be subjective considering their responsiveness towards involvement in the study which might demonstrate an interest in the labor immigrants' rights compared to other companies in the field.

Regarding the representatives of patronages and syndicates who participated in the study, some of them mentioned that they are not directly involved in matters of labor immigration. However, their limitation in the field was mentioned during the interview and was considered accordingly.

The limitations regarding the participation of NGOs in focus groups was mostly related to the difficulty in synchronizing everyone's availability.

To be noted that all statements in this report, including quotes within quotation marks, represent the subjective perceptions of the respondents in this study and are based on their personal experiences.

Part 1: Setting the context

This first section offers a detailed analysis of global and regional labor immigration trends, emphasizing the European Union (EU) and Romania landscape. It highlights Romania's focus on addressing labor market shortages by increasing work permit quotas for non-EU nationals, supported by specific laws regulating foreign employment. The section also provides a demographic overview, noting the predominance of working-age males among foreign citizens, underscoring their significant role in Romania's workforce.

The section further examines the evolving labor immigration dynamics in Romania from 2019 to 2023, showcasing a marked rise in foreign workers, particularly in construction and manufacturing. It also explores the countries of origin, with notable contributions from Nepal and Sri Lanka, reflecting changing labor market demands and the impact of international labor agreements.

1.1 European Union labor immigration context

In 2020⁶, the global count of international migrants reached 281 million, referring to individuals living in a country different from their country of origin. International migration is a significant aspect of contemporary societies, accounting for 3.6% of the global population. Countries address migration differently; some see it as a labor resource, while others view it as a revenue stream through remittances.

In the European Union (EU), employment is a critical element in integrating migrants. However, in the EU legal context, member states are the decisional factor in matters of labor migration laws. Western EU states often use migration to fill labor market gaps, whereas eastern EU members face challenges due to less flexible labor markets. A 2019 European Migration Network study⁷ highlighted difficulties in integrating newcomers, such as language barriers, qualifications recognition, and workplace discrimination.

Employment is central to migrant integration, as emphasized by the Zaragoza indicators⁸ and various EU documents. Despite legislative changes granting third-country nationals (TCNs) rights to family reunification and long-term residence, inclusive employment systems remain challenging⁹. The EU supports Member States with policies like the 2011 European Agenda for Integration¹⁰ and the Europe 2020 Strategy¹¹, aiming to improve employment opportunities and skill recognition for migrants. Nevertheless, analysts argue that bilateral agreements and human rights instruments are necessary to complement EU directives.

A 2018 study¹² examined the mandatory five-year residency requirement for TCNs to gain long-term residence, which allows free movement across EU countries. The study found that, in this context, some TCNs seek better job prospects and living standards by moving within the EU, often facing uncertain labor market conditions. Current EU level policies restrict TCNs' ability to find better jobs, potentially impacting the EU's economic growth.

⁶ Julia Black, Global Migration Indicators 2021, International Organization for Migration (IOM), Geneva, 2021, p. 22

⁷ Study on labor market integration of third-country nationals in EU Member States, European Migration Network, 2019, p. 6.

⁸https://ec.europa.eu/migrant-integration/library-document/declaration-european-ministerial-conference-integration-zaragoza-15-16-april-2010_en

⁹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Agenda for the Integration of Third-Country Nationals, European Commission, Brussels, July 2011.

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021-2027, European Commission, Brussels, November 2020.

¹² Herwig Verschueren, Employment and social security rights of third-country nationals under the EU labor migration directives, "European Journal of Social Security", 20(2), 2018, p. 100.

¹³ Porumbescu, Alexandra, Integration challenges: labor inclusion of third country nationals (TCNs). *Studia Securitatis* 16.2 (2022): 32-42.

In November 2023, the European Commission introduced voluntary measures to facilitate the employment of TCNs¹⁴. This initiative aligns with the EU's commitment to strengthening legal migration pathways and addressing skills and labor shortages. Measures include visa facilitation and revising the single permit directive to simplify non-EU worker recruitment. An EU talent pool¹⁵ will help match job seekers outside the EU with vacancies in Europe, focusing on sectors with labor shortages¹⁶.

The Commission aims to reduce bureaucratic barriers and "brain waste" by facilitating qualification recognition. While the talent pool does not confer asylum rights, it allows non-EU workers to apply for jobs. Business associations support the proposal, while trade unions urge for equal rights to prevent worker exploitation. The Commission's proposal mandates employer compliance with EU and national laws, with Member States responsible for oversight.

1.2 National legislation and policies on immigration in Romania

Addressing labor market shortages has been a priority for the Romanian Government, reflected in the increased work permit quota for non-EU/EEA/Swiss nationals. Annually, the quota is determined based on recommendations from the Ministry of Labor and factors such as economic development and workforce demands in specific sectors. The aim is to prevent unauthorized foreign employment. Consequently, Government Decision no. 1.338 of December 29, 2023, set the 2024 quota at 100.000 new workers, published in the Official Gazette of Romania on January 4, 2024.

The provisions of Romania's Emergency Ordinance No. 194/2002 regulate labor immigration by establishing the conditions under which foreign nationals can enter, reside, and work in the country. The ordinance outlines requirements for entry, such as valid travel documents, visas, or residency permits, and provides specific provisions for labor immigration, including the issuance of work and residency permits. It emphasizes the obligation of foreign workers to comply with Romanian laws and regulations, while also addressing issues related to family reunification, deportation, and the rights of long-term residents.

In addition to these provisions, foreign employment in Romania is regulated by Ordinance No. 25 of August 26, 2014¹⁷, which outlines the conditions for employing and seconding foreigners. Foreign citizens must have a Work Notice or Work Permit. EU/EEA citizens enjoy the same labor rights as Romanian citizens, eliminating the need for a work permit. Third-country nationals require a work permit, a long-stay visa for work, and a residence permit.

¹⁴ More information at <https://www.euractiv.com/section/economy-jobs/news/commission-unveils-package-to-attract-migrant-workers-to-eu-labor-market/>

¹⁵ https://eures.europa.eu/eu-talent-pool-pilot_en

¹⁶ Eurofound (2021), Tackling labor shortages in EU Member States, Publications Office of the European Union, Luxembourg.

¹⁷ <https://legislatie.just.ro/Public/DetaliuDocumentAfis/257236>

Ordinance 25/2014 specifies categories of foreign workers:

Regular Employee: Employed under an individual contract.

Trainee Worker: Participating in an internship program.

Seasonal Worker: Employed temporarily for seasonal activities.

Cross-Border Worker: Residing near the border and working in a border town.

Highly Qualified Worker: Engaged in highly skilled jobs.

Deployed Worker: Temporarily assigned from a company in a third country.

ICT Worker: Transferred within the same company.

Au Pair Worker: Employed by a host family for language skills and domestic support.

Work permits are issued for various categories, with extensions generally up to one year, and two years for highly skilled workers. Certain non-citizens, such as permanent residents, those with educational residence permits, EU/EEA citizens, and family members of Romanian citizens, can work without a permit.

In terms of procedure, the normative provisions establish the following route:

Graph.1. The procedure for hiring foreigners in Romania¹⁸



The request for an employment or secondment notice must be submitted by the employer or service beneficiary to any territorial branch of the General Inspectorate for Immigration. Documentation can be presented by any legal representative of the employer or beneficiary. The process involves submitting specific documents based on the type of permit needed. The General Inspectorate for Immigration processes work or deployment permit applications within 30 days of registration, extendable by 15 days if further checks are needed. For a work permit for a holder of an EU Blue Card issued in another member state, the request is settled within 15 days.

Conditions for acquiring a work permit: Employers must pay fees when submitting applications: 100 EUR for permanent, deployed, cross-border, trainee, high-skilled, and au pair workers, and 25 EUR for seasonal workers and those with temporary residence permits for studies or family reunification.

¹⁸<https://mmuncii.ro/j33/index.php/ro/2014-domenii/munca/mobilitatea-fortei-de-munca/3829#:~:text=i.,-Ob%C8%9Bin%20avizului%20de&text=%C3%8En%20Rom%C3%A2nia%2C%20angajarea%20cet%C4%83%C8%9Benilor%20str%C4%83ini,Imigr%C4%83ri%2C%20prin%20forma%C8%9Biunile%20sale%20teritoriale.>

Work permits are issued if:

Vacant positions cannot be filled by Romanian or EU/EEA citizens or permanent residents.

The applicant meets training, work experience, and authorization requirements.

The applicant is medically fit and has no incompatible criminal record.

The annual quota approved by Government Decision is adhered to.

The employer has no outstanding state obligations and aligns with job requirements.

The employer has not been penalized for undeclared or illegal work in the past six months.

Exemptions from some conditions:

Company administrators with foreign participation.

Professional athletes.

Applicants for cross-border or seasonal work permits.

Ordinance 25/2014 was amended in December 2022 to restrict migrants from changing employers within their first year of work in Romania without written consent from the initial employer, except in specific cases. The fee for authorizing a migrant's first employment contract is 100 EUR, and 25 EUR for subsequent authorizations.

Additional developments:

A digital nomad visa introduced in 2022 allows highly skilled workers to reside in Romania while working for foreign companies.

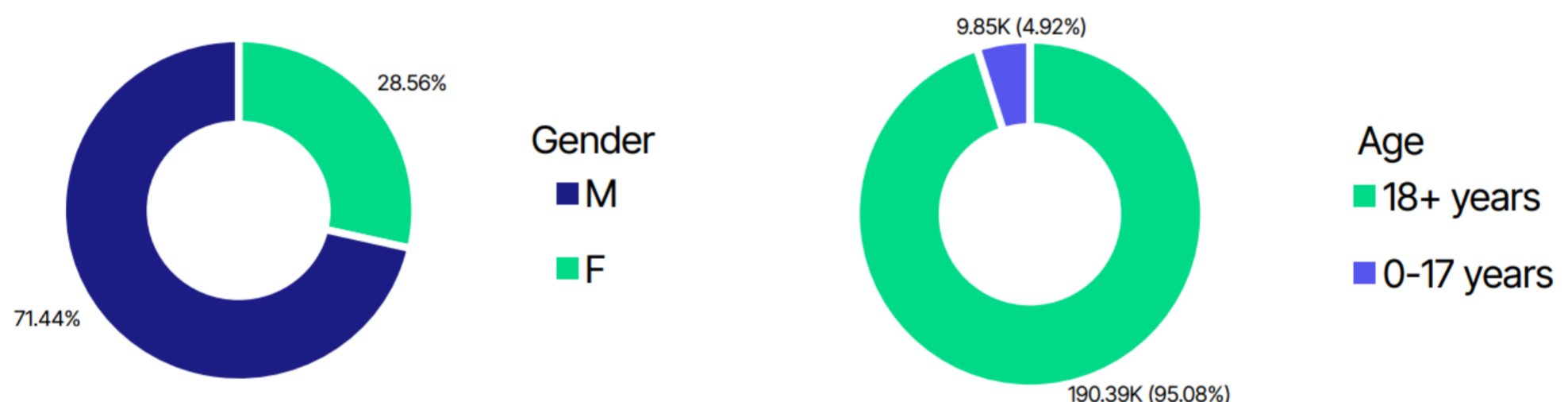
Migrant workers with EU Blue Cards or Romanian single permits face restrictions on changing employers within the first year, with exceptions for contract termination by the employer, mutual agreement, or employer's failure to meet obligations.

Legislative amendments in 2022 extended the application period for a long-stay visa for employment from 60 to 180 days after obtaining a work permit, and visa issuance is now within 20 days.

1.3 Romania: A mirage of opportunity for migrants

As of October 30th, 2023, Romania had a total of 200.243 foreign citizens, with 87% holding temporary stay permits (TP)¹⁹, while the smallest group consisted of beneficiaries of international protection (BIP). Furthermore, examining the demographic profile of foreign citizens in Romania unveils a notable gender disparity, with more than two-thirds of the population being male. This data, sourced from the Romanian General Inspectorate for Immigration, further reveals that a substantial 95% of the recorded individuals fall within the adult age category. The predominance of adults suggests a population largely composed of individuals in the working-age bracket.

Graph 2. Gender and Age of foreign citizens in Romania (GII, 2023)²⁰



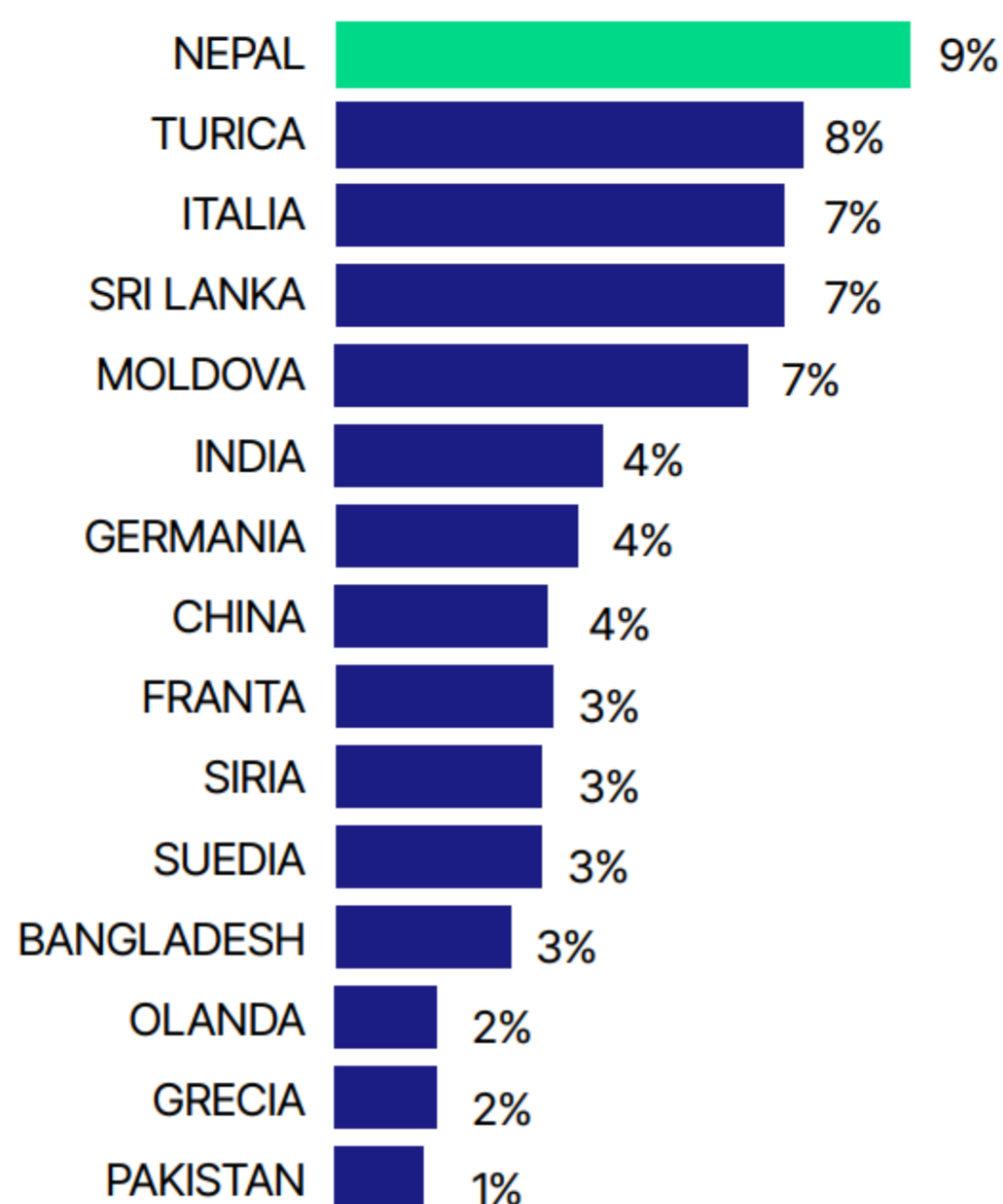
The significant difference in gender distribution may serve as an indicator of an economically active population, as gender imbalances in migration patterns are often associated with specific labor market trends. This could imply that the foreign citizens in Romania, particularly the majority of working-age males, play a substantial role in the country's workforce.

The interplay of age and gender dynamics within this demographic snapshot adds nuance to our understanding of the foreign population's composition, hinting at potential implications for the labor market and broader socio-economic landscape in Romania.

¹⁹ Data collected from GII, October 2023.

²⁰ This data does not include the temporary permits issues for the refugees coming from Ukraine.

Graph 3. Country of origin of foreign citizens in Romania (GII, 2023)



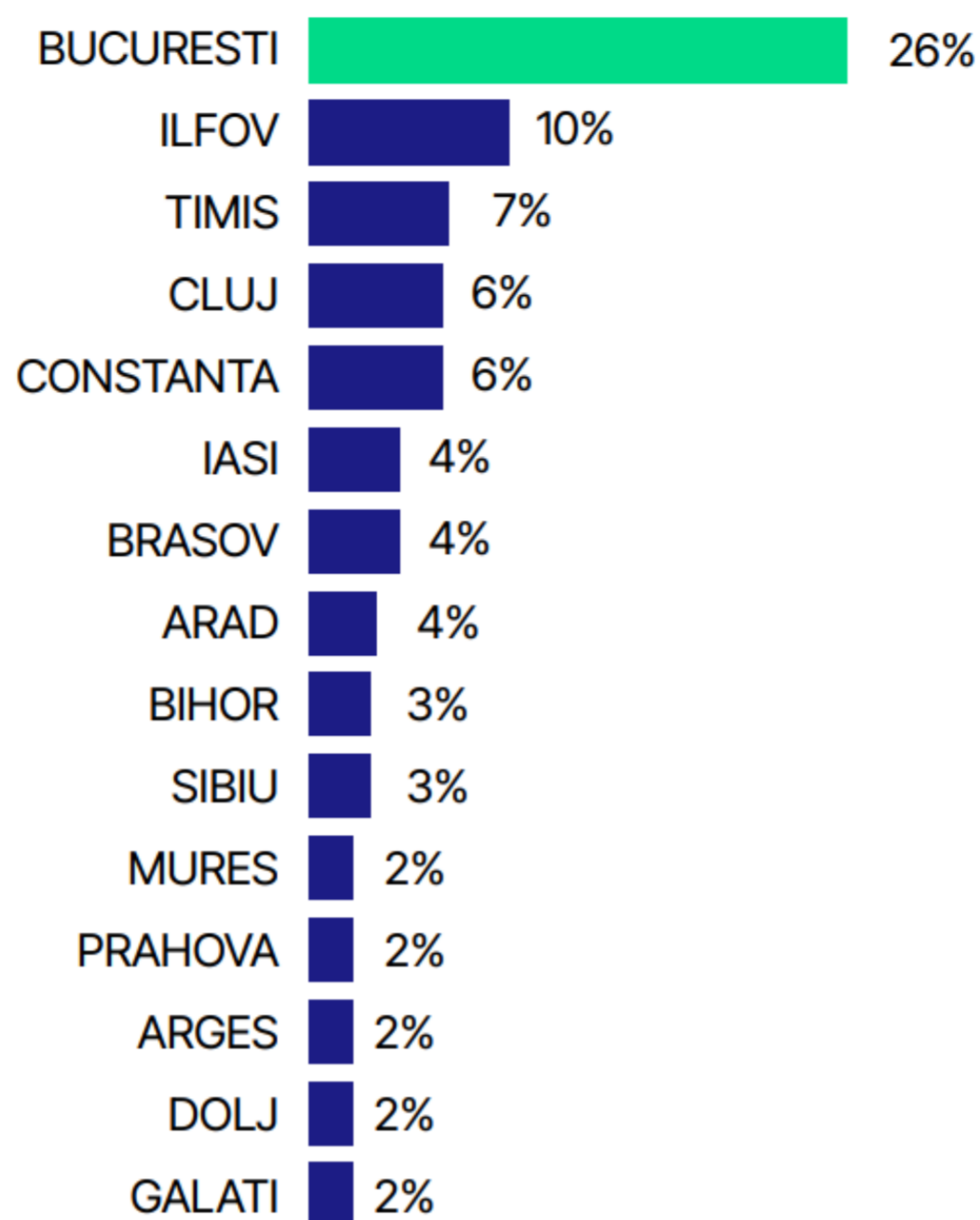
The composition of immigrants in Romania, as of the provided information, reveals interesting patterns in terms of their country of origin. A noteworthy 9% of immigrants hail from Nepal, making it the most significant contributor to the foreign population. Following closely are individuals from Turkey, constituting 8%, and from Italy and Sri Lanka, each contributing 7%.

The migration from Italy and Turkey is attributed to historical ties and the presence of established local communities, factors that facilitate substantial migratory flows between these countries and Romania. These connections may encompass shared cultural, historical, or economic ties, creating an environment conducive to migration.

In contrast, the migration from Nepal and Sri Lanka is explained by international labor agreements signed between the respective countries of origin and Romania. The presence of migrant workers in Romania from these countries suggests a structured and regulated flow, likely driven by specific employment opportunities arising from bilateral agreements. This underscores the influence of international labor policies and agreements in shaping migration dynamics.

Moreover, the data from GII for the year 2023 reveals that the primary origin countries of foreign citizens in Romania, excluding European countries (including Turkey), predominantly hail from the Asian continent, particularly South Asian nations. The notable countries include Nepal, Sri Lanka, Pakistan, India, and Bangladesh. This concentration of foreign citizens from these regions suggests a significant influence on the overall labor migration landscape in Romania.

Graph 4. Country of residence of foreign citizens in Romania (GII, 2023)



The distribution of immigrants in Romania as of the reported date indicates that a substantial 26% of this population has chosen to settle in the capital city, Bucharest. Known for its economic prospects, abundant employment opportunities, educational institutions, and overall appeal, Bucharest serves as a magnet for both national and foreign residents. The city's multifaceted allure has evidently made it a significant hub for immigration.

Beyond the capital, other regions with notable concentrations of foreign residents include Ilfov, Timiș, Cluj, and Constanța. These areas, characterized by economic development, are hotspots where employers seek an increased labor force. The strategic combination of economic opportunities and specific local attributes has made these counties attractive to various categories of migrants. As a result, they collectively host over half of the total foreign population in Romania.

This distribution pattern not only reflects the influence of economic factors but also underscores the importance of local characteristics in shaping migration trends. It suggests that immigrants are drawn to regions offering not only economic prosperity but also unique features that cater to diverse preferences and needs among the foreign population in Romania.

1.4 Shifting dynamics: labor immigration trends in Romania

The dynamic nature of Romania's labor migration landscape unfolds through an evolutionary lens, spanning the years 2019 to 2023. This period encapsulates transformative shifts in labor contracts, countries of origin, sectoral dynamics, and the unemployment situation, urging a comprehensive understanding of the intricate factors shaping these trends.

The multifaceted scenario depicted in this evolutionary perspective calls for informed policies and practices. A nuanced understanding of the complex dynamics is essential to foster a more inclusive and equitable workforce in Romania. By acknowledging and responding to the evolving trends in labor migration, the country can align its strategies with the global shifts, ensuring a resilient and responsive approach to the changing dynamics of the labor market.

Tabel 1. Number of labor contracts (TLI, 2023)

Year	CIM ²¹ Total	CIM Full time	CIM Full time %	CIM Part time	CIM Part time %
2019	78325	67196	85.8	11129	14.2
2020	89350	76776	85.9	12574	14.1
2021	118368	103477	87.4	14891	12.6
2022	176794	158412	89.6	18382	10.4
2023	211635	192930	91.2	18705	8.8

The data provided by the labor Inspectorate offers a comprehensive snapshot of the evolving trends in labor contracts for foreign citizens in Romania over the years, painting a dynamic picture of the country's labor migration landscape.

In 2019, the records indicate that 78.325 foreign citizens were engaged in employment through labor contracts, reflecting a baseline for understanding the subsequent shifts. The following year, 2020, saw a modest increase with employers declaring 89.350 contracts, signaling a gradual growth in foreign workers entering contractual agreements within the Romanian labor market.

The real transformation, however, manifested in 2021, as the number of reported contracts surged to 118.368. This substantial increase suggests a noteworthy influx of foreign citizens seeking employment opportunities in Romania.

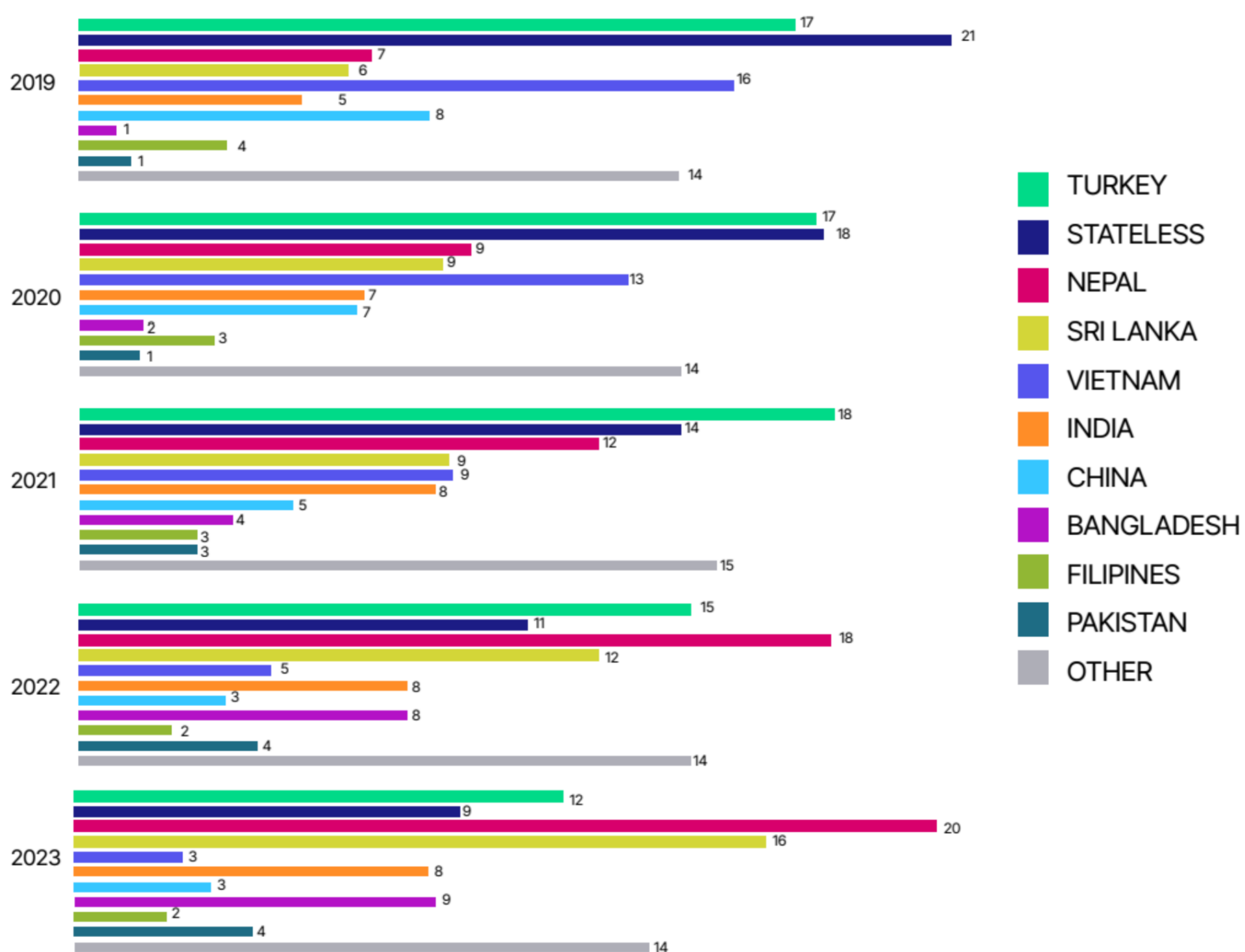
²¹ CIM refers to individual labor contracts and according to ITM procedures they consider active labor contracts those contracts that are active for at least one day.

The momentum continued into 2022, with an even higher figure of 176.794 contracts, indicating a significant expansion of the labor market for foreign workers during this period.

The peak of this trend was observed in 2023, with the highest number of contracts reported by TLI reaching 211.635. This pinnacle suggests a culmination of factors, such as economic conditions, demand for labor in specific sectors, and potentially evolving immigration policies, contributing to a robust labor migration and employment landscape in Romania.

This upward trajectory in the number of labor contracts over the years signifies a dynamic and growing role played by foreign citizens in the Romanian workforce. Further analysis of the contextual factors surrounding these statistics, including the sectors involved, the geographic distribution of contracts, and the impact of external influences, could provide valuable insights into the intricate dynamics of labor migration and employment trends in the country.

Graph 5. Country of origins of foreign citizens (%) outside Europe (top 10) having a labor contract (TLI, 2023)



In 2019, the Labor Inspectorate reported a higher number of labor contracts for foreign citizens, with stateless persons²² leading the list, followed by Turkey (17%), Vietnam (16%), China (8%), Nepal (7%), Sri Lanka (6%), and India (5%).

In 2020, the trend shifted with stateless people still registering the highest number of contracts. Turkey (17%) followed as the second, then Vietnam (13%) and Nepal (9%) experienced a significant surge compared to 2019. Sri Lanka (9%) and India (7%) increased their numbers by one third, while China (7%) had a slight decrease.

²² Article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as 'a person who is not considered as a national by any State under the operation of its law'.

The year 2021 brought notable changes in the countries of origin for contracts. Turkey (18%) topped the list, followed by stateless people. Nepal (12%) emerged as the third highest, with a slight increase of the contracts compared with previous year. Vietnam (9%) experienced a decrease, while Sri Lanka (9%) demonstrated almost the same number of contracts as the year before. India (8,5%) also witnessed a notable increase, and there was a decline for China (4%). Importantly, Bangladesh showed a remarkable increase from 0.9% in 2019 to 3.6% in 2021, and Pakistan rose from 1.3% in 2019 to 2.8% in 2021. These shifts indicate changing patterns in the countries from which foreign workers are arriving, with some nations experiencing substantial increases in labor contracts over the years.

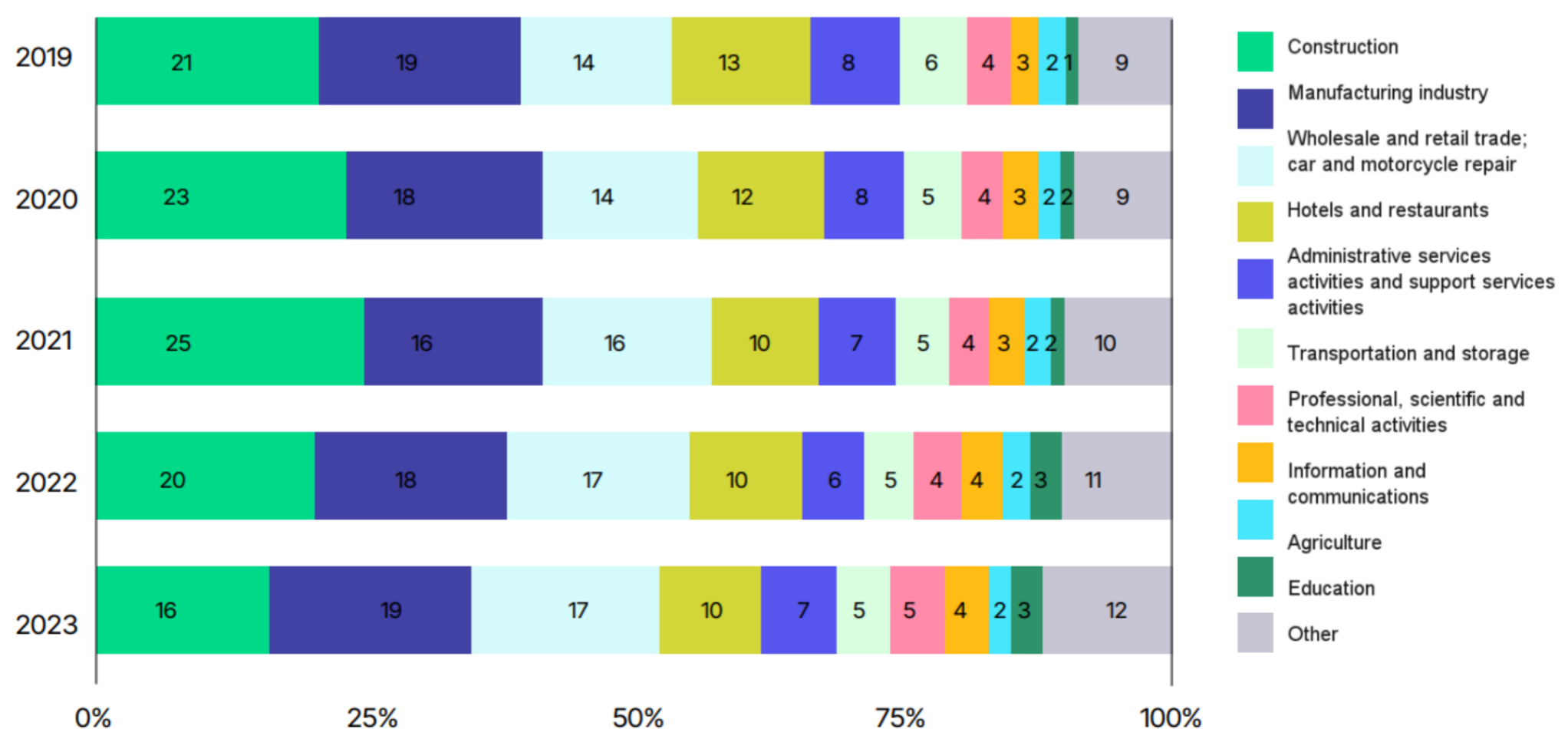
In the dynamic landscape of labor contracts for foreign citizens, 2022 witnessed significant shifts in the countries of origin, marking a notable departure from previous trends. Nepal (18%), emerging from the third position in 2021, took center stage, securing the highest number of provided labor contracts. Turkey (15%) followed closely, showcasing its sustained importance in this regard. Sri Lanka (12%) underwent a remarkable transformation, becoming the third-highest contributor, almost double the figures from the preceding year. Noteworthy transformations were also evident in Bangladesh (8%), doubling the numbers from 2021.

India (8%), too, underwent some change, reporting a slight decrease in labor contracts in 2022, compared to the previous year. Conversely, while Pakistan (4%) showed significant growth, nearly doubling the number of contracts compared to 2021, Vietnam (5%) experienced a significant decline.

As the trend continued into 2023, Nepal (20%) maintained its lead, registering an even higher number of contracts. Sri Lanka (16%) sustained its momentum with a significant increase, showcasing the continuation of its upward trajectory. Turkey (12%) secured the third position, experiencing a slight decrease compared to 2022. Bangladesh (9%) exhibited noteworthy growth. China (3%) reported relatively the same number of contracts compared to 2022, while Vietnam (3%) witnessed a significant decrease, indicating a continuation of the trends observed in the period from 2019 to 2022.

These shifts in the countries of origin underscore the dynamic nature of the global labor market, revealing evolving preferences and opportunities for foreign workers over the years. The fluctuations highlight the influence of various factors, including economic conditions, geopolitical dynamics, and changing labor market demands.

Graph 6. Contracts according to the labor sectors (top 10) (TLI, 2023)



In 2019, based on records from the Labor Inspectorate, the primary labor contracts were predominantly concluded within the manufacturing industries, followed closely by the wholesale and retail trade or car and motorcycle repair. However, in 2020, the construction sector surpassed manufacturing, becoming the most common sector where foreigners found employment, followed by manufacturing and wholesale retail trade.

The trend continued into 2021, with the construction sector maintaining its status as the leading sector for job opportunities. Noteworthy, there were slight decreases in the other two sectors, compared to the growth observed in construction.

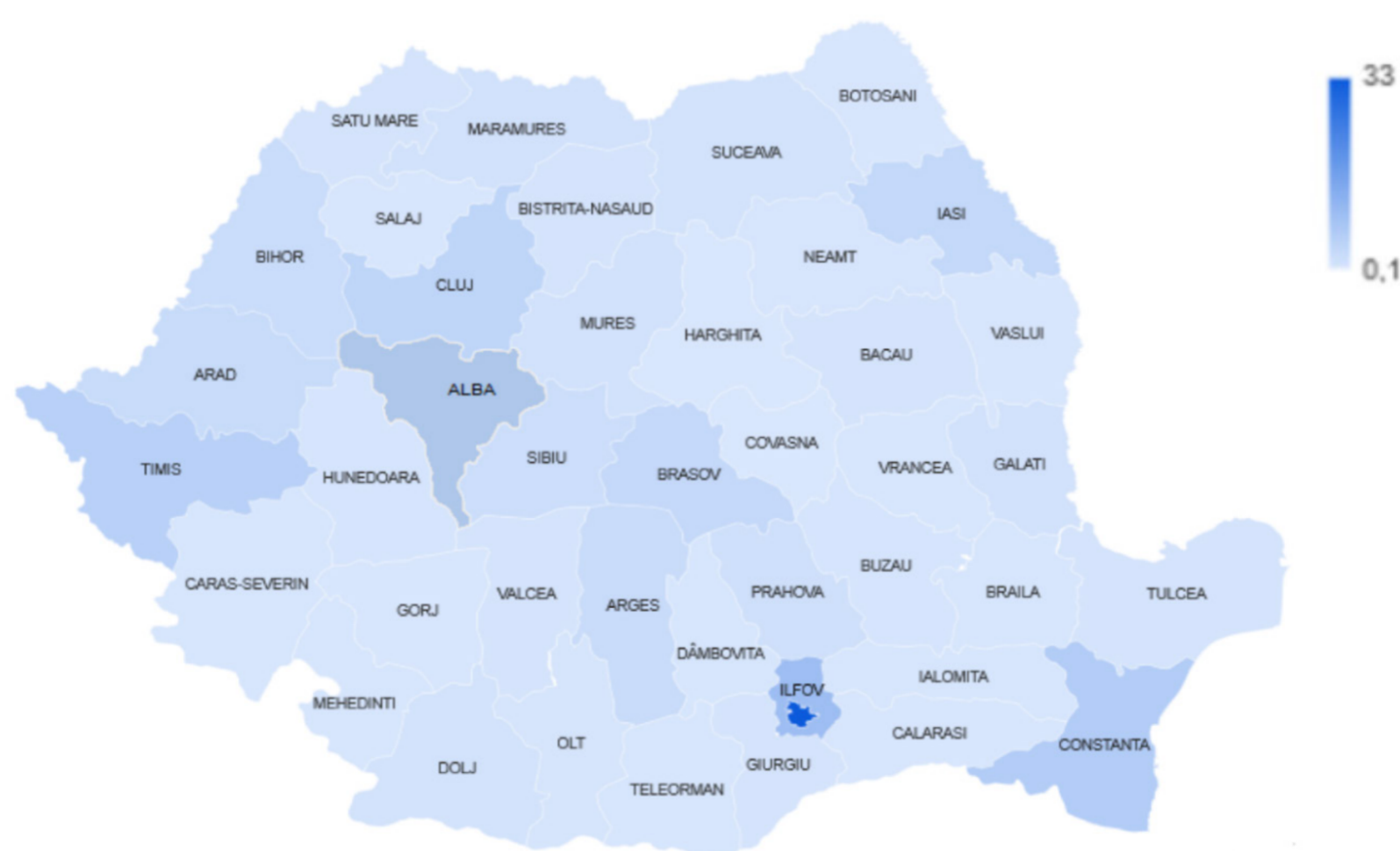
In 2022, construction ranked first in terms of the number of contracts, although their number decreased compared to 2021. However, the share of contracts in manufacturing increased compared to the previous year. Wholesale and retail trade, car and motorcycle repair ranked as the third most common contracts for foreigners.

Moreover, the hotel and restaurant sector witnessed a noteworthy upturn in 2022, recording a substantial rise from 10% in 2019 to 12%. This suggests a considerable expansion in employment opportunities within this industry.

Moving into 2023, the construction sector continued to lead in the number of contracts, although the increase compared to 2022 was not as significant. The manufacturing industry demonstrates stability with small growth, while the wholesale retail sector experienced a relatively low decrease. The hospitality sector (hotels and restaurants) continues to show steady growth.

Furthermore, the data on the county of residence (Map 1) for foreign citizens in Romania aligns closely with the distribution of labor contracts, indicating consistent trends across various regions. The top counties where the highest numbers of labor contracts have been reported exhibit a relatively stable order, with minor variations. The key counties in terms of labor contracts provided are București, Ilfov, Constanta, Timis, Cluj, Iasi, and Brasov. These regions consistently attract a significant number of foreign workers, highlighting their prominence in the labor market.

Graph 6. Contracts according to the labor sectors (top 10) (TLI, 2023)



On the contrary, the counties of Covasna, Vaslui, and Harghita consistently report lower numbers of labor contracts, suggesting a comparatively lower level of foreign employment activity in these regions. The reasons for these variations could be influenced by factors such as economic activities, industries prevalent in each region, and demographic considerations.

Part 2: Perspectives from overall society, stakeholders and immigrants

As previously pointed out, by October 2023, Romania had over 200.000 foreign citizens, with a large majority holding temporary stay permits, predominantly adult males from countries such as Nepal, Sri Lanka or Bangladesh. This influx of labor migrants is heavily influenced by international labor agreements, which have facilitated the structured movement of workers into Romania's key sectors, including construction, manufacturing, and hospitality. The substantial growth in labor contracts, underscores the critical role that these foreign workers play in the Romanian economy.

Despite their growing presence, the situation of South Asian workers in Romania remains underexplored, particularly in terms of their lived experiences, challenges, and the broader implications for Romanian society. Given the demographic and economic shifts reflected in the labor migration trends, it is imperative to analyze the conditions and factors shaping the experiences of these workers. Understanding their situation is not only essential for formulating informed labor policies but also for addressing the human rights concerns associated with labor migration. This study will delve into these aspects by conducting a comprehensive analysis of the situation of South Asian workers in Romania.

Through semi-structured interviews with a diverse set of stakeholders – including NGOs, public institutions, migrant workers, companies, recruiting agencies, syndicates, and employer associations – this research seeks to provide a nuanced understanding of the complex dynamics at play. By examining perspectives from both the workers and the institutions that engage with them, the data will shed light on the challenges, opportunities, and potential areas for policy intervention, with a particular focus on the respect and implementation of migrant workers' rights in Romania.

Among the most frequently cited concerns by both migrants and stakeholders are issues related to the rights of migrant workers and how these rights are respected and implemented within Romania. This highlights a critical area of focus, as ensuring that migrants' rights are upheld is essential for fostering a fair and equitable working environment. It is important to mention that systematic quantitative data on the prevalence of these issues is limited. While personal testimonies and qualitative insights raise significant concerns about exploitation, poor living conditions, and discrimination, they represent individual experiences rather than broad statistical trends.

In this context, the analysis presented here is not intended to be an exhaustive examination of all relevant human rights issues. Rather, it should be viewed as the beginning of further reflection and consideration of these critical matters, both within Romania's labor migration context and beyond.

2.1. The right to just and favorable conditions of work

The Labor Code of Romania theoretically grants labor immigrants the same labor rights as Romanian citizens, including right to working conditions and rest periods, social security benefits, safe working conditions, fair wages, and protection from discrimination. These rights are intended to guarantee that all workers in Romania's labor market receive fair and equitable treatment, regardless of their nationality. However, in reality, labor immigrants frequently encounter major obstacles that keep them from taking full advantage of these rights.

Labor exploitation is one of the most frequently mentioned issues when it comes to the experience of worker immigrants in Romania. Labor exploitation is a problem reported not only by the immigrants during the conducted interviews, but it was a recurrent topic

addressed by all categories of interviewed stakeholders, with a high impact on the decision to re-migrate to other countries:

"There are also situations where the employer enslaves them, does not offer them decent working conditions, accommodation, and I am not surprised that they leave. The rest of the countries offer asylum. In Germany they are offered asylum, money, they are looking for a job, somehow it is better for them than to stay here with an abusive employer." (Recruiting agency)

The interviewed labor migrants often report being forced to work overtime without additional pay:

"I got 3000 lei salary working seven days, not working six days and one day off every day, 10 hours, 12 hours. It's not okay for the laborer or for Romania." (Male, 23 years, Sri Lanka). In some cases, exploitation and other aggravating factors can lead to borderline situations, as seen in the case of a migrant who worked overtime for three months without receiving payment, as another migrant worker shared: "A boy from Sri Lanka committed suicide. He has not received his salary in three months". (Male, 23 years old, Sri Lanka)

The groups most often exposed to these situations of potential exploitation are delivery workers and kitchen staff. Additionally, the risk of exploitation increases significantly for those who do not have valid work documents, such as when a person is waiting for the relevant documents from the migration service.

There were examples of potential exploitation, which sometimes ended up with no legal penalty for the employer. "I have had cases like this, where they came and worked very hard, they were not paid, I advised the workers to file a complaint with the ITM. When the ITM visited (upon the workers' complaint), the employer hid the workers in the basement, the employees did not have time to talk to the ITM, and then a war ensued. I managed to place all of them in other companies in Bucharest, they are fine and working, and the employer is fine he doesn't have any issue with the law (in the sense that the employer did not face any legal problem) related to the fact that he did not respect their rights" (recruiting agency). Also, there were situations when employers collected workers at the airport and then they did not pay for their work:

"Previously, there were situations where employers went and collected groups of people who arrived at the airport, after which we had situations where he did not pay them. For situations like this, we collaborate with the border police" (Recruiting agency).

In other delivery companies, the contracts have clauses which put the workers in the impossibility to reach the targets, and they would not receive their salary.

"They need to do the delivery by numbers like around 20 to 30 deliveries per day. And they are not able to reach that point. And they are not getting the salary" (Recruiting agency).

2.1.1 The legal framework for the South Asian labor migration to Romania

Labor migration from South Asian countries to Romania exhibits characteristics typical of a Temporary Labor Migration Program (TLMP). Although there is no universally accepted definition of this type of programs, they can be broadly understood as organized schemes of regular migration for contract labor that establish specific conditions for entry, residence, and access to rights. While TLMP often impose age limits for eligibility or restrict participation to particular sectors and occupations based on nationality and/or gender, this is not the case for South Asian migrants in Romania even though in practice such 'limitations' appear.

However, similar to other TLMP, the migration process to Romania involves both countries of origin and destination, with active engagement from state actors in both countries and a variety of private actors throughout the process, including initial recruitment. TLMP also typically bind the worker to a specific employer (which is the first employer in Romania, the one applying for the work permit²³), granting the employer significant control over the migrant during their stay. This control extends to the migrant's access to services and legal remedies, as well as their ability to leave the country for home visits or upon the completion of their contract. Furthermore, TLMPs also bind the worker to a specific field/occupation which is also the case in Romania where the workers have to work in the same occupation as the one the working permit is issued²⁴.

Most notably, Temporary Labor Migration Programs, and the migrations they facilitate, are inherently time-limited, with durations ranging formally from a few months to several years of continuous employment. While this is also the case with the South Asian labor migration to Romania, what is different is that at the end of the contract return to the country of origin is not mandatory and the duration of stay may be extended or renewed within the destination country.

2.1.2 The role of the state

Under international human rights law, states hold the primary responsibility for respecting, protecting, and fulfilling the rights of all individuals within their jurisdiction. This responsibility encompasses the duty to safeguard against human rights violations committed by non-state actors, including private entities such as businesses, employers, and labor recruiters. While migrant workers primarily interact with private actors before and after their arrival in Romania, the government retains its role as the principal duty-bearer under both international and national law. Consequently, the state is obligated to establish and enforce a regulatory framework that effectively governs private sector activities to ensure the protection of migrants' rights.

²³<https://kpmg.com/ro/ro/home/servicii/consultanta-fiscala/mobilitate-internationala-romania/servicii-imigrare/avize-munca.html>

²⁴ <https://igi.mai.gov.ro/obtinerea-avizului/>

The governance of labor migration is a shared responsibility between the country of origin and the destination country. Most of the migrant workers included in this research effectively lead transnational lives, navigating their experiences in both countries. However, their engagement with Romania begins well before their actual departure, requiring significant financial investments and the completion of extensive bureaucratic processes, such as pre-departure training, while still in their home countries. Upon arrival in Romania, these migrants maintain emotional and social connections to their country of origin, and their economic ties are sustained through the regular sending of remittances.

Within this framework, our data reveal several factors in Romania that impede the protection of migrant workers' human rights, which will be explored in the sections below. These factors include disenfranchisement from political participation, fear of retaliation for seeking justice, short-term economic policies that regard human rights as obstacles to national competitiveness, excessively burdensome administrative processes, and a lack of policy coherence across government ministries.

Moreover, another issue related to the recruitment process that adds to the unhealthy basis in which the labor immigrants are arriving in Romania is the Quota system²⁵ which is influencing the bringing a high number of workers whom in the end cannot be covered properly by social security system:

“What is happening now with workers from third countries is an expression of the inability of the Romanian Government to manage the labor market in a coherent manner and to have a coherent social policy. Romania is... unprepared for these high quota numbers”. “The process of bringing to the country should be conditioned by social clauses. The entity that sends them and the one that accepts them should offer them a minimum package in which to ensure the interaction with the social institutions in Romania, to offer them the recognition of their competences if necessary, and to be encouraged not only in society, but in the elements essential for work, in unions” (Unions representative).

As a consequence, in Romania, foreign workers do not benefit from a proper socio-economic protection support – which can be correlated with their decision to leave to other countries who secure them stronger social protection conditions.

2.1.3 The role of the private actors

Although labor migration programs in Romania are formally government-run, employers and private intermediaries, such as recruitment, brokerage, and placement agencies often exert considerable influence and control over the governance of these schemes. Their involvement extends to nearly every aspect of migrants' lives and rights, both within and outside the workplace, thereby affecting migrant workers' meaningful access to their human rights. Companies, in turn, have an independent responsibility to respect human rights, regardless of states' obligations, and must proactively identify, prevent, and address any adverse human rights impacts resulting from their actions.

²⁵ Refers to the government's regulation of the number of non-EU labor immigrants who can be employed in the country each year. The system is designed to manage the influx of foreign workers, ensuring that the labor market's needs are met while maintaining a balance between the demand for labor and the protection of domestic workers' rights.

In Romania, public institutions frequently delegate varying levels of responsibility for the operation and oversight of these programs to employers, who are also tasked with enforcing migration control measures. In many cases, employers further delegate these responsibilities to other private actors, including those providing services related to visas, transportation, accommodation, healthcare, and the handling of complaints. The economic and legal dependency of migrant workers on these private actors suggests that Romania has adopted elements reminiscent of the kafala system, wherein direct government control over migrant workers is minimal, and authority is delegated to private citizens and residents, effectively making them responsible and accountable for the workers.

This de facto privatization of labor migration governance often permeates all aspects of a migrant's participation in Romania. In a context where regulation and oversight are frequently inadequate, private actors – motivated by profit – may be hesitant to invest in measures that secure the realization of migrant workers' rights, especially those concerning their lives outside the workplace. As a result, migrant workers find themselves ensnared in a web of competing interests in which they hold little power, caught between private corporate entities that manage the programs and work permits, their home governments, and the destination countries' governments. This situation is further exacerbated by a critical lack of accountability, leading to significant protection gaps and an increased risk of human rights abuses:

"It's very difficult. And sometimes they treat us like 'you need to go to Bangladesh'. If you say something about your rights and they tell us 'you go to Bangladesh. You go, go to Bangladesh'" (Male, 30 years old, Bangladesh).

It is important to highlight here also the context of vulnerability in which the recruitment process is taking place which is in tight correlation with the labor exploitation and vulnerable situations in which the labor migrants are ending up. There are many issues regarding the recruitment process which stand as an unhealthy basis for other vulnerabilities for immigrants or creating many imbalances with consequences on many levels. One significant factor to highlight is the situation in the country of origin, where citizens, driven by desperation to secure employment opportunities in European countries, are willing to pay substantial fees (ranging from €4.000 to €10.000) to recruitment agencies. In some cases, they even incur debt to do so, while certain recruitment agencies in their home country exploit this vulnerability, as was expressed by participants:

"But there are a lot of agencies, fake agencies... you know, in Sri Lanka, because a lot of people now are trying to leave the country due to the economic crisis. And then there are a lot of scammers. Lots of it" (Male, 31 years old, Sri Lanka).

Another immigrant personally failed as a victim of dishonest recruiters:

"Yes. I even filed a complaint with the police. It took about a year. First they promised 6 lakhs. Then they asked for 10 lakhs. I told them that I could not go abroad because of my family problems. Because I did not have that much money. They didn't return my passport. After that I gave them the legal documents of the house and land where I live and that's when I came to Romania" (Female, 50 years old, Sri Lanka).

²² The kafala system, typically associated with countries in the Persian Gulf, is a labor sponsorship system that binds foreign workers to their employers, often limiting their freedom to change jobs or leave the country without employer consent. While Romania does not officially have a kafala system, concerns have been raised that certain aspects of its labor regulations for migrant workers resemble elements of the kafala system, particularly in how they restrict labor mobility and can lead to exploitation.

Consequently, many foreign citizens have arrived in Romania to employers who did not respect their rights, did not pay salaries. Additionally, some immigrants reported not receiving the positions they had agreed upon when signing the contract. For instance, instead of getting a factory job, they were forced to work as couriers or in terrible conditions on a farm, instead of the promised job at a car service station.

Another factor influencing the vulnerability of the labor migrants is represented by the lengthy proceeding in place for coming in Romania (including the embassy proceedings and the proceedings at the Romanian General Inspectorate for Immigration), which lead to difficult situations both for employers and foreign workers who might have arrived at an employer who no longer needs them:

"If it takes 9-12 months for the production to change, it could be that in a year, when the workers arrive here, I won't need them anymore, then they come to Romania and have nothing to do. Legislation should be made in such a way that things move faster" (Employer).

2.2 The right to an adequate standard of living

An adequate standard of living is fundamental to the lived experiences of migrant workers outside the workplace. This right is multifaceted, encompassing elements such as adequate housing, water and sanitation, and food. These components are interconnected and intrinsically linked to the right to life, the right to the highest attainable standard of health, and the inherent dignity of every human being.

2.2.1 The right to adequate housing

Most of the migrant respondents in the research mentioned that most of their employers bear the responsibility for the costs of accommodation, utilities, food, renovation, and other living expenses as part of the salary package, although some employers may opt for 'subsidizing' these costs as part of the payment arrangements. In several cases the employers seem to provide 'subsidized' accommodation only in theory while in practice the costs the migrant workers have to pay are significantly higher than the average local one. However, even in the cases where the employers do provide subsidies for good accommodation and associated costs, it seems a common practice among employers to cancel their support after the first year of employment:

“We benefited from accommodation for two years but now we are not getting accommodation, they cutted off this support. Now I have found my own apartment and I am living here by myself. And also, now they reduced our basic salary. Previously we got around 4000 lei as a basic salary but now it's around 3500 lei”. (Male, 31 years old, Sri Lanka)

Furthermore, in most of the cases where accommodation is provided, the migrant workers do mention low quality of the provided accommodation in terms of overcrowding, access to running water and internet, peripheral location, and so on.

Achieving an adequate standard of living under these arrangements can be challenging for migrant workers in Romania when they prioritize remittances, especially in the large cities with high rents where most of the migrants are located. Inadequate housing goes against the spirit of fundamental human rights and jeopardizes other rights, including the rights to physical and mental health, privacy, and family life.

Most of the migrant workers participating in this study live in overcrowded dormitory-style housing, restricted from renting in certain neighborhoods, or only able to afford low-quality housing. For instance, one migrant from Cluj working for a delivery company pays each week 1200 RON for the accommodation that is found in a building apartment where rooms are modest and where around 23 labor migrants live. In total, he spends 4800 RON per month, the cost for a high standard accommodation in Cluj.

This often results in de facto segregation, compelling them to reside physically distant from the majority population. Such conditions facilitate greater employer control and deny migrant workers the opportunity to integrate into the broader community of the destination country or connect with other migrant workers. This has significant consequences for social integration and limits migrants' ability to access information about and organize for their rights. The segregation also exposes them to stigmatization and social exclusion, which can exacerbate xenophobia and racism against low-wage migrant workers.

In Romania, which has one of the highest rent-to-average-income ratios in Europe, many South Asian migrants are essentially relegated to the outskirts or industrial areas of cities. While some newer dormitories for low-wage migrant workers in Romania include recreational facilities (such as TV rooms, internet, sports facilities, and cinemas) and services (such as grocery stores, laundry facilities, and health centers), most participants in this research reported not having access to such facilities. Consequently, this segregation extends to their leisure time, especially when dormitories de facto might limit visits from family members or friends, effectively keeping migrants out of public spaces and denying them interaction with wider society.

2.2.2 The right to food

According to the respondents interviewed, in Romania there are examples of employers who are aware of the importance of culturally appropriate and nutritionally adequate food for fostering social cohesion among migrant workers and, beyond providing salaries, offer additional non-financial benefits to address these needs.

For instance, one labor immigrant shared that they:

"...had this accommodation from the company... We got extra food cards for the food. Also my company gives us a home and bus card. Everything is okay." (Male, 28 years old, Sri Lanka)

On the other hand, hunger and malnutrition seems to be prevalent for several respondents, resulting from substandard living conditions and various restrictions. These may include employer or housing-provider rules that do not prohibit but in practice limits or making impossible for migrants cooking their own food, the high cost of quality food in Romania, or other limitations on access to adequate and culturally appropriate food and sufficient safe water for personal and domestic use.

"We work for 12-13 hours. We work until the head of the institution is satisfied. If he feels hungry, he gives us food. Otherwise, we work all day without food." (Male, 34 years old, Sri Lanka)

Migrant workers with limited freedom of movement or those employed in remote locations, such as on many agricultural farms or construction sites, may face severe challenges in securing food and may even experience challenges on their fundamental human rights and freedoms.

"I was working in a pigs farm in Galati... and when I asked for something to drink they showed me (the water through) and told me to drink from there...they didn't give a cup or something, so I said no, I will work this day because it's my job to finish the day. So I did my work for that day and I went back at night." (Male, 21 years old, Pakistan)

For example, several South Asian migrant workers have reported that the meals provided by their employers are very basic, or do not suit their beliefs and religion and often consist of two meals per day of plain white rice and lentil soup, which is frequently stale.

"For me it was difficult because being a muslim, there are some (issues in procuring) food in Oradea, or in other small towns...it's difficult to get the halal meat...you can get other things easily such as vegetable, greens." (Male, 21 years old, Pakistan)

In other contexts, migrant workers may not be allowed to bring or cook their own food and may be charged high prices for low-quality catered food.

"They give us food money. If I am going to work, they give me 35 RON and also 10 RON for the canteen, so 45 RON per day but I worked three shifts in the first week. Like morning shift, second week, night shift, third week, afternoon shift." (Male, 24 years old, Bangladesh).

Other workers have reported having to subsist on leftovers or nutritionally inadequate food, illustrating the broader issues of food insecurity and gaps in human rights compliance.

2.3 The right to highest attainable standard of health

The right to health is essential for the realization of other rights and imposes immediate obligations on the state. International human rights law stipulates that all individuals, irrespective of nationality, residency, or migration status – and regardless of the duration of their visa or work permit – are entitled to preventive, curative, and palliative health services. It prohibits any discrimination in access to health care services and the underlying determinants of health.

Despite the legal protection afforded by regular migration status in labor migration, many migrant workers may find it difficult to access quality healthcare services, comparable to those available for nationals, during their stay in Romania. Furthermore, migrant workers' health needs are often overlooked in national health policy frameworks. More specifically, barriers to healthcare for migrant workers can be regulatory, financial, or practical. These barriers include long working hours with limited time off to pursue health care, physical distance from the places where health services are available, or lack of information about available health services. The financial burden of healthcare costs, coupled with the pressure to save or remit earnings, also deters migrant workers from seeking necessary health care. Furthermore, access to the health services is restricted at least in the first months if the migrants do not have an ID (the so called CNP in Romania)²⁷.

The majority of work migrants interviewed in the study reported that they did not access medical services in Romania. Several respondents were unable to access them cited the hostile attitude of medical staff and the fact that they were unsure whether they had health insurance or not. This situation is well represented by the case of a labour migrant to whom emergency medical assistance was initially refused, requiring hours long waiting before being taken to the hospital. This delay was only addressed after the company management (Romanian citizen) intervened. Furthermore, stakeholders highlighted that labor migrants have difficulties in accessing information on basic services without guidance. Information is often scattered across various websites and institutions, and rarely available in multiple languages. Many migrant workers do not speak Romanian or English (in general or in medical-specific terms), making communication with institutions, especially in smaller towns and medical facilities, very challenging.

In Romania, many migrant workers report having to pay high costs for medical care and express concerns about the quality of care provided by employer-provided (usually private) clinics. These clinics typically focus only on occupational safety and health services rather than addressing the broader socio-economic factors and underlying determinants of health that constitute the right to health.

²⁷ <https://adevarul.ro/economie/muncitorii-straini-vor-drepturi-egale-cu-ale-2332361.html>

A person-centric rather than worker-centric approach would encompass the full spectrum of the right to the highest attainable standard of physical and mental health, including sexual and reproductive health.

The temporary nature of migrant workers' stay in destination countries is often cited to justify neglecting their health needs. However, this rationale is inadequate as any obstacles to obtaining timely health care, such as delays in diagnosis and treatment, can have severe consequences. Such delays can also increase future health system costs in migrants' home countries and undermine the positive contributions of labor migration to overall society.

Access to labor visas is frequently contingent upon passing a series of medical tests pre-departure, upon arrival, and during the migrants' stay:

"There are three interviews, at a certain point the recruiting company says ok, he's in good health, pass. If a guy is too fat, they don't get it" (Male, no age specified, Sri Lanka).

Some mandatory testing practices, such as those for HIV or pregnancy, can be considered discriminatory in many contexts, particularly when these tests are not directly related to the job's essential functions or safety requirements, and migrants who do not pass these tests are denied visas. Inadequate living conditions and unsafe or exploitative work conditions can have direct and indirect negative impacts on migrants' health. These inadequacies often result in injuries or fatalities among migrant workers, particularly those in low-wage jobs, which are sometimes inaccurately attributed to "natural causes" by authorities.

Additionally, perceptions of health risks in migrants' countries of origin and stereotypes about their health behaviors can lead to negative consequences. For instance, it was observed in other contexts that public health authorities may frame low-wage migrant workers as high-risk and implement targeted disease-screening measures, creating a stigma around ill-health among these workers. This exacerbates xenophobia and creates another barrier to realizing their right to health, as migrant workers may be reluctant to disclose illness to their employers for fear of job loss.

Studies have demonstrated that precarious employment conditions are often associated with mental health issues, such as psychological distress, depression, and anxiety and extreme cases (such as suicide). These problems are frequently exacerbated for migrants by factors such as prolonged family separation, socio-cultural isolation, and financial stress. These situations can be exemplified via Gayan's²⁸ case who expressed as being very unhappy with his experience in Romania, often expressing his frustration:

"it's only the mafia around, they don't care about us." (Male, 23 years old, Sri Lanka).

He shared that his mother's support is the only thing preventing him from extreme solutions such as considering suicide. Despite his hardships, Gayan is determined to improve his situation by finding stable employment and obtaining formal status. He hopes that with the support of local institutions and NGOs, he will be able to overcome his current difficulties.

²⁸ The name has been changed to maintain anonymity.

In Romania, migrant workers are permitted access to public health services during their stay, provided employers ensure that workers have registered labor contracts. There are reports of such positive situations, when employers ensure migrant workers are in full compliance with the legal requirements to benefit from access to public services:

"Yes, our company provided all the things(...) So they pay for it. And also the family doctor and also the health insurance and the income tax". (Male, 24, Bangladesh)

However, even when health insurance is provided, it often meets only the minimum requirements, rendering the protection ineffective for migrants. A lack of clarity and transparency about coverage further leaves migrant workers uncertain about how to use the insurance and what charges they might incur.

"Once their employment contract has expired, even if they have a new employment contract, but their work visa has expired they do not have the right to stay... This is a situation where they have a job, but they are no longer in a legal situation. Even if you pay for your health insurance, you cannot benefit from it. If you get sick it's your problem." (NGO representative)

Additionally, when migrant workers must pay for health insurance themselves, the cost can exceed a month's pay, posing a significant financial burden for low-wage workers and diminishing the economic benefits of their migration²⁹.

When employers fail to fulfill their responsibilities, and if the government does not enforce compliance, migrant workers are left to bear the full cost of healthcare, which can be prohibitive for low-wage migrants. Even when employers do ensure access to health services, low-wage migrant workers still face non-financial barriers, such as difficulties in arranging transport to clinics and overcoming cultural and language barriers.

2.4 The right to social security

International human rights law provides everyone the right to social security, recognizing its importance in ensuring a minimum standard of dignity for all. Migrant workers should receive the same treatment as nationals, enabling them to access non-contributory schemes for affordable healthcare, family support, and coverage for illness, injury, or disability. They should also benefit from any social security scheme to which they have contributed, including retrieving their contributions upon leaving the country.

The lack of access to social security benefits heightens migrant workers' dependence on their employers and exacerbates their vulnerability. Social security's redistributive role is crucial in poverty reduction and alleviation; therefore, denying or restricting access to migrant workers undermines the value of migration for both migrants and their countries of

²⁹ <http://www.casan.ro/casdj/page/ce-trebuie-sa-faca-un-cetatean-strain.html>

origin. Extending comprehensive social security rights is essential to ensuring protective labor laws and guaranteeing decent work for all.

The Romanian legislation does not ensure the right to reimbursement of pension contributions. In the Romanian legislation, this issue is a problem of the taxation system that leads to such a gap. In the legislation it is mentioned that the contributor has the right to benefit from the pension contribution only in certain conditions, when the contribution to the pension fund is made for at least 15 years and when the entitled person is a retirement age. In addition, according to the current regulation, this issue might be regulated through bilateral treaties between Romania and foreign governments, and the situation might be different depending on the existence of such agreements. However, in practice, the labour migrants who are working in Romania are paying 25% of their salary to the pension fund and they would never see those contributions returned to them.

"I don't understand why they don't have the right to receive their pension taxes when they leave Romania"(employer).

Several NGOs have noted that the temporary nature of migrants' stays constitutes a barrier to their integration into social security schemes, and they have called for the removal of obstacles to access, with particular attention to the most disadvantaged migrant workers. Migrants and their families in Romania are usually not entitled to social security provisions beyond basic healthcare or lose out when employers avoid paying their contributions. Migrant workers often believe they are expected to have minimal engagement with social services in the host country and then return to their countries of origin. This expectation is reinforced by the so-called "quota system," which limits coverage or excludes provisions on social security.

Furthermore, migrant workers may be employed in labor market sectors not covered by social security, such as domestic work or delivery, or only partially covered, such as construction and IT due to the form of their employment contracts (e.g. service contract). Migrants who have become undocumented, or who have family members in irregular status, may also be unable to access social security schemes and may fear doing so due to the lack of a firewall between social services and law enforcement. The focus on short stays often denies migrants adequate time to claim, finalize, and access any social security benefit payments at the end of their contracts or other terminations:

"I came here with my wife. She stayed with me for a year and had to go back to Sri Lanka. Because of a problem with the documents. I am alone now." (Male, 40 years old, Sri Lanka)

To ensure systematic access to accrued benefits, realizing the portability of social protection is crucial for temporary migrants. This requires cooperation between the social security institutions of origin and destination countries, best achieved through rights-based agreements governing labor migration or by ensuring these agreements have clear links with relevant bilateral, regional, or multilateral social security agreements.

2.5. The right to family life and the right to found a family

Labor migration, by its temporary nature, often disrupts migrant workers' personal lives by mandating family separation or, at least, failing to facilitate family unity. This approach reinforces the temporary status or short stays of migrant workers, emphasizing the centrality of return, onward migration or family reunification, where family ties in the country of origin pull migrants back at the end of their contracts.

Such programs deny the full humanity of migrant workers by minimizing their social ties or responsibilities during their stay. This issue also affects women migrants, whose agency and right to make decisions about their family life are often undermined by gendered and age-related migration bans imposed by their countries of origin, often citing family concerns.

The majority of study's respondents are male with an average age of 31 with different relationship status but all of them have common characteristics – they left their families and came to Romania to secure a better future for their loved ones and themselves. Some of them managed to bring their life partners to live and work together and a small portion of respondents consider going through the reunification process in the future, with a long-term perspective of staying in Romania.

International human rights law asserts that everyone has the right to family life, acknowledging various forms of family. The right to found a family implies the opportunity for everyone to live and raise a family together. Parents should be enabled to fulfill their duties regarding child development, and children must be able to be with and raised by their parents. This requires states to take positive measures to maintain the family unit, including enabling family reunification in the destination country. This includes allowing migrant workers on temporary visas to sponsor family members.

"I got married last year. So my wife, she's still in Sri Lanka, but I am trying to get her here soon via family reunion visa processes. I've seen it much easier, faster than other processes." (Male, 31 years old, Sri Lanka)

Migrant workers' participation in temporary labor migration programs, which often overlap with the prime years for founding and raising a family, affect significant life decisions and plans. This can delay migrants' decisions to start a family and drive irregular migration. There is also a natural risk to family cohesion for migrants who were married at the time of their relocation to Romania, as their partners are often unable to join them, posing a threat to the preservation of the family unit. Romanian laws governing family reunification processes often serve as a deterrent for migrants who have family in their home country and wish to reunite through this procedure.

This is primarily due to bureaucratic challenges, such as the lengthy process and the requirement to submit numerous documents, as well as personal factors like language barriers and lack of knowledge about the process.

The forced separation of a family significantly affects the partner of the labor migrant, their minor children, and the extended family in the country of origin, creating emotional, social, and financial challenges for those left behind. For many migrant families, long or repeated migrations can lead to family breakdown. Such separations can alter family structures and the division of labor in the household and community of the country of origin, increasing care responsibilities for children. Family separation can have life-defining consequences for migrants' children, particularly when the temporary nature of migration leads to long or repeated periods of separation, which can be especially harmful to the parent-child relationship. UNICEF notes that even short-term temporary labor migrations can significantly impact a child, as

"a few years in the life of a child are more formative than in that of an adult. For example, I know families who have employed a Filipina for 10, 15 years, the same woman who has not gone to see her children for 12 years. The children were raised with the mother, the father, the grandmother. They are no longer accepted in their community. I've noticed this in many cases and how women don't want to return back home because the world has gotten used to them going to be a provider, you are no longer one of the community. Your children have grown up, they are adults already and somehow they just don't need you anymore. For women it seems really terrible, for men somehow it's an enormous sacrifice, but our fathers have also been away. So somehow it's more normal for men to go abroad." (NGO representative)

Additionally pregnancy, childbirth, and childcare are often seen as interruptions to the primary purpose of labor migration and are frequently prohibited or restricted, either in law or practice.

Even though family unity is allowed, policies related to labor migration often do not fully account for the possibility that migrant workers may have children with them – whether through migration, family reunification, or childbirth in the destination country. This leads to gaps in addressing children's rights within labor migration governance. For example, there is limited availability of suitable housing for migrant families and practical and legal challenges in accessing education, healthcare, and other essential social services. Ensuring the right to education can be particularly difficult when education policies do not consider the specific needs of migrant children, especially those with temporary status. In Romania, while universal access to education is guaranteed by law, many migrant children face practical barriers to enrollment, such as service providers' lack of familiarity with relevant policies and procedures, as well as the disruptions caused by frequent family relocations.

Research interviews conducted in the study suggest that migrants often do not consider bringing their families due to these challenges or because of their specific migrant profile (temporary working). Additionally, cultural factors may play a role, such as the tradition of fathers working abroad while their families remain in their home country.

"They already want to bring their family members to Romania, there are already children born on the territory of Romania, because of that, schools, kindergartens should be prepared for welcoming them". (NGOs representative)

2.6 Participation rights

The realization of migrants' rights to freedom of association, along with related rights such as peaceful assembly, free expression and opinion, and access to information, is crucial for enabling migrant workers to advocate for their own rights and address vulnerabilities. Additionally, the ability of migrant workers to exercise their freedom of religion plays a significant role in facilitating their participation and empowerment.

2.6.1 Freedom of peaceful assembly and association

While the right to freedom of association is widely recognized in human rights law as essential for the exercise of other rights, its application varies for migrant workers in Romania due to practical barriers related to language, experience and the temporary nature of working migrants staying in Romania. According to Romanian legislation, working migrants are legally entitled to the right of free assembly and can join unions³¹. However, practical constraints further limit many migrant workers' ability to organize in unions, or to found organizations. The barriers in accessing such rights are related to the lack of time. Some working migrants work 12 + hours per day without resting days. Moreover, the lack of experience in union activities, the language barriers, fear of retaliation, and the isolation due to limited access to physical or digital access, particularly in sectors like farming, lead to the lack of representation of working migrants in labor unions. On the other hand, the temporary nature of their stay complicates efforts by trade unions to organize with them, and there are often gendered barriers, with formal unions being less equipped or willing to organize workers.

In such restrictive contexts, civic centers for workers can be particularly valuable. They provide a community-based approach that helps address issues beyond immediate workplace concerns in destination counties where trade union access to migrants is limited. Furthermore, faith-based and social networks, including religious groups, homeland associations, and cultural or leisure organizations, play a crucial role in upholding the right to association, allowing migrants to network, share experiences, exchange information, and engage in leisure activities. However, most of the labor migrants respondents cited that there are no formal community based groups and for the most part of the time they do not have time to search these groups due to long labor hours:

"I have some contact with some people from other countries, but not in some groups. After that, my manager told me that there are some groups on facebook. So I joined them. But after that I didn't have time to dig deeper." (Male, 31 years old, Sri Lanka)

³¹ Legea nr. 62/2011 - Legea Dialogului Social.

Organizations working on migration or assisting migrants are essential in protecting the rights of migrant workers, but their efforts are often limited by a lack of data on migration patterns and experiences. As a result, they tend to focus primarily on addressing immediate labor rights infringement situations and operational issues rather than engaging with the wider scope of the broader migration experience. Embassies and consulates also play a key role in supporting their citizens by providing legal aid, facilitating access to justice, and offering material assistance. Nonetheless, consulates³² may face limitations in resources, training, and expertise regarding the laws of the destination state and human rights issues. Consequently, the quality of support can vary, with migrant workers receiving differing levels of assistance based on their nationality. Additionally, where support is provided by dedicated labor attachés, there may be less emphasis on addressing rights upholding issues outside the workplace. Notwithstanding, very few labor migrants have cited that they are aware of activities conducted by NGOs or similar entities and most of the activities rather target leisure activities:

"I am also in touch in Brasov with one lady, who is running a migrant center... They had like a small tour around the city where people from different nationalities came. So with the help of that NGO, we can interact with other people who are from other nationalities. So that was also a very nice experience..." (Male, 39 years old, India)

2.6.2 Freedom of expression

The right to freedom of expression functions as a fundamental accountability mechanism. It includes the right of individuals to access information from a variety of sources, both online and offline, and the right of media and other actors to gather and report information on potential human rights abuses without facing surveillance or other forms of interference. Migrant workers who have shared their experiences through social media or broadcast media outlets have frequently encountered repercussions from the local population, which may constitute retribution.

"I thought I'm a hotelier. I'm a food and biograduator, a barrister. So I want to make my career in hospitality industry. So I thought, Romania is the country. I thought that everything will be fine. But it's not...There's a huge difference between reality and fantasy. This country has so many problems.. and in the meantime, I get known this journalist. She helped me a lot. She came with me to the labor department, police station, immigration, everywhere...You know, ma'am, this is the main issue in Romania. I spent 22,000 lei to come in Romania, Work permit, tickets, money for a Romanian agent, money for Sri Lankan agency... I'm still paying the installments... So I got the job in Constanta in a hotel. They are mainly open only for summer, but we don't know this.They didn't make our TRC, they didn't make our identity document. So we spend 57 days illegally. Every day we asked the manager why you don't make our permis de munca? He always replied: it's processing, it's processing, it's processing. So in the meantime, summer is almost gone. I informed about this situation the journalist. (...)

³² It is worth noting that some states are either not represented or are represented only by an honorary consul. For instance, the Republic of Sri Lanka opened an embassy in Romania in July 2024, in response to the increasing number of Sri Lankans coming to work here.

He always replied: it's processing, it's processing, it's processing. So in the meantime, summer is almost gone. I informed about this situation the journalist. She already made a podcast, recording everything. You can also listen to that podcast. It's in Romanian. Then, I and my friends planned to go to immigration office to inform them before they catch us. We went to immigration and they said you are already 57 days illegally here but it's not your fault, it happened like this. Ma'am, we came to Romania with 90 days entrance visa, so the employer has 90 days to make our identity TRC. But especially in Constanta there are so many mafia, mafia in Constanta. They don't care about documenting because they don't need us after three months. So I heard they have already done this things to the Pakistan or Bangladesh people. However, I'm lucky.

So I went to the immigration and informed everything. Then they put us in something like a prison cell, not actual cell. But they informed us. Okay, go inside and stay few minutes. And they got our manager's number and call to manager. Than, manager came. He was so nervous. That day they took our photograph and we put our fingerprint for our identity. That's how we earned our identity. Because we were so smart at that moment. If not, they already planned to send us back to the Sri Lanka on Monday. Then when the summer was gone, however we got our PRC, I mean, it's not our responsibility. It must be employers responsibility." (Male, 23 years old, Sri Lanka)

2.6.3 Freedom of religion or belief

Migrant workers often face significant obstacles in exercising their right to freedom of religion or belief, including the ability to worship and manifest their religion individually or communally. Employers may be unwilling to allow migrants to perform prayers or religious rituals during working hours or to express their religion through wearing or displaying religious symbols. Several migrants have reported being required to work on Saturdays or Sundays, which impedes their ability to attend church services with their community. These days of worship hold not only religious importance but also cultural significance.

Many migrant workers engage in religious activities and groups not only to practice their faith but also to seek social connection and support. These gatherings serve as essential networks of solidarity, providing familiarity and accessibility that formal structures may lack. Moreover, they can be critical sources of information for migrant workers. Therefore, opportunities to form and connect with social networks are vital lifelines for migrants, offering crucial support in various aspects of their daily lives, including emotional support.

"Few days ago I was at the pizza shop and I saw one person who came and said to me, Salamu Alaykum. I'm a Muslim and my greetings are assalamualaikum. And I was surprised how they know it". (Male, 29 years old, Bangladesh)

2.7 Access to justice

Labor migrants often face challenges in accessing justice and remedies for human rights abuses, both in the workplace and beyond, due to policies or practices that may limit their inclusion or consideration. The temporary nature of their employment and their dependency on employers, among other barriers, effectively render justice unattainable for many migrant workers. They face numerous obstacles in navigating dispute resolution mechanisms or accessing legal services and the judicial system.

These obstacles include a lack of knowledge of local laws, the precariousness of their status in the country, language barriers, and the demands of a foreign jurisdiction. For instance, in the absence of legal aid or when such aid is not extended to migrants, the cost of pursuing justice can be prohibitive.

The denial of justice exacerbates the human rights risks associated with working visas, as abusive employers or other individuals are aware that they can exploit temporary migrant workers with impunity. This is particularly true for migrant workers in sectors partially covered by the labor laws or where their immigration status prevents equal access to the courts. Migrant workers who have become undocumented are especially vulnerable to arrest, detention, and deportation unless there are binding firewalls or whistleblower protections in place.

In Romania, labor inspectorates are not mandated to address the human rights aspects of the employer-migrant relationship, such as those involving employer-provided accommodation or healthcare. In this context, international and non-governmental organizations (I/NGOs) can play a significant role in ensuring migrant workers' access to justice through monitoring and cross-border cooperation. While not all I/NGOs are mandated to provide such support, some may offer legal aid and ensure equal access to judicial and legal services for migrants and their family members.

When migrant workers pursue a complaint, the temporary nature of their stay in destination countries often results in a higher likelihood of return rather than justice. Protracted criminal or civil justice processes can become impractical for migrants who are only in the country for a limited period:

"We write petitions, we make letters, requests for information on rights and, of course, on obligations, mediation with employers and all kinds of things. We provide assistance on the job and employment side. We have quite big problems with employers who often exploit them. They (employers) tell the migrants that they do their papers, but they don't do them and of course who has to lose, the migrant. There are migrants who find themselves in illegal situations and come to us to help them, but there are situations in which we simply cannot help them at all." (NGO representative).

The system that underpins these labor programs significantly deters migrant workers from submitting complaints, as their immigration status is dependent on their employers, leading to a fear of deportation. Furthermore, migrant workers may feel pressured by representatives of their country of origin, such as diplomatic mission staff or recruiters, not to complain to avoid risking the country's reputation in its relationship with the destination country³³.

Mediation practices are not currently common in Romania, especially in the context of labor disputes involving migrant workers. However, introducing and promoting mediation could be highly beneficial. Mediation offers a more accessible, quicker, and less confrontational way to resolve conflicts, which could help address the unique challenges faced by migrant workers, such as language barriers, unfamiliarity with local legal systems, and fears of retaliation. Encouraging mediation could improve outcomes for both employers and migrant workers, fostering better workplace relations and ensuring fair treatment.

"In case of employers abuses, the only way is to go to ITM, but ITM and any other public institution is only a control one. Of course ITM cannot force the company to pay your outstanding wages. Only a court can do that. If it's a violation, yes, ITM conditions each employer and issues a fine that can be appealed by the company. If you have unpaid wages, you have to go to court to recover them, but you need a favorable decision from the court. Unfortunately, migrants are very afraid to go to court. They are discouraged by the fact that it takes a long time... it can last for several years, and if you lose the process, you have to pay the court costs to the other party, and then they fear that they will lose their relationship with the company... It is also an imagined discrimination. I am a foreigner, will the judge plead in my favour? Yes, they have this tendency that the judge will plead in the favour of Romanians, not of foreigners. I had, for example, a very interesting case. A foreign citizen was fired and when we looked at the documents we noticed that he was fired by agreement of the parties and because he wanted to benefit of unemployment we had to check the termination decision. The migrant claimed from the beginning to the end that the signature on the resignation is not his signature, that the resignation is fake. The judge said OK, no problem. The lawyer who had that case said that if the signature is not yours and it really did not match the signature, the judge will in this case ask for an accounting expertise on the company and the graphology of the signature. The cost is approximately 7,000 RON because no court will cover your cost because you are the one who has to prove to the court that you have been damaged. He said, unfortunately, I can't pay 7,000 RON out of my pocket for these expertises. We told him, but if you win in court, the employer will pay the court costs, he said I'm not interested, I don't have this money and he gave up."(NGO representative)

³³ <https://www.scena9.ro/article/prageeth-sri-lanka-migratie>

<https://www.info-sud-est.ro/video-de-ce-alege-sa-munceasca-in-romania-un-emigrant-din-sri-lanka-in-loc-sa-mearg-a-in-occident-despre-turele-lungj-de-munca-necunoasterea-limbii-si-socul-cultural-pe-care-il-traieste-ca-distribuito-de-mancare/>

2.8 Digital rights

Labor The use of digital systems in the management of labor migration has been expanding significantly, encompassing areas such as migrant visas, recruitment processes, wage disbursement, remittances, and the submission of grievances. Both state and non-state actors are increasingly adopting online platforms, services, and applications for these purposes. The COVID-19 pandemic further accelerated the integration of digital technologies into the daily experiences and overall management of migration.

These digital platforms are crucial in safeguarding human rights in the digital era. However, the use of systems that collect and store sensitive personal data, particularly biometric information, raises significant concerns. There are numerous human rights issues associated with biometric data collection, necessitating robust safeguards to ensure that access to this data is restricted to authorized entities and that the data is utilized solely for its original intended purpose. It is imperative that authorities and private actors are not permitted to retain personally identifiable data for the lifetime of the individual. In the absence of comprehensive legal frameworks and stringent safeguards, the deployment of such technologies poses substantial risks to human dignity, autonomy, privacy, and the exercise of human rights.

For instance, some recruitment agencies in Romania have begun utilizing social media platforms for the initial screening of potential employees. On the positive side, digital communication technologies play a vital role in maintaining connections between migrant families, allowing them to participate in events together, navigate time zone differences, and stay in touch. Social media also enables migrant workers to document and share their living and working conditions and establish broader networks.

Access to a secure and open internet is increasingly essential for migrant workers, as everyone has an equal right to such access internet accessibility and smartphone usage is reported high by the labor migrants:

“you go through the Internet, go to the website. You have all the nice information, basic information (Male, 28 years old, Sri Lanka)”

Nevertheless, access to smartphones and adequate data plans may be unattainable for some migrant workers, despite the growing importance of these tools in their lives, which can function as an additional financial burden especially on low-paid workers.

Facilitating meaningful internet access for migrants under labor migration programs also requires them to possess or acquire digital skills, confidence, literacy (often in a foreign language), electronic identification, and possibly a bank account or credit card in the destination country. Many migrants may find some or all of these prerequisites out of reach as several respondents mentioned in our research:

"I have Revolut and I applied for a bank account at UniCredit Bank. I mean, it is still processing. I just submitted my documents to the bank one week ago. But the bank officer told me I will call you later, but until now they didn't call me and I want to meet them again"(Male, 40 years old, Nepal).

Despite the essential nature of having access to mobile phones and to the internet, some migrants, particularly those living in dormitory-style accommodation, may be physically denied access to their mobile phones by their hosts, exacerbating their isolation and increasing the risk of abuse³⁴.

While digital technologies enable migrants to maintain vital connections with their families and friends in their countries of origin and support social networks in destination countries, the increasing digitization of migration management also facilitates the tracking, analysis, and commodification of migrants' personal data in violation of their right to privacy. This digitization can also impede the enjoyment of other rights. Migrant workers frequently face invasive demands for personal information, including biometric data, to navigate the increasingly digitized bureaucracies of recruitment and migration. Many migrants undergo repeated migrations, requiring them to submit their data multiple times through different platforms. This information is collected and shared among multiple state and private sector actors, often across countries of origin and destination, without adequate safeguards or oversight mechanisms.

2.9 Discrimination

The historical legacy of labor migration, deeply rooted in racialized and unequal forms of mobility, continues to shape its contemporary manifestations. Consequently, it is unsurprising that these programs perpetuate entrenched forms of potential discrimination, particularly along lines of nationality, class, and caste. In Romania, race and class-based discrimination significantly influence the experiences of many migrant workers, underscoring the persistence of these inequities within labor migration systems.

For instance, many Nepali migrant workers in Romania often belong to traditionally excluded castes. Moreover, racial and ethnic stereotypes are frequently applied to these workers, and the structural conditions of labor migration programs reinforce societal associations between certain types of work and specific nationalities, as seen with Nepali workers predominantly employed in the construction sector (refer to Part 1 of this report). Overall, labor migrants cited positive experiences with locals who are generally open and helpful, although there are occasional negative interactions especially in public transportation, on the street based on arguments related to colors of the skin or when trying to rent apartments.

Additionally, low-wage migrant workers are subjected to class-based discrimination due to their socioeconomic status. Recruiters and other intermediaries, due to their pivotal role in facilitating labor migration, can also be held accountable for perpetuating racialized and gendered employment patterns.

³⁴ <https://www.aljazeera.com/podcasts/2024/3/19/the-take-is-romania-labor-shortage-fueling-exploitation>

For example, they may favor certain nationalities perceived as more docile and compliant, thereby reinforcing wage hierarchies and contributing to systemic discrimination.

One of the main issues regarding discrimination cited by NGOs is the significant amount of misinformation and manipulation regarding migrants, leading to misconceptions such as the belief that migrants will take local jobs.

Syndicate representatives noted that Romanians generally show compassion towards foreign workers, likely due to their own historical experiences as migrants. However, there are exceptions, such as incidents where entire communities have mobilized against foreign workers, as seen in some protests or reactions to labor disputes or there were instances where people reacted strongly against injustices, such as non-payment of wages.

Similarly, recruiter companies consider that some Romanians have preconceptions about foreigners, leading to rejection and difficulty in integration. However, there are also Romanians who are welcoming and supportive, helping immigrants to integrate into the community.

2.9.1 Vocabulary

The narratives surrounding labor migration are often characterized by terminology that is both inaccurate and potentially harmful to migrant workers and the broader discourse on migration. These programs are frequently portrayed as responses to the supply and demand for what is typically labeled as "low-skilled" or "unskilled" labor. Such categorizations are rooted in and reinforce societal biases concerning the value of different types of work and workers, overlooking the fact that many roles within these sectors require significant skills that migrant workers either possess or must acquire.

When this type of framing intersects with public narratives on migration, particularly within the context of negative political and populist rhetoric, it contributes to the perpetuation of discrimination, xenophobia, hate speech, and even violence. The rhetoric of temporariness, especially when linked to policies that marginalize low-wage migrant workers, positions these individuals as inferior and, consequently, not deserving of rights, thereby justifying low wages and poor working and living conditions. Additionally, the terminology of "sending" and "receiving" countries exacerbates this reductive perspective by treating people as commodities to be moved between states, effectively stripping migrants of their agency and even their humanity. The concept of "guest workers" further entrenches this dehumanization by positioning migrant workers as "others" who benefit from the generosity of the host state, rather than as individuals with inherent and inalienable rights and dignity.

Such dehumanizing language reflects the multiple forms of discrimination that migrants in Temporary Labor Migration Programs endure, including classism, racism, and sexism.

NGOs representatives noted that discrimination involves a complex interplay of societal attitudes and systemic challenges. Recent observations indicate that while there is a notable lack of overt discrimination reported by some individuals, subtle forms of prejudice and barriers persist, impacting migrants' experiences such as the controversy involving Sri Lankan workers in Miercurea Ciuc. However, in larger cities like Bucharest, where there is a higher density of migrants, reports of overt racism are less common. Migrants in smaller towns and provincial areas may face more pronounced discrimination compared to those in larger cities. This reflects varying levels of openness and acceptance toward migrants across different regions.

Part 3: Future intentions

South Asian workers often seek better economic opportunities as wages and employment conditions abroad. Romania has established legal frameworks and agreements to facilitate the employment of foreign workers, making it easier for South Asians to obtain work permits and visas. Taking into consideration labor shortages in various sectors Romanian employers are open to hire immigrants from different countries. Important to mention, that recruitment agencies facilitate this process by connecting Romanian employers with workers from South Asia, streamlining paperwork, and providing support for travel and accommodation.

According to the information obtained during the study, not all of the immigrants achieve their goals in the process of labor migration to Romania. As was discovered during the interviews, at least half of the immigrants after arrival to Romania found themselves working in positions other than those discussed before arrival and receiving a lower salary than they were promised.

A general overview of the interview results presents a contradictory picture of the conditions in which immigrants live and work in Romania. Approximately half of the respondents express satisfaction with their working conditions, have established relationships with colleagues and in the overall society, and are trying to integrate. In contrast, the other half recall instances when they faced issues which they associate with discrimination, exploitation, dishonest employers, and extreme situations like sexual harassment, physical and verbal violence, and unlawful detention. It should be noted that immigrants without completed higher education (bachelor and above) are more prone to face extremely challenging situations upon arriving in Romania. They often have very limited English skills and typically do not understand Romanian at all. These individuals are particularly vulnerable, as some have lost their work and residence permits due to particular actions from the employer's side, while others face discriminatory practices and exploitation by employers.

This study reflects mainly on the experience of immigrants who arrive in Romania from Bangladesh, India, Nepal, or Sri Lanka and Pakistan. A total of 20 immigrants from South Asia took part in the interviews. Majority of the respondents are engaged in unskilled jobs (such as hotel cleaners, kitchen workers, food delivery or taking care of different areas in recreation centers). A large number also work in the manufactory, warehouses, agriculture, and construction. Based on interviews data, a relatively equal part of them keep the same position since the day they arrived in Romania, while another part is constantly changing the locations and employers, looking for better opportunities.

Based on the analysis of qualitative data collected during interviews with immigrants, a typical migrant arriving in Romania for work purposes is a man with an average age of 31 years, ranging from 21 to 50 years. Most of the participants have high school diplomas, and some have pursued bachelor's degrees, although they often report being unable to complete their degree for various reasons. Very few immigrants declare having some particular experience in the native country, which matches their working endeavor in Romania, as this respondent from India who was studying business administration in India but working as a general worker in Romania mentioned:

"So far almost twelve years in India, I was working with multinational companies and some local companies as a computer operator in the stock market" (Prathib, 38, factory worker).

The participants of the study have different relationship status but all of them have common characteristics – they left their partners or nuclear family and came to Romania to secure a better future for their loved ones and themselves. Some of them managed to bring their life partners to live and work together and a small portion consider going through the reunification process in the future, with a long-term perspective of staying in Romania. The analysis of data from interviews with labor migrants indicates that approximately half of these individuals find the prospect of staying in Romania appealing.

Some are considering obtaining a legal status other than a work visa, which would allow them to work and reside in Romania for longer periods of time. Others intend to find new employers after their current contracts expire and apply for new work visas. Additionally, some respondents plan to bring family members to Romania by applying for family reunification visas.

There were two participants, who declared that they planned to remain in Romania since their arrival day. It should be clarified that both respondents have higher education and left their wives behind in their home countries. Given the poor economic situation at home, they decided to come to a European country in search of a better life. They shared their experience of independently researching the possibility of family reunification in order to bring their partners here. In addition, they both consider to continue their studies in Romanian universities, searching for the possibilities to obtain a Masters diploma.

It is noteworthy that few migrants arrived in Romania with the initial intention of staying, while several more took this decision after arriving. Those who decided to stay after their arrival, cite favorable working conditions and a more suitable natural environment compared to their home countries as motivation factors. All the participants of the study reported facing financial hardship back home, and a lot of them mentioned the COVID-19 as a starting point of this situation. So the main reason why they decided to become labor immigrants is to improve their financial status. The interviewees emphasize that, although wages in Romania are lower than in most European Union countries, they still earn significantly more than back home. Additionally, the vast majority receive benefits beyond their salary, such as free accommodation, funds for food or meals at the workplace, free transportation, or coverage of transportation costs when transportation is not available. These benefits help them minimize their living expenses and save a larger portion of their salary to send back home to their families.

Despite this, approximately quarter of labor immigrants consider emigration to other countries and around 10% want to go back to their home countries once their working visa expires. There are a small proportion of those who have not decided yet what to do after the end of their legal stay in Romania and few of them said that they would like to go home, but plan to be back after some period. Some immigrants had a particular plan just to stay in Romania with the purpose to earn money and go home right after their visa expired, meanwhile others see re-migration as the only possible way to improve their life situation. Majority of those who plan to re-migrate are not satisfied with the salary they have, while almost a quarter of respondents became victims of recruitment agencies that failed to fulfill the terms of the contract and did not provide proper working conditions. These participants report having faced some extreme situations, which they label as labor exploitation and discrimination. Some migrants have lost their legal status due to the dishonest actions of their employers. Critical situations have been documented when employers deliberately failed to obtain the necessary official documents for their employees to work in Romania, leading to immigrants losing their legal status to stay in the country. As a result, many are compelled to consider remigration, often illegally, as their only way out of the situation.

When discussing why they came to Romania, as a destination country, they provided several reasons. The most frequently mentioned reason is because Romania is a European country:

"Because Romania is a European country. Not like Dubai, Qatar and Saudi. That's why I chose Romania."(Male, 41 years old, Sri Lanka).

For some of them Romania was not the only destination taken into account, as they were considering the idea of going to other countries in the EU, but they were more expensive or harder to reach:

"So I choose that country because it's easier" (Male, 41 years old, Sri Lanka).

They say that the process of applying for a work visa in Romania is typically shorter and more affordable than for other EU countries. Additionally, according to information from respondents, such applications are rarely rejected, unlike applications for other countries.

It needs to be mentioned that three of the immigrants declared having an experience of working in other countries (Dubai, Singapore and Israel) before Romania. The intentions of migrants with previous work experience in other countries are also revealing. They report that their experiences abroad were negative compared to the situation in Romania. Consequently, many of these individuals find the prospect of staying in Romania attractive.

Part 4: Conclusions

Romania has seen a notable rise in the number of foreign workers from 2019 to 2023. This increase reflects the country's growing role as a destination for labor migration, driven by domestic labor shortages in sectors such as construction, manufacturing, and services. The data indicates that Romania's labor market has become more attractive to foreign workers due to its relatively accessible visa processes, work permit quotas, and demand for labor in specific industries.

The data analyzed in the first phase indicates that the majority of foreign workers in Romania are of working age, predominantly male. This demographic pattern might underscore the labor market's reliance on foreign labor for physically demanding and low-skilled jobs. The concentration of workers from countries like Nepal, Sri Lanka and India highlights the impact of international labor agreements and recruitment practices in shaping migration trends.

Foreign workers in Romania are predominantly employed in construction, manufacturing, and the hospitality sector. The construction sector, in particular, has seen a significant share of labor contracts over the years. This trend reflects the sector's high demand for labor and its reliance on foreign workers to fill gaps created by a shortage of local labor.

Romania's legal and policy framework for foreign workers includes specific regulations governing work permits, visa processes, and residence requirements. Recent updates, such as the increase in work permit quotas and amendments to Ordinance No. 25/2014, indicate the country's efforts to manage labor migration more effectively. These policies aim to balance the need for foreign labor with the protection of workers' rights and the prevention of exploitation.

Foreign workers are concentrated in economically developed regions of Romania, with Bucharest and surrounding areas like Ilfov, as well as a large number of contracts with foreign workers were registered in Timiș, Cluj, Brașov and Constanța. This concentration is driven by the economic opportunities and employment prospects available in these regions. Conversely, less economically developed regions, such as Covasna and Harghita, have lower numbers of foreign workers, reflecting regional economic disparities.

While Romania offers several advantages for foreign workers, such as relatively accessible visa processes and benefits like free accommodation, challenges persist. These include issues related to job satisfaction, exploitation, and discrimination. The study underscores the need for continued improvements in labor rights protection and integration policies to ensure that foreign workers' contributions are maximized while mitigating potential negative impacts. The dissatisfaction perceived due to working conditions, cultural differences, or unmet expectations regarding the job sometimes leads to high turnover rates, creating further instability in the workforce and the need for constant recruitment efforts. On the other hand, challenges are also reported by the Romanian stakeholders involved in the research. For instance, one of the primary challenges Romanian employers face when hiring South Asian migrants is the mismatch between job requirements and the actual skills and qualifications of the workers. In addition, many South Asian workers do not speak Romanian or English fluently, leading to communication issues. This complicates the onboarding process, health and safety training, and everyday tasks.

Furthermore, the data collected throughout the interviews highlights the fact that South Asian labor migrants help ease the labor crunch, allowing businesses to continue operating or expanding in sectors that are struggling to find domestic workers. This can stabilize industries and help maintain productivity, which has a broader economic benefit for the country. Migrant workers contribute to the Romanian economy through consumption, paying taxes, and providing labor in industries that would otherwise struggle. The wages they earn are often spent locally, and their participation in the economy helps sustain small businesses and other services that benefit from increased demand. In terms of effects on the local communities becoming labor migrants' hosts, the challenges include language barriers, social integration, services and infrastructure pressure.

However, the trend of increasing foreign labor presence in Romania is expected to continue, driven by ongoing labor market demands and economic conditions. In this context, future developments may include further legislative adjustments to address emerging challenges and opportunities in labor migration. Monitoring these trends will be crucial for understanding the long-term impact of foreign labor on Romania's economy and society.

This study provides valuable insights into the experiences of South Asian labor migrants in Romania, underscoring both the opportunities and the significant challenges they face. The migration of workers from countries such as Bangladesh, India, Nepal, Sri Lanka, and Pakistan is driven largely by Romania's labor shortages, legal frameworks, and accessible visa processes. Recruitment agencies play a pivotal role in facilitating this movement, offering services that ease the transition, yet often not fulfilling their promises regarding job conditions.

A clear divide emerges in the experiences of migrants: while approximately half are content with their working conditions, having successfully integrated into Romanian society and the workforce, the other half face exploitation, poor working conditions, and in some cases, even report situations they consider severe abuse. This negative experience is especially prevalent among migrants without higher education, who are often vulnerable to language barriers, exploitation, and dishonest employers.

However, dissatisfaction persists, with a notable portion of migrants contemplating remigration or returning home due to unmet expectations, unsatisfactory salaries, and issues stemming from dishonest employers. Despite Romania's lower wages relative to other EU countries, it remains an appealing destination for many, largely because of the benefits offered and the relatively easier visa process. Ultimately, financial necessity and the hope for a better future are the primary drivers behind their decision to migrate, despite the often challenging circumstances they face.

South Asian labor migrants often view Romania as an attractive destination due to its relatively accessible legal framework and recruitment processes. However, their experiences vary significantly, with some finding opportunities for better working conditions and integration, while others mention substantial challenges, including situations of potential exploitation, discrimination, and unmet expectations.

Furthermore, based on the findings from the second phase, it was observed that labor migrants from Asia in Romania face several challenges in enforcing their human rights. These impediments include:

1. Work Conditions and Labor Exploitation

The promise of better economic opportunities in Romania is often overshadowed by harsh realities for many South Asian migrant workers. The study highlights the existence of labor exploitation concerns reported by some of the respondents, including poor working conditions, lower-than-promised wages, and potentially abusive practices by employers. These issues are exacerbated by the structure of Romania's Temporary Labor Migration Program, which ties workers to specific employers, leaving them vulnerable to exploitation. Privatization of migration governance and inadequate oversight have created protection gaps, often leaving migrants in conditions akin to the kafala system.

2. Standard of Living

A significant number of migrants struggle to achieve an adequate standard of living in Romania. Issues such as substandard housing and insufficient food provisions are prevalent. While Romania might provide better conditions compared to the home countries of these migrants, the gap between promised and actual living conditions remains significant.

3. Health and Well-Being

Although Romania's legal framework guarantees access to healthcare for all, many South Asian migrant workers face barriers in accessing adequate health services. These barriers include language difficulties, lack of knowledge about the healthcare system, and insufficient employer support.

4. Social Security

Access to social security remains limited for many South Asian migrants in Romania, leaving them financially vulnerable and dependent on their employers. This lack of access undermines the potential benefits of migration and exacerbates the risks associated with labor exploitation. Strengthening social security provisions for migrant workers is essential to protect their rights and ensure their financial stability.

5. Family Life

Migration often results in family separation, negatively impacting the well-being of migrant workers. The inability to reunite with family members or establish a family life in Romania adds to the psychological and emotional stress faced by many migrants. Policies that support family reunification and allow migrant workers to maintain family connections are crucial for their overall well-being and integration.

6. Participation Rights

Migrant workers in Romania face significant restrictions on their participation rights, including the freedom to form or join trade unions, limited access to support networks, and obstacles to practicing their religion. These limitations leave them vulnerable to exploitation and marginalization. Enhancing participation rights would empower migrant workers to advocate for their rights and improve their social and economic integration.

7. Access to Justice

Migrants often struggle to access justice due to language barriers, precarious immigration statuses, and financial constraints. The temporary nature of their employment further complicates their ability to seek redress for unfair treatment. Strengthening access to justice, particularly for marginalized migrants, is crucial in addressing workplace injustices and ensuring accountability for abusive practices.

8. Digital Rights

The increasing use of digital technologies in migration management presents both opportunities and challenges. While digital platforms can facilitate various aspects of migration, concerns about privacy and data protection are significant. Many migrant workers also face barriers in accessing digital technologies, which can marginalize them further. Ensuring digital inclusion and protecting the digital rights of migrants are essential for their participation in the digital economy and broader society.

9. Discrimination

The possibility of differentiated treatment remains a pervasive issue for South Asian migrants in Romania. Factors such as caste, ethnicity, and socioeconomic status often influence how migrants are treated in the labor market. Negative narratives and reductive language surrounding migrant labor exacerbate these issues, reinforcing biases and justifying poor treatment. Addressing these discriminatory practices is essential to creating a more equitable and just system for all migrant workers.

Overall, Romania presents both opportunities and challenges for South Asian labor migrants. While some find better economic prospects and integration opportunities, many face significant difficulties related to labor exploitation, inadequate living conditions, limited access to healthcare and social security, and discrimination, as they mention throughout the interviews. To address these challenges, comprehensive reforms are needed to strengthen legal protections, enhance oversight, and ensure that the rights of migrant workers are respected and upheld. Achieving this requires collaboration between the Romanian government, employers, NGOs, and international organizations to create a more just and equitable environment for all migrant workers.

Part 5: Recommendations

This section provides a set of recommendations based on the findings from parts 1, 2, and 3. The recommendations are organized into short-, medium-, and long-term actions targeting central and local institutions, NGOs, companies, and other relevant actors. This structure is adopted due to the temporality of labor migration in Romania, recognizing that policy changes and societal shifts take time, and that some actions can yield quicker results, while others require more sustained efforts. Additionally, the following recommendations are drawn from stakeholder interviews and similar research studies. These recommendations provide general guidelines intended to offer a reference framework. Each recommendation requires further development and adaptation in order to be effectively implemented within the specific context.

Immigrants in Romania face a mix of challenges and opportunities for integration. According to the 2019 MIPEX report³⁵ which measures the integration of migrants at the country levels, Romania scored 49 out of 100, aligning with the MIPEX average. The country's approach to integration is classified as "equality on paper." As in many Central and Eastern European countries, immigrants enjoy basic rights and moderate long-term security but encounter unequal opportunities. The current study reflects similar findings, highlighting persistent barriers to full integration.

5.1 Short-Term Recommendations

Central-level public institutions:

Strengthen Legal

Protections: Improve the enforcement of labor laws and impose stricter penalties for employers and agencies involved in exploitation.

Enhance Support

Services: Provide better access to social services and language training for migrant workers.

Foster International

Cooperation: Establish bilateral agreements with origin countries to regulate recruitment and prevent exploitation.

Private companies:

Address Discriminatory

Practices: Prohibit health-based discrimination and ensure fair, non-discriminatory health screenings, during the recruitment process.

Accommodate

Religious Practices: Allow time for worship and support religious diversity in the workplace.

Involvement of employers:

Obliging employers to provide packages of information and support for the social integration of migrants, by including them in employment contracts and providing support for access to social services.

Trade Unions:

Promote Inclusivity: Develop strategies for engaging migrant workers in union activities and support them with tailored outreach programs.

³⁵ <https://www.mipex.eu/romania>

NGOs/IGOs:

Address Discriminatory

Practices: Prohibit health-based discrimination and ensure fair, non-discriminatory health screenings, during the recruitment process.

Professional guidance

programs: Organization of information sessions on the rights and obligations of employees and employers, in collaboration with the Labor Inspectorate.

Support Mental Health:

Integrate mental health services into healthcare provisions for migrant workers.

Involvement of employers:

Obliging employers to provide packages of information and support for the social integration of migrants, by including them in employment contracts and providing support for access to social services.

Accessible informational materials:

Distribution of leaflets and guides translated in the most frequent native languages in places frequented by migrants (public institutions, immigration centers, workplaces, non-governmental organizations).

Accommodate Religious

Practices: Allow time for worship and support religious diversity in the workplace.

Professional training courses:

Disseminating existing professional training and Romanian language courses for migrants, in collaboration with employment agencies and training centers.

Professional guidance programs:

Organization of information sessions on the rights and obligations of employees and employers, in collaboration with the Labor Inspectorate.

Community:

Develop Community-Based Groups: Encourage the establishment of groups that cater to migrant workers' social, cultural, and recreational needs.

Media:

Promote Transparent Communication: Develop safe channels for migrant workers to share information and concerns through media platforms.

5.2 Medium-Term Recommendations

Central-level public institutions:

Reform the Quota System: to ensure it accurately reflects the actual demand for labor and the capacity to provide adequate social protection. The current method for determining the annual quota does not align with the real need for manpower. One improvement would be to exclude cases where workers change employers within the same year from the quota count, as these changes currently distort the true numbers. In 2022, an estimated 10% of the quota was taken up by such transitions, and these cases are likely to increase in the future. Additionally, rejected visa applications should not be included in the quota, as this does not contribute to meeting the actual labor demand.

Condition the process of bringing migrant workers into the country by including social clauses that assign responsibilities to both the sending and receiving entities. These clauses should establish a minimum support package for the workers, including facilitating their interaction with social institutions in Romania, assisting them in diploma recognition processes when necessary, and encouraging integration not only into society but also in key areas related to their work. Additionally, translation costs should be covered to ensure effective communication and access to essential services.

Enhance Housing Standards: Implement and enforce stricter regulations to ensure that housing, if part of the working package provided to migrant workers, adheres to basic health, safety, and living standards. Regular inspections should be conducted to guarantee compliance, with penalties for violations. Collaboration between employers, local authorities, and civil society organizations can help ensure that migrant workers have access to dignified, safe, and healthy living conditions. Additionally, offering legal pathways for workers to report substandard housing without fear of retaliation can further strengthen these efforts.

Adjust Document Validity Considerations: Ensure that the validity of documents submitted as part of the application is assessed based on the date of online submission. For documents such as the tax certificate from ANAF, which has a 30-day validity period, and the finding certificate from the Trade Register, which some inspectorates still consider valid for only 30 days, implement a consistent practice where the validity is determined at the time of online submission. This approach will reduce the need for frequent renewals and avoid confusion regarding document validity during processing.

Inspection mechanisms including human rights' watch: Conducting labor inspections in the presence of agents specialized in monitoring the upholding of the human rights for migrant workers. They should be able to pursue legal paths and alert legal authorities when encountering misconduct.

Recognize Online Submission Dates: Update the legislation regarding residence permits to ensure that the date of online submission is considered the official date of application, rather than the date of physical submission. This change would address delays caused by lengthy physical processing times and align with the submission timeline requirements outlined in Ordinance 54/2014.

Development of a centralized online platform: This should contain essential information for migrants, translated into several languages (English, Nepali, Indian, etc.), about their rights and obligations, as well as about available services.

Simplifying the bureaucracy: Creating a digital integrated system of interconnection of different public institutions, to facilitate access to services and to reduce the need for migrants to provide multiple documents to different institutions.

Recognition of qualifications: Simplifying and speeding up the process of recognizing diplomas and qualifications obtained outside the EU to enable migrants to take up skilled jobs.

Local-level public institutions:

Ensure Effective Mediation: Establish and enforce clear, impartial mediation processes to address disputes involving migrant workers, ensuring all parties have access to transparent and timely resolutions. These processes should be easily accessible and free from bias, with interpreters available when necessary. In cases where mediation does not resolve issues, workers should pursue legal recourse without facing retaliation or jeopardizing their employment. This dual approach promotes trust and accountability, providing workers with both immediate conflict resolution options and long-term legal protections.

Strengthen Labor Rights Enforcement: Strengthen monitoring mechanisms to ensure compliance with labor rights, focusing on housing and food provisions for migrant workers who have them included in the working package. Regular inspections and audits should be conducted to verify that employers meet legal standards for safe, clean housing and adequate, nutritious meals. Establish independent oversight bodies or partnerships with civil society organizations to monitor conditions and report violations. Workers should also have accessible channels to report concerns anonymously, ensuring that their basic living conditions align with health, safety, and human rights standards.

Implement Firewalls: Establish clear boundaries between immigration enforcement and labor rights protection to enable workers to report violations without fear of deportation. This involves creating mechanisms where workers can safely report labor abuses to labor rights authorities without having their immigration status scrutinized or jeopardized. Provide assurance that labor rights investigations will not be used as a basis for immigration actions, and promote policies that support the protection of workers' rights while safeguarding their legal status.

Improve Labor Inspections: Implement a system of regular and thorough inspections to evaluate both compliance with labor laws and adherence to human rights standards. These inspections should be designed to identify and address any potential legal infringements as well as shortcomings in human rights protection, including unsafe working conditions, unfair wages, and discrimination. Ensure that inspectors are trained to recognize both legal and ethical issues, and provide mechanisms for workers to report concerns confidentially. By integrating legal and human rights perspectives into inspection protocols, we can better protect workers and promote fair practices.

Private companies:

Improve Food Security: Mandate that employers either supply migrant workers with sufficient, nutritious meals or provide access to appropriate facilities where workers can prepare their own food. Employers should adhere to dietary needs, cultural preferences, and health guidelines, ensuring food quality meets basic nutritional standards. If meal preparation facilities are provided, they must be safe, sanitary, and well-equipped. Regular inspections should be conducted to verify compliance, with penalties for those who fail to meet these requirements. This will help improve the overall well-being and dignity of migrant workers.

Trade Unions:

Encourage Unionization: Develop specialized programs to assist migrant workers in joining labor unions and actively participating in union activities. These programs should include multilingual education on workers' rights, the role of unions, and the benefits of union membership. Additionally, create outreach initiatives to foster trust and encourage dialogue between unions and migrant workers on key issues such as fair wages, working conditions, and worker protections. By facilitating greater involvement in unions, migrant workers can gain a stronger voice in advocating for their rights and addressing workplace concerns.

NGOs/INGOs:

Expand Legal Aid Services: Expand access to legal aid services designed specifically for migrant workers, ensuring they have the necessary support to navigate complex legal systems. These services should include multilingual assistance, awareness campaigns to inform workers of their rights, and specialized legal counseling for issues related to employment contracts, housing, and discrimination. Partnerships with civil society organizations and legal professionals can help provide free or low-cost legal representation, ensuring migrant workers can defend their rights without fear of financial or legal repercussions.

Promote Social Integration: Promote and fund programs that facilitate the social integration of migrant workers into local communities. These programs should offer language classes, cultural orientation, and access to essential services such as healthcare, legal aid, and education. Collaboration between local governments, employers, and civil society organizations is key to creating inclusive initiatives that connect migrant workers with local residents and provide opportunities for mutual understanding. Additionally, ensure that migrant workers are informed about and have access to community resources, empowering them to navigate their new environment with greater ease and support.

Media:

Safeguard Reporting: Ensure that migrant workers are protected from retaliation when they share their experiences or report potential abuses. This involves implementing measures to secure confidential reporting, enforce anti-retaliation policies, and provide legal protections for whistleblowers. Media outlets and advocacy organizations should also support these efforts by raising awareness and promoting a safe environment for workers to voice their concerns without fear of repercussions.

5.3 Long-Term Recommendations

Central-level public institutions:

Develop Long-Term Policies: Integrate human rights and fair labor practices into economic and social policy frameworks to safeguard migrant workers. This includes enacting and enforcing regulations that ensure equitable treatment, safe working conditions, and fair wages for all workers. Policies should be designed to protect migrant workers from situations of potential exploitation and discrimination, while promoting their access to necessary resources and support. By embedding these principles into policy-making, the government can create a more just and inclusive environment for migrant workers.

Strengthen International Cooperation: Engage with countries of origin to create and implement standardized recruitment practices and worker protection measures to prevent exploitation. This collaboration should focus on developing clear, ethical recruitment guidelines, ensuring transparent and fair contract terms, and setting up joint monitoring systems. By aligning standards and sharing information between countries, we can enhance accountability and safeguard migrant workers from abuse and exploitation throughout the recruitment and employment process.

Use Legal mediation for migrants: Legal mediation can serve as a valuable alternative to traditional legal proceedings, particularly for migrants who might encounter substantial financial and logistical obstacles. Mediation offers a more accessible, cost-effective, and flexible resolution process, allowing parties to reach mutually agreeable solutions outside of formal court settings. This approach can help overcome barriers to justice, providing migrants with a more manageable means of addressing legal disputes and protecting their rights.

Eliminate the provisions of OG 143/2022 that mandate obtaining a written agreement from the previous employer before a foreign worker can change jobs within their first year of employment, except when resigning due to the employer's failure to meet contractual obligations. These provisions limit the foreign worker's freedom to choose employment and undermine the legislation intended to ensure equal access to the labor market.

Issuing Romanian Identification Numbers to foreign workers immediately upon their arrival can streamline their integration into the labor market, enhance access to social protection, health, and financial services.

Implement regulatory mechanisms that require employers to determine the type of release letter they issue to their employees, ensuring that these documents cannot be deliberately manipulated or issued in bad faith.

Reduce Processing Times: Expedite the review and approval processes for new work permits by increasing staffing levels at relevant government agencies, such as the Immigration and General Inspectorate (IGI). This would help shorten the waiting period for appointments and document processing, allowing workers to transition more smoothly between employers.

Extend the Transition Period: Increase the 90-day period allowed for workers to find a new employer. Extending this timeframe would provide workers with a more reasonable period to secure new employment without the immediate threat of deportation, thus addressing the current inefficiencies and ensuring that valuable workers are not prematurely sent home.

Local-level public institutions

Enhance Translation Services: Ensure that public institutions provide effective translation services by either hiring additional staff fluent in multiple languages or establishing partnerships with volunteer organizations. This will help bridge communication gaps and ensure that non-native speakers can access essential services and information.

Private companies:

Design and adopt gender and diversity strategies: Employers should develop gender and diversity strategies similar to those adopted by universities, as these contribute to creating more equitable, inclusive, and effective work environments. These strategies not only promote equality but also help attract and retain diverse talent, thereby enhancing organizational performance. Enable regular or based on complaints monitoring visits from public authorities (e.g. the Ombudsman) to verify if these strategies are respected.

Flexibilize Language Requirements: Adjust language proficiency requirements to reflect the needs of different job roles. For unqualified or entry-level positions, consider making the requirement for knowledge of an international language (such as English or French) more flexible. This approach can help ensure that language requirements do not unnecessarily limit access to work opportunities or impede the provision of quality and safety in the workplace.

NGOs/INGOs:

Advocate for Policy Change: Partner with international organizations to advocate for systemic reforms that enhance protection and access to justice for migrant workers. This includes working together to develop and promote global standards, improve enforcement mechanisms, and support policies that address gaps in migrant workers' rights. By leveraging the expertise and influence of international bodies, it can drive comprehensive changes that ensure greater security, fairness, and legal recourse for migrant workers worldwide.

Trade Unions:

Expand Outreach: Consistently promote inclusivity and actively encourage migrant workers to participate in union activities. Implement strategies to make union engagement accessible and relevant, such as offering multilingual resources, tailored outreach efforts, and support for navigating union structures. Foster an environment where migrant workers feel valued and empowered to contribute to union discussions and decision-making processes. Over time, these efforts can build stronger, more representative unions that better address the needs and concerns of all members, including migrant workers.

Community:

Support Long-Term Integration:

Focus on long-term strategies that help migrant workers integrate into communities, building social networks and participating fully in local life.

Raise awareness: Provide presentations and exercises in organizations and communities (e.g., High Schools, Universities) on Migration and specifically on labor migrants: Educational and community organizations, such as high schools and universities, play a pivotal role in shaping public understanding and attitudes towards migration. Conducting presentations and exercises focused on awareness can play a key role in cultivating a more informed and empathetic perspective among students and community members.

Media:

Commit to Rights-Based

Terminology: Use rights-based, humane terminology to describe all migrants, combating discrimination and promoting dignity.

Design a Terminology Handbook for the Media: promoting responsible and accurate reporting, especially when covering sensitive topics like migration, diversity, and labor rights. The handbook should guide media professionals in using neutral, precise, and respectful language, fostering public understanding while avoiding stereotypes or misinformation.

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Table 1. Participants of the study

Nº	Category of participants	Number of participants	Format of observation	Geographical distributions
1	Civil Society Organizations (CSOs) and intergovernmental organizations: CNRR, JRS, IOM, Novapolis, HEKS EPPER, Migrant Integration Center (MIC), ALEG, PATRIR, ASSOC, AFF	10	Interviews - 4 Focus Groups - 2	Brasov, Cluj Napoca, Bucharest
2	Labor immigrants from Asian countries (country of origin: Sri Lanka, Nepal, Bangladesh, India, Pakistan)	20 (19 males, one female)	Interviews	Bucharest, Constanta, Cluj Napoca, Braşov, Timișoara, Sibiu, Galati, Apahida, Turda, Beliu, Arad
3	Relevant public institutions & stakeholders	6	Interviews	AJOFM Braşov
				GII Suceava GII Bucureşti ITM Dolj
			Data request/ written reply	ITM Braşov ITM Sibiu
		3	Interviews	Cartel Alfa, Confederatia Patronala Concordia, Federația Sindicatelor Libere din România - FSLR, under Blocul National Sindical - BNS

Nº	Category of participants	Number of participants	Format of observation	Geographical distributions
		3	Interviews	Recruiters
		3	Interviews	Employers
		2	Interview Data request&written reply	Private legal counselor Private legal counselor

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