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ILLEGAL MIGRATION FROM THE PERSPECTIVE OF ROMANIAN STRATEGIES FOR PUBLIC ORDER AND SECURITY

Abstract:	In this paper, we have chosen to discuss the topic of illegal migration from the perspective of the authorities responsible for maintaining law and public safety in Romania. Specifically, we will explore their approach to this threat and propose solutions within national strategies for law and public safety.
	Following an extensive analysis of the current social context, the evolution of criminality, the effects of antisocial acts, as well as the prevention and combat methods employed by other entities within the country and the European Union, the Ministry of Internal Affairs is seeking solutions to reduce the negative impact of these threats on public order. The objectives of national public order strategies vary from country to country, but they all share the common goal of ensuring a safe and secure environment for citizens. Considering factors such as increased mobility (including policies that promote it), legal and illegal migration, the dynamics of the international security environment, interstate relations, and cross-border criminality, cooperation in ensuring public order becomes imperative.
	National public order strategies are essential tools for preventing and managing events that may disrupt the harmony and stability of nations. They contribute to maintaining the safety of citizens, protecting individual rights and freedoms, and promoting social cohesion. A well-developed and implemented national strategy has a significant impact on the quality of life for citizens, creates opportunities, attracts foreign investments, and thus fosters economic development and social progress.
	This article provides an overview of the most important aspects considered relevant for the analysis and planning of illegal migration. It aims to review previously developed public order and security strategies, identifying parallels to assess the dynamics of the related criminal phenomenon and the evolution of preventive and counteraction procedures.
Keywords:	**Illegal immigration; public order; border security; authorities; strategies.**
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Introductory Aspects of Illegal Immigration

The topic of illegal immigration is complex and multifaceted, and opinions on it vary widely depending on cultural contexts and national policies. The issue of illegal immigration often involves a delicate balance between national security, economic considerations, humanitarian concerns, and the rule of law. It's a subject that elicits strong emotions and diverse viewpoints. Public debates and discussions on illegal immigration aim to explore and find solutions that address the challenges associated with it while upholding human rights and the values of the host country.

Illegal migration, also commonly referred to as illegal immigration or undocumented immigration, refers to the act of individuals entering or residing in a country without the necessary legal authorization or proper documentation required by that country's immigration laws. This can involve crossing international borders without the appropriate visas or permits, overstaying a visa or temporary permit, or entering a country through unauthorized means such as human smuggling or trafficking. Illegal migration is a complex and

contentious issue that can have social, economic, and political implications for both the migrants and the host country. It often raises questions about border security, labor markets, social services, human rights, and national sovereignty. Policies and attitudes toward illegal migration can vary significantly from one country to another, and they may evolve in response to changing circumstances and political considerations.

Illegal immigration is a complex phenomenon driven by a combination of push and pull factors, which vary from one region to another and from one individual to another. These reasons are often interconnected, and individuals may have multiple motivations for engaging in illegal immigration. Some of the key factors that determine illegal immigration include: economic difficulties (limited economic opportunities, poverty, and unemployment in the home country can push individuals to seek better job prospects and financial stability abroad), violence and conflict (political instability, armed conflict, gang violence, and persecution in the home country can create a sense of insecurity and force people to escape for their safety), lack of basic services (inadequate access to education, healthcare, and social services in the home country can lead individuals to seek better living conditions elsewhere), environmental factors (natural disasters, environmental degradation and climate change can disrupt livelihoods and force people to migrate in search of more stable living conditions), family reunification (separation from family members who have already migrated to another country can motivate individuals to join their relatives), perceived opportunity (the perception of better living standards, educational opportunities, and healthcare facilities in the destination country) as push factors and employment opportunities (the availability of jobs, particularly in sectors with high demand for labor, can attract individuals looking for employment), higher wages (the prospect of earning higher income in the destination country can be a powerful incentive for economic migrants), social services (access to public services, including education, healthcare, and public assistance, may be more attractive in the destination country), family and social networks (established immigrant communities and social networks in the destination country can provide support, guidance, and connections to newcomers), asylum and protection (countries that are perceived as offering safeguarding to refugees and asylum seekers may attract individuals fleeing persecution, violence, or human rights abuses), smuggling and trafficking networks (the existence of organized illegal transportation and human trafficking networks can facilitate immigration by providing logistics and false documentation), geographic proximity (the nearness of the home country to the destination place can make it easier for individuals to attempt illegal border crossings) as pull factors.

It's important to notice that the reasons for illegal immigration can vary significantly from one case to another. Additionally, government policies, border security measures, and changing geopolitical dynamics can influence the patterns and motivations behind illegal immigration. Addressing unauthorized entries often involves a comprehensive approach that considers both the push and pull factors and aims to address the root causes of migration.

National Strategies for Public Order and Security Regarding Illegal Immigration

The position of national strategies for public order and security regarding undocumented migration varies from country to country and can be influenced by a range of factors, including political, economic, social, and cultural considerations. Several common themes and approaches are often found in the strategies of many nations:

- Border Security
  Many countries prioritize border security as a key component of their strategy to address illegal immigration. This includes efforts to prevent unauthorized entry into the country, such as the deployment of border patrols, surveillance technology, and physical barriers (e.g., walls or fences). Enhanced border security aims to deter and detect illegal border crossings.
- Immigration Enforcement
  National strategies often include measures to identify and apprehend individuals who are in the country without proper documentation. This may involve immigration raids, workplace inspections, and collaboration between immigration authorities and law enforcement agencies.
- Immigration Policies and Reforms
  Some countries pursue immigration policy reforms to address illegal immigration. This can include implementing pathways to legal status for certain undocumented immigrants, providing temporary protections (e.g., Deferred Action for Childhood Arrivals), or revising visa and immigration processes to make legal channels more accessible.

- Cooperation with Source and Transit Countries
  Many nations engage in diplomatic efforts and international cooperation with countries that are significant sources of migrants or serve as transit points. These collaborations aim to address the root causes of migration, improve border management, and combat human trafficking and smuggling networks.
- Detention and Deportation
  Some nations hold individuals in custody when they are caught for unlawful immigration, while others prioritize deportation or removal proceedings to return undocumented immigrants to their countries of origin.
- Humanitarian Considerations
  National strategies shall include provisions for the protection of vulnerable populations, such as refugees and asylum seekers. Some nations prioritize humanitarian considerations in their approach to immigration enforcement.
- Public Awareness and Education
  Governments may also invest in public awareness campaigns and education programs to inform both citizens and immigrants about immigration laws, rights, and responsibilities.

Public opinion, political ideologies, and economic factors can influence a country's stance on illegal immigration. Some countries may adopt more restrictive policies, while others may emphasize a more compassionate or inclusive approach. Additionally, immigration policies and strategies can evolve in response to changing circumstances and political dynamics.

Strategies for Effective Management of Illegal Immigration

Given the complexity of the migration phenomenon, proper management of it requires an integrated approach and the involvement of all relevant stakeholders at the national level. In this regard, at the government level, the Romanian Interministerial Council for Internal Affairs and Justice has been established[476], under the coordination of which operates the Immigration Management Commission, based on Government Decision No. 572/2008 regarding the establishment of the Immigration Management Commission[477].

Addressing and mitigating the phenomenon of illegal immigration is a complex and multifaceted challenge that requires a combination of policies, strategies, and international cooperation. While it is not possible to eliminate illegal immigration, authorities can take several measures to control and manage it more effectively. Some key strategies we propose are: strengthening border security through increased patrols, surveillance technology, and physical barriers can help deter unauthorized border crossings; stringent immigration enforcement measures, including identity checks, workplace inspections, and visa tracking, can identify and apprehend individuals who are in the country illegally; improving and streamlining legal immigration channels to make it easier for individuals to enter and stay in the country through legal means - this can reduce the incentive for illegal immigration; developing fair and efficient asylum and refugee policies to provide protection to those fleeing persecution or violence, also ensuring that asylum seekers have access to a fair and timely asylum process; implementing policies that discourage illegal immigration, such as penalties for employers who hire undocumented workers, detention for those who are apprehended, and expedited removal processes; collaborating with other countries, particularly those that are significant sources of migrants or serve as transit points, to tackle the underlying reasons for migration, combat human trafficking and smuggling networks, and improve border management; ensuring that immigration policies and enforcement efforts take into account humanitarian considerations, particularly when dealing with vulnerable populations like children and refugees; conducting public awareness campaigns to inform citizens and immigrants about immigration laws, rights, and responsibilities; considering providing options for undocumented immigrants to obtain legal status, particularly for those who have been living in the country for an extended period and have established ties; developing programs that facilitate the integration of immigrants into the host society, including language classes, job training, and cultural orientation; targeting and

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[476] *Government Decision No. 750/2005 on the establishment of permanent interministerial councils, Art. 1/a)*, HG 750 14/07/2005 - Portal Legislativ (just.ro) (21.11.2023)

[477] S*trategia naţională privind imigraţia pentru perioada 2021–2024,* https://igi.mai.gov.ro/wp-content/uploads/2021/10/strategia_nationala_din_19_august_2021.pdf (20.10.2023)

dismantling criminal networks engaged in human smuggling, trafficking, and document forgery, which often facilitate illegal immigration; improving information sharing and data exchange between government agencies and international partners to better track and address illegal immigration; providing support and assistance to countries of origin to address the socioeconomic, political, and security factors that drive migration; continuously evaluating and adapting immigration policies and enforcement strategies based on changing circumstances and trends in illegal immigration.

There is no one-size-fits-all solution to illegal immigration, different countries may adopt different approaches based on their unique circumstances and priorities. Additionally, addressing the issue of illegal immigration often requires a delicate balance between security concerns, humanitarian considerations, and respect for the rights of migrants and refugees.

The Position of the Ministry of Internal Affairs in the Fight Against Illegal Immigration

Victim assistance is a responsibility held by both public authorities and civil society. Both entities have specialists and support organizations to ensure the detection of victims and appropriate referrals. The responsibility to uphold anti-trafficking policies is shared by all social service organizations. The Ministry of Education and Research ensures school enrollment for young human trafficking victims through the school districts. The Ministry of Foreign Affairs aids, upon request, to Romanian victims of human trafficking abroad. They also have an important role in the repatriation of victims through diplomatic missions and consular offices. As pointed out by Andreea Dragomir and Ioana Florescu in their work," funds for victim restitution and psychological services are supervised by the Ministry of Justice through territorial probation offices. The Ministry of Labor and Social Protection, in collaboration with the National Employment Agency and its territorial structures, assists victims in acquiring professional qualifications and reintegrating into the workforce. Access to complimentary medical care for victims is ensured by the Ministry of Health through the Public Health Directorate. Social support for victims is provided by the General Directorates of Social Assistance and Child Protection, which are affiliated with Local Councils"[478].

The migration flow has intensified in recent years, both due to the economic progress in Romania's economy and because of the geopolitical volatility in the Mediterranean basin and beyond, which also generates security implications[479]. The specific actions and measures taken by the M.I.A. and relevant government agencies responsible for immigration and border control in Romania regarding illegal immigration include monitoring and securing the country's borders to prevent illegal entry. This involves border patrols, surveillance technology, and the maintenance of border infrastructure. The General Inspectorate for Immigration, under the Ministry of Internal Affairs, plays a role in immigration enforcement. This includes identifying and apprehending individuals who are in the country without proper documentation. The authorities process asylum applications and, by international standards, protect individuals who qualify as refugees. This involves conducting interviews and assessments to determine eligibility.

For those found to be in the country illegally, detention and removal procedures may be initiated. These procedures are carried out with respect for human rights and due process. Romania collaborates with international organizations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration to address refugee and migration-related issues. Being a member of the European Union, our country collaborates with EU agencies and organizations on matters related to border control, immigration, and asylum.

Romania is engaged in bilateral and regional cooperation with neighboring nations and countries of origin to enhance border management, combat human trafficking, and address migration challenges collectively. Authorities provide humanitarian assistance to vulnerable populations, including refugees and asylum seekers. This assistance includes shelter, food, and medical care. Efforts are made to support the integration of immigrants into Romanian society, including language classes and cultural orientation programs.

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[478] Andreea Dragomir, Ioana Florescu, *Human Trafficking Responses In Europe With Emphasis On Romania*, "Studia Securitatis", No. 2/2022, p. 76, HUMAN TRAFFICKING RESPONSES IN EUROPE WITH EMPHASIS ON ROMANIA – Studia Securitatis Magazine (ulbsibiu.ro)

[479] S*trategia naţională privind imigraţia pentru perioada 2021–2024,* https://igi.mai.gov.ro/wp-content/uploads/2021/10/strategia_nationala_din_19_august_2021.pdf (20.10.2023)

Responsibilities of National Forces in Public Order and Safety

National forces with responsibilities in the field of public order and safety consist of forces from the component institutions of the National System for Defense, Public Order, and National Security. They represent the primary national response to threats to public order and safety. The forces responsible for public order and safety under the Ministry of Internal Affairs are composed of main forces, support forces, and complementary forces[480].

The main forces of the Ministry of Internal Affairs are legally empowered to exercise the state's police authority, representing the core component of structures designed to manage all aspects of public order, whether in times of peace or during a state of emergency. These forces are organized into the police and gendarmerie structures.

The Romanian Police maintain public order and safety at the national level; it protects the life, physical integrity, and freedom of individuals, private and public property, and other legitimate rights and interests of citizens and the community. This institution implements measures to prevent and combat criminal activity and terrorism, and identify and counteractions that threaten the life, freedom, health, and integrity of individuals, private and public property, as well as other legitimate community interests. It conducts activities to prevent and combat corruption, economic and financial crime, cross-border crime, computer-related crime, and organized crime.

The Romanian Gendarmerie ensures and restores public order at the national level. It provides security for objectives of special importance for state and strategic activities, as well as the protection of transport of significant and special values. Also, it ensures security and public order at the courts and engages in maintaining public order in mountain resorts and on the coast through specialized units and acts as a European police force and participates with specialized personnel in peacekeeping operations at the request of international organizations[481].

Support forces are constituted, based on their competencies and duties, from structures of the Romanian Border Police, the General Inspectorate for Immigration, the General Inspectorate for Emergency Situations, and the General Aviation Inspectorate of the Ministry of Internal Affairs.

Complementary forces consist of structures within the Ministry of Internal Affairs that contribute to the efforts of the main and support forces, based on their competencies. These are primarily represented by the community public services for personal identification, passports, driver's licenses, and vehicle registration certificates under the authority of the Ministry of Internal Affairs, as well as other structures with responsibilities that can contribute to the implementation of activities and measures in the field.

In specific situations, the forces belonging to the Ministry of Internal Affairs can be supported by institutions/structures with responsibilities in the field of defense, public order, and national security, as well as other public or private entities, as provided by law.

Aerial support in public order and safety missions, through the aviation resources of the General Aviation Inspectorate of the Ministry of Internal Affairs, represents an important factor in enhancing the operational capacity of specialized structures in specific missions. This support is customized to events and large-scale public gatherings, methods of committing cross-border crime, organized crime, illegal migration, and emergencies, and is aligned with the national effort to ensure a safe environment for citizens[482].

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[480] *Strategia Naţională de Ordine şi Siguranţă Publică 2023–2027,* https://webapp.mai.gov.ro/frontend/documente_transparenta/547_1679910354_Proiect%20SNSOP%202023-2027%20%20martie%202023.pdf (20.10.2023)

[481] Iulia Bulea, *Poliţia locală – Forţă complementară a sistemului de ordine şi siguranţă publică*, Techno Media, Sibiu, 2022, p. 100

[482] *Strategia Naţională de Ordine şi Siguranţă Publică 2023–2027,* https://webapp.mai.gov.ro/frontend/documente_transparenta/547_1679910354_Proiect%20SNSOP%202023-2027%20%20martie%202023.pdf (20.10.2023)

Provisions of Romania's National Public Order and Safety Strategy Regarding the Issue of Illegal Migration

No EU country can or should be put in a position to face alone the tremendous pressures exerted by migration. For this reason, the EU is intensifying its efforts to save lives, combat human trafficking, and cooperate with the countries of origin and transit for migrants on their journey to another country[483].

Recently, the security environment in the European Union has undergone rapid changes, driven by a range of different issues and challenges within member states (such as terrorism, economic concerns, natural disasters, extreme weather events, the pandemic, etc.). These issues have exacerbated illegal migration, serious organized crime including drug trafficking, human trafficking, and the smuggling of medical and sanitary goods, as well as cyberattacks, and more.

In response to the evolving security landscape, the EU has adopted strategic documents to outline necessary measures and action priorities in various domains. In June 2019, the new EU Strategic Agenda for the period 2019-2024 was adopted. A key pillar of this agenda is the protection of citizens and their freedoms. Within the EU, considerations include maintaining the rule of law, efficient border control, law and order maintenance, developing a comprehensive and functional migration and asylum policy, cooperation with countries of origin and transit to combat illegal migration and human trafficking, and ensuring effective returns. This also involves the proper functioning of the Schengen Area, strengthening counterterrorism and cross-border crime efforts, enhancing EU resilience to disasters, and protecting against cyber threats, hybrid threats, and disinformation.

The coherence of strategic lines, as grounded in the National Strategy for Public Order and Safety, is ensured through complementary perspectives applied to the reference strategic document: the reform perspective, considering the conceptual aspect (transparency) and priority action areas (partnerships, modern management, etc.); the institutional construction perspective, evaluating the activity of various structures and their development, including the allocation of additional positions to be filled by specialists; the educational perspective, aimed at preparing personnel in the field as well as community members (respect for human rights in the activity of public order and safety structures, relations with society, communication, etc.); the operational perspective, developed on two levels: government strategies, where national public order and safety structures contribute to their foundation and application in various areas (corruption, organized crime, migration, border security, social reintegration, etc.), and direct actions aimed at reducing the potential for committing crimes, developing social partnerships, and implementing preventive campaigns; the victimological perspective, targeting victim intervention and assistance; the managerial perspective, seeking to improve the quality of all services offered and increase public satisfaction with them. The conduct of individuals in enforcing the law should not jeopardize the conditions of legality and non-arbitrariness. To achieve this goal, police officers must develop attitudes and behavior at a level that enables them to carry out their tasks in a proper manner. Police officers not only need to possess these qualities but also need to learn to work collectively to cultivate and maintain an organization's image that instills faith and trust in the society they serve and protect[484].

As a result of the evaluation conducted by EUROPOL and the contributions of member states, 10 priorities have been set at the EU level for the period 2022-2025, including combating organized crime such as migrant smuggling, approved by the EU Council on May 26, 2021. The European Union must be prepared to manage and use its instruments created within its foreign policy to influence solutions to the major contemporary issues as a legitimate international actor of global significance[485].

Romania serves both as a transit and destination zone for illicit activities related to organized crime, including drug trafficking, arms trafficking, illegal migration, human trafficking, counterfeit product trafficking, smuggling of excise goods, money laundering, and other forms of economic and financial crime. Ensuring the respect of national and EU border regimes in an extended European context has been one of the new challenges, with the entry and exit of citizens with legal travel documents impacted by increased border crossing traffic and measures imposed due to the evolving epidemiological situation caused by the spread of COVID, the armed conflict between Russia and Ukraine, and illegal migration. Romania's borders have been

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[483] Comisia Europeană, *Oficiul pentru Publicaţii al Uniunii Europene,* Luxemburg, 2017, p. 49

[484] Costică Voicu, Ştefan Prună, *Managementul organizaţional al Poliţiei. Fundamente teoretice*, Mediauno, 2007, p. 481

[485] Andreea Dragomir, *Politica externă şi de Securitate comună a Uniunii Europene*, Editura Presa Universitară Clujeană, Cluj Napoca, 2021, p. 191

significantly affected by the increased influx of Ukrainian refugees due to the conflict, which has led to altered dynamics at different border sections, particularly with Serbia (entry) and Hungary (exit).

Despite these challenges, the level of detection at Romania's borders has been influenced significantly by the increased influx of Ukrainian refugees into the country. However, the total number of illegal activities at the border compared to 2021 has decreased by 3.3%. Together with other types of border regime violations, this continues to demand the attention of national structures responsible in this domain, as the presence of migrants on national territory can disrupt public order and safety through potential tension in localities near asylum centers or through the deviant behavior of some migrants.

Conclusions

Balancing border security, economic considerations, humanitarian concerns, and the rule of law in immigration policy is a complex and multifaceted challenge. It requires careful planning, comprehensive analysis, and a willingness to adapt policies as circumstances evolve. Some key strategies that authorities can use to find this balance are comprehensive immigration reform, data-driven analysis, risk assessment, differentiated policies, pathways to legal status, labor market needs, humanitarian protections, integration programs, public engagement, transparency, bilateral and international cooperation, regular policy evaluation, rule of law, engage stakeholders, engage stakeholders, long-term vision. It must consider comprehensive immigration reform that addresses various aspects of immigration policy, including border security, pathways to legal status, and enforcement mechanisms. Such reforms can create a more balanced and coherent approach to immigration.

Data can help policymakers make informed choices, base policy decisions on accurate and up-to-date data on immigration trends, economic impacts, and social consequences, conduct risk assessments to identify security threats and vulnerabilities at borders and allocate resources, and prioritize efforts based on credible threat assessments. The authorities must adapt immigration policies to differentiate between various categories of immigrants, such as refugees, asylum seekers, economic migrants, and undocumented individuals. Each category may require distinct approaches.

Establishing clear and accessible pathways for undocumented immigrants to attain legal status can help regularize the status of those already in the country and reduce the incentive for illegal immigration. Also, a way to achieve this equilibrium requires comprehensive immigration reform to align the policies with labor market needs by periodically assessing which industries require immigrant labor and adjusting immigration quotas accordingly, ensuring that policies include robust humanitarian protections for refugees, asylum seekers, and other vulnerable populations, adhering to international standards for asylum and refugee protection, developing programs that facilitate the integration of immigrants into society, including language classes, job training, and cultural orientation, engaging the public in discussions about immigration policy to build support for balanced approaches (public input can help shape policies that reflect a broader consensus), collaborating with source and transit countries to address root causes of migration, combat human trafficking networks, and improve border management regionally and globally and continuously evaluate and adapt immigration policies based on their impact on border security, the economy, and humanitarian concerns.

Developing a long-term vision for immigration policy that aligns with national goals and values while considering demographic trends and economic needs and finding the right balance between these competing interests are two ongoing processes that may require periodic reassessment and adjustment. Immigration policies should be flexible enough to adapt to changing circumstances, and they should be guided by a commitment to upholding human rights, legalism, and a recognition of the contributions immigrants can make to society. Public debate and consensus-building can play a significant role in shaping balanced immigration policies.

Bibliography

Books
1. Bulea, Iulia, *Poliţia locală – Forţă complementară a sistemului de ordine şi siguranţă publică*, Techno Media, Sibiu, 2022
2. Dragomir, Andreea, *Politica externă şi de Securitate Comună a Uniunii Europene*, Editura Presa Universitară Clujeană, Cluj Napoca, 2021

3. Dragomir, Andreea, *Ordinea publică în Uniunea Europeană*, Editura Universităţii "Lucian Blaga", Sibiu, 2020
4. Dragomir, Andreea, *Europenizarea spaţiului public*, Editura Universităţii "Lucian Blaga", Sibiu, 2016
5. Drăghici, Ion, *Noţiuni privind riscurile în domeniul siguranţei publice*, Sitech, Craiova, 2008
6. Voicu, Costică, Prună, Ştefan, *Managementul organizaţional al Poliţiei. Fundamente teoretice*, Mediauno, 2007

Studies and Articles
1. Dragomir, Andreea; Florescu, Ioana, *Human Trafficking Responses In Europe With Emphasis On Romania*, "Studia-Securitatis", No. 2/2022
2. Stancu, Ionela, Loredana, *Poliţia de Frontieră şi rolul sistemului complex de observare şi control al traficului la Marea Neagră în securizarea frontierelor*, "Studii şi cercetări în ştiinţe administrative", Vol. I, Techno Media, Sibiu, 2022

Documents
1. *Strategia naţională privind imigraţia pentru perioada 2021–2024*
2. *Strategia Naţională de Ordine şi siguranţă publică 2023–2027*

Websites
1. https://webapp.mai.gov.ro/
2. https://igi.mai.gov.ro/