LEGAL FRAMEWORK OF MIGRATION IN THE EUROPEAN UNION COUNTRIES

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Abstract: *Recent political and social developments in some regions of the world (especially the Middle East, North Africa) have led to dramatic changes in the migration phenomenon. The thousands of immigrants who assail each day the EU's borders have put an end to European cohesion and have perhaps marked the worst humanitarian crisis of this early millennium. As a result, migration has become an "angel" and "demon" phenomenon, especially for the EU. This crisis can prove to what extent the European project is able to implement, in member countries and times of crisis, the values that the EU has built: solidarity, democracy, respect for human life and integrity.*

Key words*: region, migration, democracy, crisis, Eurostat, mobility*

INTRODUCTION

Perhaps more than any of the developed economies (with the notable exception of Japan), the European Union has an aging population, a high rate of elderly dependency and a natural increase that does not provide the labor resources needed to sustain sustainable development goals The stability of its solidarity systems. Specialist literature shows that immigration can stop demographic decline even when it is temporary, with positive effects on employment, economic growth and wage dynamics, but only as long as immigrants participate in the labor market in tandem with the natives.

The median age of the EU population was 42.4 years (Eurostat 2017) on January 1, 2016, significantly higher than median age in the US (37.9 years) and slightly above Canada (41 years) [6]. The total dependence rate in the EU-28, calculated as the ratio of dependents, young and old, in comparison with the population considered to be able to work (15-64 years) in 2016 was 52.6% Indicating that there are about two people working for each dependent person (Eurostat 2017). By comparison, the total non-dependence rate in the US was 49.7% and Canada 46.7%.

Demographic decline is a choice, not a destiny. Demographic mobility is a feature of France, Ireland, and is also recorded in large parts of the UK and across suburban Scandinavia [2]. Not all Eastern European countries have experienced a demographic decline, as both Slovakia and the Czech Republic have defied the regional trend and experienced a demographic revival in 1990.

MATERIALS AND METHODS

Of the 503 million people in the EU, 4% are third-country nationals (Eurostat, 2017). A quarter of them live in Germany, 15% in Italy and Spain, 13% in France and around 12% in the UK. On average, 78% of third-country nationals are 26 young people, 15-64, 7% over 64, and 15% less than 15 years old [4]. Statistics on immigrants from third countries hide many aspects that are difficult to highlight in figures: overlapping between different categories of immigrants, attractiveness of the labor market between different EU Member States, different rules on labor market access within the EU due to national regulations, Bilateral agreements between different EU countries and third countries.

Table 1.

Number of immigrants from third countries by citizenship (2016)

Country	Total number of immigrants	Citizens of third level countries	
	(thousands)	(thousands)	(%)
Belgium	124.8	41.3	33.1
Bulgaria	26.6	15.3	57.4
Czech Republic	29.9	9.4	31.4
Denmark	68.4	24.5	35.8
Germany	884.9	372.4	42.1
Estonia	3.9	1.2	29.6
Ireland	67.4	28.7	42.6
Greece	59.0	13.5	22.9
Spain	305.5	164.4	53.8
France	339.9	130.2	38.3
Croatia	10.6	3.5	32.6
Italy	277.6	180.3	64.9
Cyprus	9.2	4.0	43.9
Latvia	10.4	3.5	33.9
Lithuania	24.3	4.1	16.8
Luxembourg	22.3	4.4	19.9
Hungary	54.6	15.5	28.3
Malta	8.9	2.7	29.9
Netherlands	145.3	47.8	32.9
Austria	116.3	39.4	33.9
Poland	222.3	67.0	30.1
Portugal	19.5	5.9	30.3
Romania	136.0	10.9	8.0
Slovenia	13.8	8.0	58.1
Slovakia	5.4	0.4	8.3
Finland	31.5	13.6	43.1
Sweden	127.0	70.7	55.7
United Kingdom	632.0	287.1	45.4
TOTAL E.U.	**3777.3**	**1569.7**	**41.5**
Iceland	5.4	0.6	10.3
Liechtenstein	0.6	0.2	33.5
Norway	66.9	24.3	36.3
Switzerland	156.3	35.7	22.9
TOTAL	**4006.5**	**1630.5**	

Source: Revised by authors after: http://ec.europa.eu/eurostat/statisticsexplained/index.php/File: Immigration_by_citizenship,_2014_(%C2%B9)_YB16.png

According to Eurostat data (2017), immigrants from third countries (other than asylum seekers or refugees) account for just over 1.5 million people in 2015 [5]. The reasons why aliens chose the EU can be identified for the reasons for issuing permits of residence (Eurostat, 2015). Thus: 29% were released for family reunification, 27% for paid activities, 20% for studies, 24% for other reasons. However, an important part (between two-thirds and three-quarters) of those who are allowed to enter the EU ends up entering the labor market in one way or another [11].

The country whose citizens benefited from the highest number of permits in 2016 was Ukraine [9]. The number of Ukrainian citizens who applied for residence in the EU practically exploded in 2016 (totaling nearly 500,000, double the number of US citizens, number two in the list of aliens who have applied for a residence permit in the EU), which is easy to understand, Taking into account the political and economic situation in that country. The second place was American citizens (just over 250,000), then the Chinese, Indian and Moroccan.

The largest number of work permits at EU level in 2016 was granted to nationals of the following countries:

• Ukraine, 376,037 permits (over 94% of which were granted by Poland); The number of permits granted to Ukrainians was more than 7 times higher than the number given to second-place citizens in India.

• India, 52,188 permits (over 50% being issued by the UK).

• USA, 37,861 permits (over 60% being issued in the UK)

• China, 18,396 permits (over 25% being issued by the UK)

• Australia, 16,157 permits (over 88% being issued by the UK).

We can see that this orientation of those seeking residence for work in the EU follows a determined pattern of cultural and language affinities (such as the case of Ukrainian citizens for Poland or the Indians, Australians and Americans for Great Britain). In most of the Member States, unemployment and under-employment coexist with the lack of workforce. Labor shortages are structural, for some occupations and sectors (health, ICT and ICT, finance) and the asymmetries between countries are very high. From this perspective, one of the EU's key concerns is the integration of immigrants from third countries into the labor market [10]. This is essential to achieving a 75% employment rate among people under the age of 64, which is highlighted by the EU 2020 Strategy as being decisive for achieving the sustainable development and social welfare objectives of its citizens.

Generally, immigrants from third countries have less employability than European citizens (with a few exceptions, in the case of the Czech Republic, Slovenia, Hungary, Italy, Luxembourg, men and Cyprus, Malta and the Czech Republic for women). Higher-educated immigrants from third countries find it harder to work than Europeans, and overcrowding among those who are employed affects 44% of immigrants from third countries compared to 20% for EU citizens [8]. On skill levels, the situation is slightly different, but the trend remains. In the case of immigrants with a higher level of qualification, their employability is inferior to nationals, one of the reasons being determined by the difficulties in recognizing the diplomas. There are also a few exceptions: for low-income immigrants, in some EU countries (Ireland, Greece, Luxembourg, Italy, Malta, Cyprus, their employability is higher than that of nationals) (Figure 1).

Starting in 2015, over 1 million people have applied for asylum in the 28 EU Member States. Some of these countries saw an opportunity to address the demographic crisis, to complement their labor force needs, but also to reaffirm European values (solidarity, human rights) [11]. Germany received asylum requests from 44,1800 people, representing 35.2% of all EU-wide claims in 2016. It is estimated that, in total, Germany has received more than 1 million people since 2014 up to 2017. At the end of 2016, almost 1 million requests were still in progress as compared to 2015 when they were around 500 000. Germany is the country with the most analytical applications (46% of the total EU), then Sweden (17%) and Italy (7%) [1].

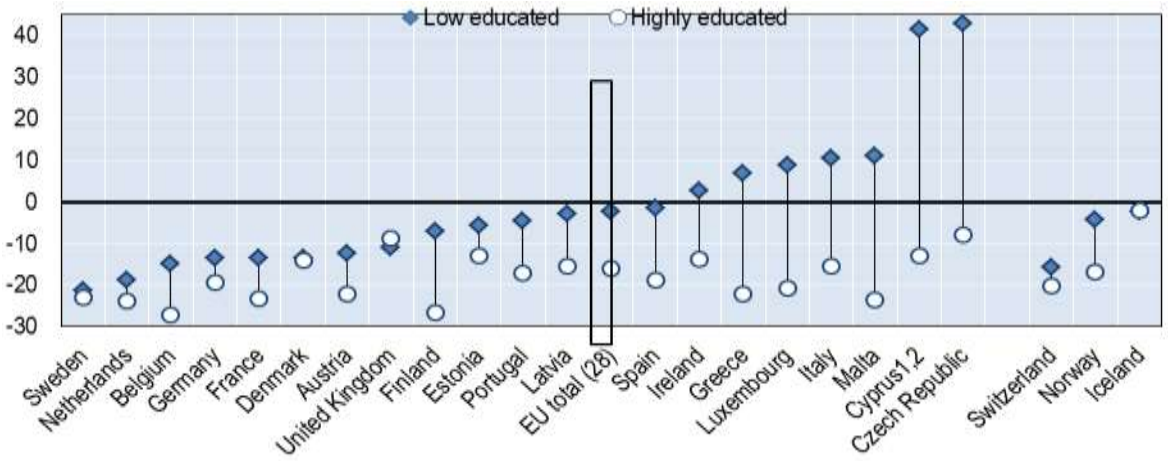

Figure 1. Difference between the employability of third-country nationals compared to nationals, by levels of education (thousands of persons) (2015)

Source: European Union Labour Force Surveys (EU-LFS) 2016

Table 2.

The difference between the employability of third level-country nationals compared to their nationals, by education levels (thousands of people) (2016)

	Third level countries		National		Difference btw third level country and national	
	Low educated	Highly educated	Low educated	Highly educated	Low educated	Highly educated
Sweden	42.32	68.98	63.70	91.79	-21.37	-22.81
Netherlands	47.90	65.81	66.79	89.46	-18.89	-23.65
Belgium	32.25	58.26	47.08	85.45	-14.83	-27.19
Germany	51.55	70.65	65.07	89.84	-13.52	-19.19
France	41.28	62.43	54.65	85.62	-13.37	-23.19
Denmark	53.46	74.37	66.79	88.40	-13.33	-14.03
Austria	50.12	67.68	62.35	89.71	-12.23	-22.03
United Kingdom	45.97	77.52	56.88	86.19	-10.90	-8.67
Finland	48.92	59.38	56.09	85.96	-7.16	-26.58
Estonia	49.68	72.39	55.41	85.39	-5.72	-13.00
Portugal	56.64	63.72	61.26	80.90	-4.62	-17.18
Latvia	42.78	71.45	45.66	86.89	-2.88	-15.44
EU total (28)	**49.69**	**68.87**	**52.04**	**84.88**	**-2.35**	**-16.01**
Spain	45.52	58.83	46.90	77.64	-1.37	-18.82
Ireland	44.88	69.30	42.04	82.94	2.84	-13.64
Greece	51.64	48.37	44.85	70.61	6.79	-22.24
Luxembourg	59.26	67.29	50.30	87.93	8.96	-20.63
Italy	58.62	66.14	48.03	81.55	10.59	-15.41
Malta	61.86	67.52	50.72	91.15	11.14	-23.62
Cyprus	88.64	67.64	47.18	80.44	41.46	-12.80
Czech Republic	77.74	77.39	34.89	85.26	42.85	-7.87
Switzerland	62.73	71.69	78.36	91.90	-15.62	-20.21
Norway	65.57	75.45	69.81	92.29	-4.24	-16.85
Iceland	74.71	90.52	77.06	92.66	-2.34	-2.15

Source: http://dx.doi.org/10.1787/888933213893

Unfortunately, this crisis has caused the greatest strain in the European unification project, marking what some have rushed to define as the failure of the European construction, triggering unprecedented actions in diverse areas, representing the essential constituents of the EU, such as the Schengen area. Germany's decision, supported by France, to open the gates of Europe to the wave of refugees, struck the refusal of some of the partners (Hungary, Poland, the Czech Republic and Romania), led to the reintroduction of controls at the borders of Schengen member countries and reverberated in the political dynamics that led to Brexit [9]. The global race for those with high qualifications in rich areas is one of the most interesting phenomena of the current political economy. Europe is also caught in this race (Cerna & Czaika 2016), with the EU institutions developing a rich institutional framework in this respect. There is an asymmetry between the different types of jobs requested in the EU. If the need for highly qualified workers is estimated at 15 million people, the average skilled worker is only 3.6 million and for areas with a low level of qualification there is a labor surplus of 11.5 million people .

However, figures hide numerous structural deficits in each of these categories. Studies have shown contradictory results: in countries with high unemployment rates, employers find it hard to find the workers they need [2]. In a survey conducted in 2013 (Employer Company Survey) and in the 2016 Talent Shortage Survey, 4 out of 10 European employers said they had difficulty recruiting qualified employees, especially in the manufacturing sector. From this point of view, the member countries have developed a real mosaic of policies to attract these immigrants, but the crisis imposes limits on this.

RESEARCH RESULTS

Existing studies clearly show the positive effect of highly skilled immigrants on productivity in areas that are defined as intensive in terms of qualifications (less financial), even if Europeans sub-use this resource. Moreover, in times of crisis, these immigrants have the capacity to maintain or even increase not only access to the labor market, but also their civic participation. Immigration (especially that aimed at highly qualified staff) is seen by the EU as a solution not only to its demographic decline, but also to increase its economic performance and to overcome its lag behind its main competitors. The EU is an area of attraction for immigrants; However, highly qualified outside the EU remains much more interested in its competitors (USA, Australia or Canada). This situation will become even more serious, as the European countries most affected by the crisis have responded positively to the requests to curb the attraction of skilled migrants from the internal policy makers. The table below shows that while countries like Sweden have further liberalized access to these migrants, countries like the UK have restricted it.

The new jobs that will be required in the coming years are for areas such as key enabling technologies (including nanotechnology, biotechnology, microelectronics and nano-electronics, photonics, etc.). They will register, in 2020, a demand of over 900.000 people, of which 60% are highly qualified. Medical and ancillary services will need nearly 2 million people in the Information and Communication Technology (ICT) field of over 700,000 people. It is obvious that the skilled labor force with a higher qualification is the one that will find its job easier and, from this point of view, education for the labor market remains a priority, but also a critical point for the EU (Table 3).

The "European Blue Book" has failed to bring that breeze to help meet the need for skilled staff or people who want to start a business, and the EU is behind states like the US or Canada that have well-established schemes To the point where they attract workforce for these areas or support entrepreneurial initiatives of immigrants in competitive areas.

Table 3.

The population between 25-64 age, who have completed a cycle of tertiary studies

No.	Country	Population between 25-64 age, who have completed a cycle of tertiary studies (%)
1	Australia	42
2	USA	42
3	Canada	54
4	Russia	546
5	Japan	48
6	Israel	49
7	South Korea	45
8	EU 28	32
9	Finland	45
10	Germany	27
11	France	32
12	Slovakia	23
13	Italy	19
14	Romania	19

Source: Made by authors after „Share of the population by level of educational attainment, by selected age groups and country, 2015 (%), Eurostat (edat_lfs_9903)" și "OECD.Stat Education and Training > Education at a Glance > Educational attainment and labor-force status > Educational attainment of 25-64 year-olds",

Another challenge with consequences in terms of the EU's international competitiveness, deriving from the demographic decline, is the reduction of the supply pool of those who accede to higher education as a result of the reduction in natural growth [4]. In the study commissioned by the European Commission in June 2016, which looked, inter alia, on the global competitiveness situation and the EU's situation vis-à-vis other economies, stressed that areas that will define international competitiveness in the coming years are intensive knowledge Services), high-tech manufacturing and new technologies. The number of people entering tertiary education, the highly qualified specialists, able to deliver what the EU has defined as a major goal, intelligent, inclusive and sustainable growth, is lower in the EU than its competitors who have taken advancement in innovative, high-performance industries.

As projections for labor market developments show that around 35% of jobs will require tertiary studies by 2020, the EU target is that by 2020 the rate of 25-64 years to reach this level to reach 40% [7]. However, there are still deficiencies at EU level in the integration of third-country immigrants with a higher level of education. OECD analysis showed that 42% of immigrants from third countries with higher education who work in the EU have jobs that would require only a lower level of education. Despite the fact that the EU is considered attractive for study by many foreign students (outside the European area), the EU fails to retain too much of these students, especially those with the highest performances, preferring to go to the US , Canada or Australia. Much of the blame for failure relates to how this has been managed at EU level. In this respect, in May 2009, the EU adopted the Blue Card Directive, an act that aims to make the EU more competitive globally by regulating the access of highly qualified migrants to its territory [2]. Unfortunately, due to divergences between Member States, this act is considered by critics with a simple advertisement, not a robust Commission intervention on the subject.

CONCLUSIONS

Romania's preoccupations with international migration are revolving around its use this phenomenon so that the Romanian society can mitigate its important gaps occur in demographic and labor [1]. As not just literature shows, it does and the reality provided by states with a tradition in managing migration phenomena, there is no the only policy to manage this phenomenon, but a combination of policies and measures addresses multiple areas and addresses, first of all, the causes.

The present study proposes several directions of public policy development through to whom we consider that migration can have a beneficial role on the labor market in our country. These measures converge with what literature recommends and are supported by arguments offered by market players. Romania does not have a nominal labor deficit but a structural deficit [6]. There are left too few skilled people to meet market requirements, and lack of qualification of the force work does not boost business in areas that ensure the development of modern sectors, with high salaries and potential for multiplication. That is why the role of education in forming a force of employable and mobile work is crucial. Stimulating the raising of the qualification level, reduction school dropout, market adaptation of the education system, and strong support for lifelong learning process are key to market development.

Specifically, our proposals to facilitate third-country immigrants' access to Romania go to the following directions:

- a permissive legislative framework for attracting immigrants. It has to offer transparency, accessibility and clarity of information for both the employer and the employer the potential employee in an international language to facilitate interinstitutional communication approach and allow the identification of real labor needs [10];
- Integration of immigrants into the labor market. The efficiency of an immigration policy is also given by the extent to which immigrants have integrated into the labor market. Better collaboration between (In this case AJOFM) and employers, as well as the targeting of large cities, cosmopolitan immigrants can help facilitate the integration of immigrants into the market labor, but also in social life;
- Development of STEM (Science, Technology, Engineering and Mathematics / Science, Technology, Engineering and Mathematics) in English, with effect on the integration of immigrants, but also on the attraction of immigrants who can perfect themselves qualification in Romania;

Attracting foreign students to study in Romania. The Erasmus program has led to the birth of 1 million children, universities from advanced countries such as the US, Australia or the United Kingdom Britain have aggressive policies to recruit foreign students, analyzes are dedicated to identifying pools of student supplies for universities. And Romanian universities should prepare more seriously for Internationalization and consider the option "foreign students" as a solution for their own demographic and financial constraints, but also for native market problems.

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