

# Migration networks and policy impacts: insights from Romanian–Spanish migrations

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## Abstract

Migration networks are now generally recognized as a means of adapting to or circumventing states' migration policies, but little research has been carried out on quite how they work. In this article, we analyse migrant networks between Romanian and Spain over the last 20 years. We contrast two villages to reveal how different reactions to policy changes depend on the level of development of migration networks. Among these policy changes are regularizations of irregular migrants in Spain, the visa-free entry of Romanians into Schengen countries enacted in 2002, EU enlargements in 2004 and 2007, and a bilateral agreement on labour recruitment between Romania and Spain. We conclude that networks can help migrants circumvent restrictive policies, foster the effective take-up of permissive policies or even impede them, depending on the development of the migration networks of the communities.

## Keywords

Migration networks; migration policy; Romanian migration; Spain

Over the past years numerous scholars have observed that migration policies do not always meet their intended objectives (for examples Castles 2004a, 2004b; Hollifield 2004; Joppke 1998). Over a decade ago, Cornelius and his colleagues came up with the notion of a 'gap hypothesis', whereby 'the gap between the goals of national immigration policy ... and the actual results of policies in this area (policy *outcomes*) is wide and growing wider in all major

industrialized democracies' (Cornelius et al. 1994: 3). A variety of political, economic as well as social forces account for this disparity between intended and actual outcomes; of these factors, social interactions, specifically migration networks, appear to have an important influence on explaining [page 101] the gap (see Hollifield 1992; Joppke 1998; Kostakopoulou 2003 on political factors; and Castles 2004b on economic ones). Migrant networks can subvert migration policy goals through facilitating irregular movement and employment, generating 'chain' migration, or encouraging people to switch from temporary to permanent settlement (Faist 2000; Massey et al. 1998).

In the article, we explore how networks mediate the impact of policy changes by looking at Romanian-Spanish migrations. Romanians have become a prominent immigrant group in Spain over the last ten years. The number of Romanian migrants in Spain with residence permits (*tarjeta o autorización de residencia*) rose from almost 11,000 in the year 2000 to over 83,000 in the year 2004, representing 4.22 per cent of all foreigners in Spain compared with just 0.17 per cent in 1992 (Carvajal Gómez 2006: 103). In March 2008, there were about 664,900 Romanians registered in Spain, representing 15.9 per cent of all migrants and constituting the second biggest group after migrants from Morocco (MTAS 2008).

To shed light on how various features of networks can subvert the intended outcome of migration policies, we consider two Romanian communities with rather different migration networks. In so doing, we look at migration policies in a broad sense, namely at policies directly addressing migration as well as at those that might only have an indirect impact on it. This second category of policies includes measures that are not explicitly aimed at influencing migratory flows, but may nonetheless have unintended effects on migration patterns, such as the creation of the borderless Schengen countries in 1985-90 (European Commission 2005, see also Baldwin-Edwards 2007; Doomernik et al. 2005).

To show the impact of migration networks on the outcome of policy changes we begin with a theoretical discussion of the relationship between migration policy and migration networks, or migrants' social interaction. Later, we present empirical findings from our two case studies focusing on how Romanian migrants to Spain have responded to changes in policy on migration. Finally, drawing on this analysis, we argue that migrants' social interaction strongly influences the way they respond to policy changes. We conclude that networks can help migrants circumvent restrictive policies and, depending on the development of a community's migration networks, can either foster or impede the effective take up of permissive policies.

### Social interaction and policy changes

Migration is a highly social activity. From the initial decision making to the actual move and incorporation into different structures of the destination, social interactions play a significant role (Boyd 1989; Massey et al. 1987; Ritchey 1976). Through social networks, namely non-dyadic social interactions, migrants can obtain information and material

resources that facilitate both their movement and the process of adapting to conditions in the destination country. One can best conceptualize the utilization of social networks and the resources they encompass by using a social capital approach. Social capital, or the accumulated resources accessible only through social relations, is only available on a reciprocity or trust basis (for a detailed account see Portes and [page 102] Sensenbrenner 1998). To conceive when and how social networks play a role in migration, it is important to understand what underlying principles shape the nature of interaction between members of these networks: these are sociability and reciprocity. Sociability refers to the level of trust prevailing among the (potential) migrants within a given community, while reciprocity refers to the material and immaterial resources members are able to offer in barter for other resources, which are, in this case, relevant for migration. For clarification, it is useful to introduce a distinction between *migrant* networks and *migration* networks. We define a *migrant* network as the social network of a (would-be) migrant, in other words the individual social relations that she or he develops and uses for the purpose of migration. Of course, these migrant networks extend beyond a given community; they transcend geographical locations as well as social spaces such as communities, families or friendships. An entire 'migration industry' (Hernández-León 2005; Salt 2001) has evolved, offering services to facilitate migration when close social networks fail to provide the resources needed (cf. Elrick and Lewandowska 2008; Garapich 2008). By contrast, we regard a *migration* network as the aggregate of the various personal migrant networks available to a specific group of people, such as members of a particular community. The concept of migration networks helps us to understand the social dynamics operating in the migration process on this aggregated level.

Massey et al. (1987, 1998) have argued that migration networks help to start and maintain the migration process in communities by lowering costs and risks associated with migration. They have also shown how migration networks develop and expand over time, passing through different stages of development. Communities with longer experience of migration are therefore likely to have a better-developed migration network, giving their members more access to migration-relevant information and material resources than other communities are able to command.

Considering these theoretical insights, how do migration networks influence the impact of migration policies? Huge economic disparities in income and employment opportunities encourage migrants to utilize their migrant networks to plan and undertake their move to a destination country, often against and despite restrictive migration policies. In many parts of the world states are seen as inefficient and corrupt, and citizens regard laws and regulations more as stumbling blocks to be overcome than rules with which to comply (Castles 2004b: 209). They are able to circumvent those policies through widespread migration networks, which connect origin and destination contexts, in many cases disregarding governmental and intergovernmental laws, rules or regulations (Castles and Miller 2003: 30; Reyneri 2001: 23–7).

Based on the considerations above, we can assume that communities with a longer migration history may be better able to achieve this type of circumvention; their networks and resources are likely to be more extensive, making them better equipped to develop strategies for subverting regulations. Thus, a first hypothesis we explore is that the more established and extensive the migration network, the more adept a community is at circumventing migration policies. A second hypothesis, derived from the first, is that better developed migration networks make the process by which migrants adopt permissive policies (namely policies in favour of migrants) more efficient. We [page 103] also explore a third, less self-evident, hypothesis. This is that extensive migration networks with established transnational links can develop a form of stickiness to certain migration strategies, which fosters a conservative response to changes. Thus, when policy changes in (potential) destination countries create new opportunities for migration, migrants may not adapt their migratory patterns to respond to the new openings. Instead, network effects may encourage the retention of existing patterns of movement (Faist 2000: Chapter 6). The implication is that more developed networks may be associated with inertia in the form of resistance to change. We shall explore all three hypotheses in our case studies on Romanian–Spanish migration.

### Policies and Networks in Romania and Spain

To assess these dynamics, we start by describing what policies have been most influential in Romanian–Spanish migration over the last 20 years. We intentionally cast the net rather wide, including policies in both Romania and Spain. We then go on to describe the two communities under study and their migration networks.

#### *Romanian (e)migration policies*

Prior to the fall of communism in 1989, there was no need for migration policies because, under a special dispensation, only ethnic minorities could emigrate. Consequently, the Romanian state has only had to deal with migration issues since then. As a result, Romanian policies addressing (e)migration are limited and lack a coherent approach. Until 2001, non-governmental organizations (NGOs), international agencies like the International Organization of Migration (IOM), or private recruitment agencies channelled or regulated emigration (Baldwin-Edwards 2005: 1). The only measures the Romanian state took were to curb speculative migratory movements by imposing taxes on border crossings and mandatory proof of a certain amount of money (Horváth 2007). In 2001, the Romanian state established the Office for Migration of the Labour Force (*Oficiul pentru Migrația Forței de Muncă*, or OMF) to mediate contractual work abroad between the Romanian state and other countries, based on bilateral agreements. The OMF aimed to protect migrants working under such schemes from exploitative recruitment and employment practices in both Romania and the destination country. It also works in the field of trafficking prevention. In the beginning, the OMF had only one office in Bucharest. Given the high

number of applicants, processing the applications was slow and inefficient. After complaints about some irregularities, the OMFM closed in 2004 and the Department for Labour Abroad, a part of the Ministry for Labour, took over its tasks (Sandu et al. 2004: 10–11). The County Office for Labour Force Employment (*Oficiul Județean pentru Ocuparea Forței de Muncă*, or OJOFM) and its regional offices have now taken over its duties (Baldwin-Edwards 2007: 12).

Romania has ratified several bilateral recruitment agreements with different countries, among them Germany (1990, 1993, 1999), Portugal (2001) and Spain (2002) (Baldwin-Edwards 2005: 5, 2007: 11). The bilateral agreement on temporary labour migration to Spain only covers the agricultural sector. Apart from these agreements, there are no other policies in Romania directed to emigration. [page 104]

### *Spanish (im)migration policies*

In the last 20 years Spain has shifted from being a major emigration country to an immigration one. After joining the European Community (EC) in 1986, a period of prolonged economic growth made the country increasingly attractive to labour migrants. In 1987, almost 300,000 migrants were registered, with the number rising to almost 500,000 in 1996. Thereafter, the number of registered migrants drastically increased to over 4.6 million in 2007 (Eurostat 2008).<sup>1</sup> As a country with very little experience of managing immigration, Spain adopted a rather reactive approach to the large-scale inflows that occurred after its accession to the EC in 1986. As few legal possibilities existed in the 1990s for migrants from outside the EC to immigrate to Spain, many sought opportunities to enter the country illegally (Arango 1999). The government was facing a typical migration policy dilemma (Cornelius 1994). Although the labour market was suffering from substantial gaps in the supply of low and unskilled workers, politicians were keen to demonstrate that they could limit the inflows.<sup>2</sup> They thus introduced five regularizations in 1986, 1991, 1996, 2000–1 and 2005 respectively, a new foreigner law in 2000, and a reform of that law in 2004 (Arango and Jachimowicz 2005; Kreienbrink 2005). The principle of regularizations, though varying in detail over the years, is that irregular migrants can obtain residence permits. This removes migrants' fear of expulsion and grants them basic social rights. The problem with regularizations was that each new one raised migrant expectations of being able to obtain long-term or permanent residence in Spain. The prospect of further regularizations substantially increased the inflow of undocumented migrants.<sup>3</sup> In 2005, the Spanish government introduced yet another regularization called *normalización*, which offered all undocumented migrants a last chance of amnesty before stricter regulations<sup>4</sup> were brought into force (Kreienbrink 2005).

Spain also introduced temporary labour migration programmes with some Latin American countries, as well as with Romania and Poland, so-called *contingentes*, to legalize migrants on condition that the readmission provisions for irregular migrants are accepted (Arango 1999: 259, 270; Arango and Martin 2005: 267). The *contingente* system allows migrants to enter

Spain for up to nine consecutive months for up to three years in a row to work in specified economic sectors, mainly agriculture. Local government organizations in the countries of origin arrange the contracts. The workers gain protection from Spanish laws on minimum wages, social security benefits and obligations imposed on the employers to provide safe transport and appropriate accommodation. Under the *contingente* system, the 'guest workers' are given the opportunity to become immigrants after three consecutive years of seasonal work (Arango and Martin 2005: 267).

### *Schengen convention*

In 1985, five EU countries agreed to the gradual abolition of passport checks at their common borders. This agreement evolved into the so-called Schengen convention signed in 1990. Since December 2007, all EU countries (apart from the Republic of Ireland, the United Kingdom, Bulgaria, Romania and Cyprus) and the non-EU [page 105] countries Norway and Iceland have eliminated passport checks at common borders. Countries participating in the Schengen convention have also established harmonized rules on the conditions of entry applied to third-country nationals and visas for short stays. Travellers from third countries, insofar as they are required to obtain a visa, only have to apply once for a so-called 'Schengen visa', which allows the holder to travel through all associated countries. In 2002, Romanian citizens were exempted from the requirement to obtain a Schengen visa. From that point on, Romanians were able to enter Schengen countries as long as they could prove they possessed either sufficient economic resources to finance their stay,<sup>5</sup> an invitation from a person or an institution willing to vouch for them, or a hotel reservation and return ticket. A visa was only required for stays longer than three months or for work purposes. In response to cases in which migrants were overstaying these three months, the Romanian government implemented a policy through which the passports of fraudulent returning Romanians were confiscated (Amariel 2005 in Baldwin-Edwards 2007: 10). Since Romania joined the EU in 2007, its citizens no longer require visas (even for stays longer than three months) to enter Schengen countries, nor do they require visas to enter EU and EEA states that are not signatories of the Schengen agreement (European Commission 2005; see also Doomernik et al. 2005).

### *The two migrant communities*

For our analysis, we undertook multi-sited fieldwork (Marcus 1998) in two Romanian villages<sup>6</sup> and followed the migrants to different localities in Spain. The fieldwork, during which we conducted narrative biographical interviews, expert interviews and focus groups, took place in 2006 and 2007. In total, 54 current and former migrants participated in our in-depth interviews, 24 from Feldru and 30 from Luncavița. The expert interviews were conducted with five key informants in each of the two Romanian villages and the same number in the Spanish destinations, among them mayors, schoolteachers, priests and local heads of the social services and trade unions. To be able to draw valid conclusions we only

interviewed villagers with migration experience (and not potential migrants). Although this restricted us to a nonrepresentative snowball sampling, we selected migrants according to 'high variance sampling' (Patton 1990). This meant that we tried to stretch the variance of migrants' attributes as widely as possible: out of the 54 respondents, there were 24 men and 30 women in an age range between 21 and 58 years migrating to different locations in Europe, with the majority going to Spain.

The villages we selected for our fieldwork are Luncavița in Dobrogea (with a population in 2002 of 3723)<sup>7</sup> located in the southeastern lowlands of Romania and Feldru in Transilvania (with a population of 5488) situated in the north-central highlands of the country.

To understand the differences between the migration networks in the two villages it is useful to take a brief look at the historical development of migration during communism and thereafter. In Luncavița, there were good opportunities for employment in industry, which was highly developed in neighbouring towns, and many people in [page 106] the surrounding rural areas worked in agriculture and fishery as well. This implied an absence of migratory pressure for people from Luncavița, who were generally able to find work close to home.<sup>8</sup> In the 1990s most of the factory workers in the neighbouring towns were laid off and international migration began to emerge as a strategy for coping with the difficulties of the transition period.<sup>9</sup> The other village, Feldru, is in the mountainous part of Romania and, in the absence of cultivatable land, the rural population depended on livestock to earn a living. In the communist period, this generated migration to other regions of migration, with people moving to work in agricultural jobs. These migration experiences developed over time into a network of contacts of Feldrihani (people from Feldru) and employers in those regions, which the churches also fostered. These migration experiences encouraged close social relations within the village as a whole, and thereby engendered a form of sociability that turned out to be crucial for subsequent migration patterns.

Shortly after the fall of communism, many Romanians started to migrate to various western European countries. Data from a 2001 survey conducted in all Romanian villages show that migration was more frequent in communities with a high proportion of ethnic or religious minorities (Sandu 2005). We also found evidence of active support for the migration of religious minorities in one of the villages. The majority (Orthodox Christian) confession dominates Luncavița, while Feldru has a variety of confessions, the Pentecostal Church being the most significant. In fact, most of the pioneer migrants from Feldru belonged to the Pentecostal Church; and the church played and still plays an important role in providing information and support for many migrants. By contrast, the members of the Orthodox Church in Luncavița are less united, and there is a striking absence of support for the migrations of the religious majority group.

The villages were also different in terms of their ethnic composition. Feldru had a large community of ethnic Germans until the 1960s and 1970s, while the population of Luncavița was exclusively Romanian. For a number of political and economic reasons, the ethnic

Germans left Feldru relatively early on, and many of them later facilitated the migration of friends and acquaintances from their former home communities.

Over time, migration in Feldru grew substantially and became available to almost the entire community, so that almost anyone from the village who aims to migrate can do so. This expansion of migration is largely due to the long history of migration and the subsequent development of a culture of migration (see Horváth 2008; Kandel and Massey 2002). In Luncavița, the type of ties available to most of the people who want to migrate tend to be family based, largely explicable by the much later emergence of emigration in this village. This means that only those villagers who are part of small and rather closed family networks are able to migrate for work abroad. Those without access to an extended family with members already living in Spain, find it difficult to migrate because of the lack of information and high costs associated with migration. Consequently, for many inhabitants of Luncavița, bilateral agreements provide the only opportunity to migrate. We can now observe the gradual expansion of networks, with two migrants from Luncavița recently founding construction companies in two [page 107] villages in Spain. The existence of these companies will present more and more people with the opportunity to migrate.

As one would expect, these divergent patterns in the development of the respective communities' migration networks, in terms of both timing and structure, produce different migration practices and reactions to policy changes.

### Analysis and Discussion

In this section, we consider more closely how the two different communities reacted to the same policy changes over the last two decades in regard to patterns of migration to Spain.

#### *Regularizations*

Regularizations were the most popular and keenly awaited policy in both communities under study. In the case of Spanish–Romanian migrations from the two villages, regularizations started to influence migration flows from 1996 onwards. After a period of confusion in the application and implementation of the Spanish regularization laws and their implementation rules in which there was only *de iure* an established procedure for obtaining a residence permit (Moya Malapeira 2006: 56), the new provisions on foreign immigrants provided a much clearer route. The 1996 regularizations offered, exceptionally,<sup>10</sup> the prospect of applying for an indefinite residence permit (Arango 1999: 271, Cabellos Espiérrez and Roig Molés 2006: 114– 15). To apply for documents, migrants needed to be in possession of a work contract or proof of residence. In addition, they had to show that they entered Spain before January 1996 and had to prove that they had the economic means to support their planned stay in Spain (Kostova Karaboytcheva 2006: 12).

As people from Feldru had started migrating to Spain in the early 1990s, by the time the policy came into effect they had built up a large migration network connecting their origin community with diverse locations in Spain. Therefore, many Feldrihani who were eager to



benefit from the regularizations put in their applications. Our data also revealed that community members, either living in Romania or residing in other West European countries, had to make haste in coming to Spain to benefit from the regularization (Ramirez 1998 in Arango 1999: 268). The villagers residing in Spain who were part of the migration network subsequently provided them with the documents they needed to prove their residence or employment.

Although the 1996 regularization was one of the smaller ones in Spain – only 21,000 migrants obtained documents – it had a huge impact on the migratory situation in Feldru. The community substantially expanded its legal migration flow to Spain.

The 2000 and 2001 regularization stipulated that applicants had to register at the *Padrón Municipal* of the Spanish community in which they were living (a process called *empadronamiento*). Once registered, they and their family gained access to the health and education system (Kreienbrink 2005: 43–4). As the state guaranteed it would not distribute the registration details to other authorities (such as the police), many irregular migrants registered. This time, the regularization facilitated family [page 108] reunion, and it was even possible to apply for a residence permit (*tarjeta o autorización de residencia*) if a migrant had signed a work contract just for the period after they were accepted as regular migrants (Kostova Karaboytcheva 2006: 12). Many Feldrihani had come to Spain beforehand, to await the next regularization (while working illegally), which was predictable, for it took about two years to implement the regularization. By the time the regularization came into force, the migration network had widened its scope to the whole village, and many community members made use of the possibility to obtain legal documents for staying in Spain.

The *Partido Popular* (conservative party), which came into power in 2000 while the regularization was taking place, severely curtailed the law accompanying the regularization. Nonetheless, more and more migrants (including those from Feldru) entered the country to make use of, or at least try to make use of, family reunification regulations, or they just waited for the introduction of the next regularization.

This next regularization, which the newly elected social democratic government introduced, came into force in 2005. This time the measure was termed *normalización*<sup>11</sup> and again it offered irregular migrants an opportunity to acquire residence permits. It also facilitated family reunion.<sup>12</sup> To be eligible for this process, however, high prerequisites were demanded. Migrants needed to provide proof of a clean criminal record from their country of origin, had to be registered at the *Padrón Municipal* for at least six months and had to produce a work contract of a minimum of six months with a company that paid social security contributions for the work<sup>13</sup> (*El Mundo* 2005a). The most problematic requirement for migrants from Feldru and Luncavița was the *empadronamiento*, the inscription in the municipal register, six months before regularization. Few irregular Feldrihani had registered at that time for two reasons. First, as many migrants were on their first trip to Spain and stayed with friends or family, they could not produce a tenant's agreement for

being *empadronado* at the municipality. Second, some migrants feared possible apprehension and expulsion, for the former Spanish government under the Partido Popular had lifted the bar on distributing data to other authorities. Since the former in particular turned out to be a problem for many migrants, for humanitarian reasons the Spanish government decided to waive the requirement of registration (called *empadronamiento por omission*, see *El Mundo* 2005b). While the regularization was taking place, they accepted more types of proof of residence than just the *empadronamiento*, such as a migrant child's registration at school or kindergarten or even a stamp in a passport that proved an early enough entry into Spain. Once again, several migrants in Feldru (who were staying in Romania at that time, but had been *empadronado* before they went back to Romania) rushed back to Spain to get themselves regularized as soon as their relatives informed them of that possibility. This time, migrants from both Feldru and Luncavița benefited; the latter were able to take advantage of this opportunity because migration to Spain had slowly begun to emerge after 2001.

We conclude that the regularizations had a significant impact on the rise of migration to Spain from our two communities. As expected, the history of migration and development of the migration network correlated positively with knowledge about migration and legalization strategies. In Feldru, people had detailed information [page 109] about how to migrate and become legal at the destination, and their migration network had extensive resources for facilitating this process. By contrast, in Luncavița, the much smaller and less development migration network meant that information and support on migration opportunities were less easy to obtain.

### *Bilateral agreements*

Temporary migration to Spain under bilateral agreements is mainly available in agriculture, and in the case of the two villages under study, migrants found work picking strawberries and working in vineyards. Until 2004 the Romanian Labour Migration Office (OMFM), which liaises with Spanish employer associations, organized the recruitment.<sup>14</sup> To apply for a contract, the applicant needs to provide several documents, with authenticated translated copies of each. Since translation and authentication facilities tend only to exist in large towns, rural inhabitants often have to go to some considerable expense to meet these requirements. The preparation of the application is therefore a deterrent to potential migrants with access to alternative ways of migrating through a migration network. However, for those who do not have the support of migration networks, the advantage of prearranged work contracts is that migration takes place in a legal and (more or less) secure environment.

Work contracts in agriculture can be for three, six or nine months. The nine-month contracts face the biggest problem in attracting workers, since they usually mean staying in Spain over the Christmas holidays. Contracts in the south of Spain are also less attractive because they involve higher travel costs from and to Romania.

Having outlined the advantages and disadvantages of taking up work under the bilateral agreements we now turn to the question of how people in the two villages have made use of this opportunity. As most agricultural jobs are only available in the south of Spain, and spending the Christmas holidays in Spain away from family and friends can be unpleasant, our interviews revealed that migrants who accept longer-term contracts are mostly singles or couples without children. Young women with families generally choose short-term contracts in agriculture, preferring not to have prolonged periods of separation from their home communities and their children. Women from both Luncavița and Feldru who failed to get residence permits through the regularizations in Spain use these contracts to combine regular contract work with irregular work mediated by their migrant networks.

When a contract under a bilateral agreement ends, the employee is obliged to return to Romania and sign a document at the respective authority to state that she or he has returned. Only then is the person's name entered into a database entitling her or him to register again for the same type of work the following year. The strategy many migrants employed was to work out a three- or six-month contract in agriculture, return to Romania to sign the agreement, and then, shortly after, return to Spain to work undocumented in different sectors for another three months by using their migrant networks. They make use of the few months of regular contract work to explore the labour market and establish contacts with future employers or intermediaries. When they return to work undocumented, mediated by their migrant [page 110] network, they engage in various activities such as working in agriculture, catering in restaurants and bars in tourist locations in southern Spain or cleaning houses and taking care of elderly people.

Many migrants, especially those who belonged to well-established networks, informed us that they did not know about the bilateral agreements. Some migrants even spoke about rumours in the village of the malfunctioning of bilateral agreements and problems related to the payments of salaries – an expression of doubt about the functioning of Romanian state institutions. In the region of Huelva, we also observed teams of irregular migrants working in agriculture. One person, who had been in Spain for a long time and had established contacts with local landowners, was able to enter an agreement with them about hiring Romanians on the spot to work in agriculture. A Romanian intermediary pays these undocumented workers, who never speak directly with the Spanish landowners.

As mentioned earlier, the focus of our interest lies in the divergent impact of different types of networks and histories of migration on compliance with migration policies. What we observed in relation to bilateral agreements is that the level of development of a network has an important impact on the take-up of these opportunities. In the case of Feldru, migration networks between the village and destination communities in Spain are well established. Migrants from this community show little interest in bilateral agreements: they are able to migrate and find work through their migrant networks, and consider the associated costs and risks of falling back on these tried and tested routes much lower. Migrants from Luncavița, who have less established migrant networks, are more eager to

take up the opportunities that policy changes offer. Consequently, many more people from Luncavița have taken up work in Spain under bilateral agreements than from Feldru.

To conclude, we observe that where migration networks are widespread in the community, people choose not to migrate through bilateral agreements. Due to the strong network effects, in the form of easy access to resources and contacts, they prefer to take advantage of the regularization programmes. In the absence of migration networks, or where such networks are limited, as in the case of Luncavița, people are more prone to use the legal channels of migration.

### *Visa-free entry into Schengen countries*

Before 2002, Romanians generally needed a visa to enter Schengen countries. In 2002 the Schengen states agreed to abolish the visa requirement for Romanian citizens. Thereafter, only people who wanted to stay longer than three months still needed a visa. To gauge the impact of this change for Romanian migrants, it is useful to compare it with the rules that were in place prior to 2002. Before then, migration tended to be highly selective, and only those of a fairly high economic status could afford to buy a visa. Moreover, it was not sufficient to have the economic resources; you also needed to have the social relations to obtain a visa – by receiving an invitation from abroad and subsequently applying for a visa, by applying for a tourist trip or by buying a visa on the black market. These two factors, economic and social [page 111] capital, mainly determined the different development of the migration process before the year 2002 in the two villages under study. In Feldru the ethnic German minority who ‘returned’ to Germany subsequently provided invitations for other Feldrihani. Moreover, since the village was relatively wealthy because of early migrations, many people had the economic resources required to pay for a visa on the black market (at that time a visa there reportedly cost up to 30,000,000 Lei, about €1000). With the introduction of the new regulations, after 2002 the costs of migration dropped drastically, making migration more widely available. Migrants now only needed to fulfil the border-crossing requirements outlined above. Many migrants chose to present money as the easiest option. Sometimes the €500 they presented did not even belong to the migrant, but to the bus driver who offered to lend them the money, supposedly to cover some extra costs.

Both prior to and after the new visa policy, overstaying, namely staying longer than the visa allowed (mostly three months), was (and still is) one of the strategies for migration. Overstaying, however, incurred considerable costs when returning to Romania. If caught at the border with an invalid visa, migrants could find themselves barred from entering Schengen countries for up to five years and they developed several strategies to try to avoid this eventuality. They could ask the bus driver to help out, for they knew whom to bribe at the border control; or they would ask the bus driver to use a different route – usually avoiding Austria, where border controls were harsher and the officials less easy to bribe, travelling through Slovenia (which took longer). Nonetheless, the migrants had to pay large

amounts of money to avoid a banning order. As one woman told us, one month's salary had to be included in the money put aside to cover the trip back home.

In addition to these financial implications, getting rid of the visa requirement has also had an impact on migration practices. Prior to 2002, given that Romanians were only allowed to stay for three months as tourists, people adapted their practices to this policy, resulting in the emergence of circular migration patterns (see also Baldwin- Edwards 2007: 8–12). For women outside the agricultural sector it was particularly easy to circulate in this way, for they worked for the most part as domestic labour or took care of children or elderly and ill people. They could form 'rotating couples', with two women who were kin or friends alternating every one to three months. In this manner, they did not risk losing their job and at the same time could be with their family in Romania while earning a reasonable amount of money in Spain.

The impact on Luncavița of visa-free entry to Schengen countries was significant. Migration from the village grew substantially after the implementation of this policy change. However, there appeared to be a divide within the community between an extended family that helped one another to migrate to Spain, and the rest of the inhabitants from Luncavița who lacked migrant networks. The impact on Feldru was more subtle: of course, the abolition of the visa requirement allowed even more migrants to leave Feldru and decreased the costs of migration for all. Nonetheless, the migration network at that time was already well established and allowed almost anyone to leave and work abroad. [page 112]

### *EU enlargements*

Aside from the Schengen convention, EU enlargement has affected migration flows from Romania. This applies both to the accession in 2007, when Romania and Bulgaria joined the EU, and to the accession in 2004 when Estonia, Latvia, Lithuania, Poland, Hungary, Slovakia, Slovenia, the Czech Republic, Cyprus and Malta joined.

Although the 2004 enlargement excluded Romania, the presence of new accession state citizens in Romanian migrant networks gave Romanians illegal access to documents that allowed them to enter EU countries outside the Schengen agreement (notably the United Kingdom and Ireland) legally, to work there irregularly. Because they were part of the European Union, citizens of the new accession states were not required to obtain a visa when entering the United Kingdom or Ireland. Our fieldwork data suggested that some migrants from Feldru would obtain passports from citizens they knew from the Baltic countries and then forge them by inserting their pictures. Despite most Feldrihani continuing to use the established migration network and following the old migration patterns to Spain, the 2004 accession opened up a new migration route for Romanians, particularly to Ireland.

Because our fieldwork took place in early 2007, it was possible only to gain limited insights into the effects of the 2007 EU enlargement; nevertheless, we would like to consider the effect of accession on Romanian–Spanish migration. Romanian migrants have been highly flexible in adapting their migration strategies to this new situation. Romanian nationals can only stay in other EU countries for a maximum of three months unless they take up a job. However, they know that they now only require identification (ID) cards to enter Spain and, because customs officials cannot stamp ID cards, it is difficult to determine the date of initial entry. Romanians can thus move more easily between Romania and Spain, for they no longer risk being denied re-entry to Spain because they have overstayed on a previous visit. Despite the new ease with which they can enter Spain, people know that it has become more difficult to obtain a work permit, and those who have not yet managed to do so have difficulty finding a job. This is especially true since the economic downturn at the end of 2007 and the associated crisis on the property market.<sup>15</sup> As Romania is now part of the EU, Romanian migrants most probably will be unable to make use of future regularizations. The only option still open to them is to obtain a contract at their destination and then apply directly either for a work and residence permit or for family reunification. The latest figures from Spain's national statistical office indicate the presence of about 729,000 Romanians in Spain (INE 2008), which shows that they have found ways to secure a legal residence status.

### Conclusions

The analysis of the fieldwork data and interviews revealed different reactions to policy changes depending on how developed migration networks were in the origin community. First, in Feldru, which has experienced more extensive migration over a longer period and where almost all community members regardless of their social position have access to the migration network, (potential) migrants showed [page 113] coordinated reactions to policy changes. Through the concerted dissemination of information about the upcoming regularizations in 1996 and 2000/1 in Spain, many migrants from this community were able to stabilize their residence status in the destination country. The other community, Luncavița, did not benefit to the same extent from the regularizations, for the migration network there still tended to be confined to family ties. Second, migrants from Feldru were able to establish transnational migration links characterized by high mobility and increasing settlement in the destination country. In the case of regular labour migrants, we can attribute the greater mobility to the increase in the number of migrants with stable residence status following regularization. In the case of irregular labour migrants, however, we can attribute it to the growth of the migration network following the Schengen agreement, which allowed for the visa-free entry of Romanian citizens into the Schengen states. Third, due to the established migration networks between Feldru and destination communities in Spain, migrants from this community showed little interest in policy changes, such as the introduction of bilateral agreements and the 2004 EU enlargement,

which presented them with new (regular and irregular) migration options. By contrast, migrants from Luncavița, who have less established migrant networks, were more eager to take up the opportunities those policy changes offered, especially the ones presented by the bilateral agreements.

Summarizing our insights from the two case studies, we found evidence for all three hypotheses outlined above. First, migration networks are powerful mechanisms that can countervail national and supranational laws and regulations (see Castles and Miller 2003). Second, these networks can be also very effective in nurturing migrants' adoption of permissive migration policies. Third, migration networks also seem to lead to a form of stickiness to certain migration strategies in which the network impedes the ability of migrants to take up new migration opportunities arising from policy changes. Whether these 'missed opportunities' are better or worse for a migrant is dependent on the situation and, of course, the perception of this migrant. Further research is needed to determine which of these three hypotheses prevails under what conditions.

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### Notes

1. Provisional numbers as of 1 January 2008 suggest even an increase to more than 5.2 million registered migrants (INE 2008). [page 114]
2. Those in charge of Spanish immigration policy and laws governing foreigners were caught between two different impulses. On the one hand, they needed to control migration flows and accommodate the requirements of the EC. On the other hand, they were motivated to help immigrants to be able to stay in Spain by lessons learnt from their country's long history of emigration and the new values attached to the transition to democracy in the post- Franco era (Arango 1999: 267).
3. This was certainly the case after the second regularization in 1991 as our fieldwork data showed; other scholars (for example Finotelli 2007) consider regularizations to be more complex and argue that such a causal relationship depends on specific conditions and the nationalities involved in the process.
4. The Real Decreto 2393/2004 marks a significant change to stricter regulations in Spanish immigration law.
5. As our interview data reveal, sufficient economic resources were defined as having €500 with you while crossing the border.

6. This article is part of a bigger research project, with case studies not only in Romania but also in Poland (for details on the project and other dissemination products see [www.migration-networks.org](http://www.migration-networks.org)).
7. Data according to an IOM study conducted by Dumitru Sandu, University of Bucharest, 2002, personal information; data available at <http://dumitru.sandu.googlepages.com/bazededate>.
8. As the borders were closed for the vast majority of its citizens during communism, migrating abroad was virtually impossible.
9. First migration experiences were collected by isolated irregular migrants to Greece.
10. Usually, regularizations only granted residence and work permits for one year.
11. It was called *normalización* to signal that the regularization this time rectified not only the migrants' irregular residence status, but also their irregular employment status.
12. Family reunions were severely restricted under the former government.
13. Exceptions existed for workers in the agricultural and catering sectors who had to produce a work contract of three months or six months distributed over one year respectively.
14. One of these unions is *Coordinadora de Organizaciones de Agricultores y Granaderos* (COAG, Coordination of Organizations of Agriculturists and Gardeners). We conducted interviews with the head of the branch of COAG in Huelva and with a Romanian mediator, who migrated initially using these agreements.
15. As many male Romanian labour migrants are employed in the construction sector, the crisis in the Spanish property market is hitting them severely.

## References

- Arango, J. (1999) 'Becoming a country of immigration at the end of the twentieth century: the case of Spain', in R. King, G. Lazaridis and C. Tsardanidis (eds) *Eldorado or fortress? Migration in southern Europe*, Basingstoke: Macmillan, 253–76.
- Arango, J. and M. Jachimowicz (2005) 'Regularizing immigrants in Spain: a new approach', <http://www.migrationinformation.org/Feature/print.cfm?ID=331>.
- Arango, J. and P. Martin (2005) 'Best practices to manage migration: Morocco–Spain', *International Migration Review*, 39, 258–69.
- Baldwin-Edwards, M. (2005) *Migration policies for a Romania within the European Union: navigating between Scylla and Charybdis*, Panteion University (ed.), Athens: University Research Institute of Urban Environment and Human Resources (Mediterranean Migration Observatory Working Paper 7), [http://mmo.gr/pdf/publications/mmo\\_working\\_papers/MMO\\_WP7.pdf](http://mmo.gr/pdf/publications/mmo_working_papers/MMO_WP7.pdf).
- Baldwin-Edwards, M. (2007) 'Navigating between Scylla and Charybdis: migration policies for a Romania within the European Union', *Southeast European and Black Sea Studies*, 7, 5–35. [page 115]
- Boyd, M. (1989) 'Family and personal networks in international migration: recent developments and new agendas', *International Migration Review*, 23, 638–70.



Cabellos Espiérrez, Á. and E. Roig Molés (2006) 'El tratamiento jurídico del extranjero en situación regular', in E. Aja and J. Arango (eds) *Veinte años de inmigración en España: perspectivas jurídica y sociológica (1985-2004)*, Barcelona: Bellaterra, 113–28.

Carvajal Gómez, I. (2006) 'Evolución de las cifras de extranjeros con tarjeta o autorización de residencia en vigor', in E. Aja and J. Arango (eds) *Veinte años de inmigración en España: perspectivas jurídica y sociológica (1985-2004)*, Barcelona: Bellaterra, 85–112.

Castles, S. (2004a) 'The factors that make and unmake migration policies', *International Migration Review*, 38, 852–84.

Castles, S. (2004b) 'Why migration policies fail', *Ethnic and Racial Studies*, 27, 205–27.

Castles, S. and M. J. Miller (2003) *The age of migration*, 3rd edn, Basingstoke: Palgrave Macmillan.

Cornelius, W. A. (1994) 'Spain: the uneasy transition from labor exporter to labor importer', in W. A. Cornelius, P. L. Martin and J. F. Hollifield (eds) *Controlling immigration: a global perspective*, Stanford, CA: Stanford University Press, 331–70.

Cornelius, W. A., P. L. Martin and J. F. Hollifield (1994) 'Introduction: the ambivalent quest for immigration control', in W. A. Cornelius, P. L. Martin and J. F. Hollifield (eds) *Controlling immigration: a global perspective*, Stanford, CA: Stanford University Press, 3–42.

Doomernik, J., S. Gsir and A. Kraler (2005) 'Prospects on migration management – opportunities and pitfalls', in IMISCOE, HRSG, *International migration and its regulation: state of the art report Cluster A1*, IMISCOE Working Paper, Amsterdam, S. 35–46.

*El Mundo* (2005a) 'Guía práctica para la regularización de inmigrantes sin papeles', 7 February, <http://www.elmundo.es/elmundo/2005/01/27/sociedad/1106833274.html>.

*El Mundo* (2005b) 'La población extranjera en España supera ya los cuatro millones', 8 September, <http://www.elmundo.es/papel/2005/09/08/espana/1857427.html>.

Elrick, T. and E. Lewandowska (2008) 'Matching and making labour demand and supply: agents in Polish migrant networks of domestic elderly care in Germany and Italy', *Journal of Ethnic and Migration Studies*, 34, 717–34.

European Commission (2005) 'Abolition of internal borders and creation of a single EU external frontier', [http://ec.europa.eu/justice\\_home/fsj/freetravel/frontiers/fsj\\_freetravel\\_schengen\\_en.htm](http://ec.europa.eu/justice_home/fsj/freetravel/frontiers/fsj_freetravel_schengen_en.htm).

Eurostat (2008) 'Population by citizenship', [http://epp.eurostat.ec.europa.eu/extraction/evalight/EVALight.jsp?A=1&language=de&root=/theme3/migr/migr\\_st\\_popctz](http://epp.eurostat.ec.europa.eu/extraction/evalight/EVALight.jsp?A=1&language=de&root=/theme3/migr/migr_st_popctz).

Faist, T. (2000) *The volume and dynamics of international migration and transnational social spaces*, Oxford: Oxford University Press.

Finotelli, C. (2007) 'The economic integration of immigrants in southern Europe: the results of the Spanish amnesty of 2005', presentation at the IMISCOE Annual Conference: Cluster B4 Workshop, University of Sussex, Brighton, 8 September.

Garapich, M. (2008) 'Migration industry and civil society: Polish immigrants in the United Kingdom and the impact of EU enlargement on integration', *Journal of Ethnic and Migration Studies*, 34, 735–52.

Hernández-León, R. (2005) *The migration industry in the Mexico-US migratory system*, California Center of Population Research Online Working Paper Series 049–05, University of California Los Angeles.

Hollifield, J. F. (1992) 'Migration and international relations: cooperation and control in the European Community', *International Migration Review*, 26, 568–95.

Hollifield, J. F. (2004) 'The emerging migration state', *International Migration Review*, 38, 885–912.

Horváth, I. (2007) *Romania*, focusMigration (ed.) Hamburg: Hamburgisches WeltWirtschafts-Institut, (Country Profile 9), <http://www.focus-migration.de/Rumaenien.2515.0.html?&L=1>.

Horváth, I. (2008) 'The culture of migration of the rural Romanian young people', *Journal of Ethnic and Migration Studies*, 38, 771–86. [page 116]

Instituto Nacional de Estadística (INE) (2008) *Avance del padrón municipal a 1 de enero de 2008, datos provisionales*, Madrid (Notas de Prensa 20 June 2008), <http://www.ine.es/prensa/np503.pdf>.

Joppke, C. (1998) 'Why Liberal states accept unwanted immigration', *World Politics*, 50, 266–93.

Kandel, W. and D. S. Massey (2002) 'The culture of Mexican migration: a theoretical and empirical analysis', *Social Forces*, 80, 981–1004.

Kostakopoulou, D. (2003) 'Why naturalisation?', *Perspectives on Politics and Society*, 4, 86–115.

Kostova Karaboytcheva, M. (2006) *Una evaluación del último proceso de regularización de trabajadores extranjeros en España (febrero-mayo de 2005): un año después*, Real Instituto Elcano (ed.) Madrid, (Documentos de Trabajo 15), [http://www.realinstitutoelcano.org/documentos/252/252\\_Kostova\\_Regularizacion\\_Extranjeros\\_Espana.pdf](http://www.realinstitutoelcano.org/documentos/252/252_Kostova_Regularizacion_Extranjeros_Espana.pdf).

Kreienbrink, A. (2005) 'Migration in Spanien – ein Sonderfall unter den südeuropäischen Staaten?' in S. Haug and F. Swiaczny (eds) *Migration in Europa. Vorträge der 6. Tagung des Arbeitskreises Migration – Integration – Minderheiten der Deutschen Gesellschaft für Demographie (DGD) in Zusammenarbeit mit dem europäischen forum für migrationsstudien (efms) in Wiesbaden am 5. November 2004*, Wiesbaden: Statistisches Bundesamt. (Materialien zur Bevölkerungswissenschaft; 115), 29–52.

Elrick, Ciobanu 2009: Migration networks and policy impacts [originally published in *Global Networks* 9(1)]

Marcus, G. E. (1998) *Ethnography through thick and thin*, Princeton, NJ: Princeton University Press.

Massey, D. S., R. Alarcón, J. Durand and H. González (1987) *Return to Aztlán: the social process of international migration from western Mexico*, Berkeley: University of California Press.

Massey, D. S., J. Arango, G. Hugo, A. Kouaouci, A. Pellegrino and J. E. Taylor (1998) *Worlds in motion: understanding international migration at the end of the millennium*, Oxford: Clarendon Press.

Ministerio de Trabajo y Asuntos Sociales (MTAS) (2008) *Extranjeros con certificado de registro o tarjeta de residencia en vigor y extranjeros con autorización de estancia por estudios en vigor a 31 de marzo de 2008*, Madrid, [http://extranjeros.mtas.es/es/general/Informe\\_Marzo\\_2008.pdf](http://extranjeros.mtas.es/es/general/Informe_Marzo_2008.pdf).

Moya Malapeira, D. (2006) 'La evolución del sistema de control migratorio de entrada en España', in E. Aja and J. Arango (eds) *Veinte años de inmigración en España: perspectivas jurídica y sociológica (1985-2004)*, Barcelona: Bellaterra, 47-84.

Patton, M. Q. (1990) *Qualitative evaluation and research methods*, 2nd edn, Newbury Park, CA, London: Sage.

Portes, A. and J. Sensenbrenner (1998) 'Embeddedness and immigration: notes on the social determinants of economic action', in M. Brinton and V. Nee (eds) *The new institutionalism in sociology*, New York: Russell Sage Foundation, 127-50.

Reyneri, E. (2001) *Migrants' involvement in irregular employment in the Mediterranean countries of the European Union*, International Labour Office (ed.) Geneva (International Migration Paper 41), <http://www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf>.

Ritchey, P. N. (1976) 'Explanation of migration', *Annual Review of Sociology*, 2, 363-404.

Salt, J. (2001) 'The business of international migration', in M. A. B. Siddique (ed.) *International migration into the 21st century: essays in honour of Reginald Appleyard*, Cheltenham: Edward Elgar, 86-108.

Sandu, D. (2005) 'Emerging transnational migration from Romanian villages', *Current Sociology*, 53, 555-82.

Sandu, D., C. Radu, M. Constantinescu and O. Ciobanu (2004) 'A country report on Romanian migration abroad: stocks and flows after 1989', Multicultural Centre Prague, [http://aa.ecn.cz/img\\_upload/f76c21488a048c95bc0a5f12dece153/RomanianMigrationAbroad.pdf](http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12dece153/RomanianMigrationAbroad.pdf).