

Migration and Asylum Policy Within EU. Causes, Needs, Strategic Policy and Evolutions

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Abstract

A number of European structures have been and are concerned about the phenomenon of migration that has involved Europe so dynamically in recent years, being the biggest challenge in the field, after World War II. The structures we refer to have participated in managing this phenomenon of migration by: reforming EU asylum rules, discouraging irregular migration, saving lives and securing external borders, implementing a strong common asylum policy, developing the new policy on legal migration and like. Thus, we aim to investigate the most important aspects of migration and asylum, including: the specific causes and needs related to Maslow's pyramid, legal and illegal migration, the way that some of the EU institutions have contributed to the migration and asylum reform and so on.

Key words: causes, needs, legal and illegal migration, borders, socio-economic and political instability, strategies, policies, EU institutions

J.E.L. classification: R23, N34, N40

1. Introduction

Migration can be viewed as a natural or strategic phenomenon through which any person seeks to satisfy needs or carry out strategic objectives that he / she cannot achieve in the place/state of origin through the disposable resources and in the context of the existing socio-economic and political factors . Depending on the priority of the problems to be solved, as well as the effects that they would produce with their failure to resolve, some citizens decide to go beyond the borders of their state, following the path of migration.

The European Parliament, the European Commission, the International Organization for Migration are just a few European structures concerned with the phenomenon of migration that has involved Europe so dynamically in recent years, being the biggest challenge in the field, after World War II. On this occasion, vulnerabilities of the asylum system at European level were identified, context in which the European Union was forced to intensify its involvement on this issue. Each of the aforementioned structures participated in the management of this migration phenomenon aimed at: *reforming EU asylum rules, discouraging irregular migration, saving lives and securing external borders, strengthening controls at EU borders, promoting the integration of refugees, a strong common policy in the matter of asylum and the new policy on legal migration.* With this approach we intend to further investigate the causes and needs that determine a person to take the pro-migration decision, how some of the EU institutions have contributed to the development and implementation of policies on migration and asylum, as well as how they are reflected in specific indicators.

2. Theoretical background - Causes of the migration and asylum process

Migration is a worldwide common action and the causes that give rise to it or asylum are, in most cases, related to the need to meet economic, social or conjunctural needs that could not be met in the place of origin or are still related to the answer offered at an opportunity that could not be

denied. From here comes the hope / desire to be able to achieve that change and to achieve the desired objectives in relation to the needs, by developing a strategy that contributes to the fulfillment of needs or expectations. Thus, we appreciate that the needs we refer to lead to legal (LM) or illegal (ILM) migration of people, but at the same time, they can be correlated with or can be found in all of Maslow's theory needs in the following [Armstrong, 2003, p. 143; Pânișoară *et. al.* 2005, p. 172]:

- physiological/basic needs (needs to be met in order to survive): oxygen, food, water and like;
- safety/security needs(ensuring some protection,predictibility/organization requirements of the environment in which the human being lives precisely to be able to meet his other needs and first of all the basic ones);
- sociale/belonging needs: affection, love, friendship, belonging to a group, social interaction;
- esteem needs: we identify the need of a person to have a good opinion about himself, his expectations that the people from the internal or external environment offer him respect, confidence, power, independence and his own freedom, in the context of the desire for reputation and social status;
- self-fulfillment needs (selfrealisation in life): man's need to develop his potential and skills, to become what he is capable of becoming according to Maslow's appreciations: "what man can be, must be".

In this context, we will present in Table no. 1 some causes that can lead the human being to specific actions of legal or illegal migration and which are aimed at satisfying a single need or interconnected needs identified and according to Maslow's hierarchy of needs.

Table no. 1. Causes of legal or illegal migration process

<i>No.</i>	<i>Causes</i>	<i>Minimum category of necessities correlated with Maslow's hierarchy of needs which determines the individual to migrate</i>	<i>In order to fulfill his needs the individual will prefer legal migration(LM) or he will be ready to assume the risks of the illegal migration (ILM)</i>
<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>
1.	>poverty;	▪ meeting physiological/basic needs;	→ (LM) or (ILM)
2.	> insufficiency/deficiency of medical provisions;	▪ ensuring safety/security needs;	→ (LM) or (ILM)
3.	> wars or other categories of conflicts;	▪ meeting physiological/basic needs;	→ (LM) or (ILM)
4.	> serious and very serious injuries;	▪ ensuring safety/security needs;	
5.	> persecution;	▪ meeting physiological/basic needs; ▪ ensuring safety/security needs; ▪ social/belonging needs;	→ (LM) or (ILM)
6.	> force majeure situations caused by various weather events or arson;		
7.	> the needs for humanitarian assistance;		
8.	> low level of economic development;		
9.	> social and political instability (including political oppression);		
10.	> family reunion;		
11.	> job opportunities offered by more developed states with a stronger economy and increased social conditions;	▪ meeting physiological/basic needs; ▪ ensuring safety/security needs; ▪ social/belonging needs; ▪ esteem needs;	→ (LM) or (ILM)
12.	> the need to ensure the necessary and skilled labor force at optimum costs in a certain organization, locality or	▪ meeting physiological/basic needs; ▪ ensuring safety/security needs;	→ (LM) or (ILM)

	region of a state that is facing the crisis of qualified personnel and that undertakes to attract the necessary labor force;	<ul style="list-style-type: none"> ▪ social /belonging needs; ▪ esteem needs; ▪ self-fulfillment needs (selfrealisation in life); 	
13.	> the need for the individual to satisfy his thirst for knowledge and to complete / diversify his education, to develop the professional and transversal skills needed in a certain field of activity or in a certain region / society or in a certain labor market;	<ul style="list-style-type: none"> ▪ esteem needs; ▪ self-fulfillment needs (selfrealisation in live); 	→ (LM)
14.	> attractive educational offers proposed by third countries;		
15.	> the need to satisfy the feeling of social and professional self-fulfillment for which the migrant considers that he / she has not identified access routes to the place / country of origin;		

Source: Own processing

The main needs, summarized in Table no. 1, are limited to a decent life, peace, tranquility, the balance of the living environment, health, personal fulfillment implicitly through personal incomes [this especially since the low wages in some regions determine the migration to other regions that offer significantly higher wage income opportunities [Méjean *et. al.* 2010; Wang, 2012; Flaschel, 2009; Addison *et. al.* 2013; Eurostat, 2013 (a), Morariu, 2015].

Also, we can easily observe that the more acute a cause is, the more it responds to the needs of the first layers at the base of Maslow's pyramid [Bostan *et. al.*, 2009] and in the same context, these causes determine individuals to migrate even in unlawful conditions, a phenomenon we witnessed in 2015 and 2016, when the EU space was assaulted by an unprecedented influx of refugees and migrants.

3. Contextual cues at the level of european institutions with responsibility for migration and asylum

The European Parliament has contributed to the EU space migration management project by reforming EU asylum rules, strengthening controls at EU borders and promoting refugee integration. Thus, the Dublin Regulation (which is expected to undergo changes once a consensus has been reached at the level of governments on proposals and after discussions between Parliament and Council) has been established that mainly the state that has the responsibility for processing each request for asylum is the first state whose territory was accessed by the applicant. The contribution of the European Parliament is not limited to the Reform of the Dublin system. This is accompanied by the intensification of border controls and the improvement of the ability of Member States to track people entering Europe. The implementation of normative provisions that distinguish ordinary immigrants from refugees and provide fair treatment for asylum seekers at the level of each EU Member State, including as regards the relocation of refugees, was found on Parliament's agenda in the previous mandate. [Parlamentul European (a), (b), 2017-2019]

Directorates-General for Migration and Home Affairs within the structure of the European Commission has, as we can deduce from its title, responsibilities for migration and home affairs, participating in the development and implementation of the Commission's policies on migration and asylum. Among the Commission's directions of action on the issues analyzed we identify: *detering irregular migration, saving lives and securing external borders, a common asylum policy and the new policy on legal migration* [Comisia Europeană, (a)].

The policy on migration and legal integration aims to establish a framework of measures correlated with the legality for migration, ensuring conditions of integration in the host society. The measures for legal immigration concern the entry and residence for certain categories of immigrants, such as highly qualified human resources that are subject to the "EU Blue Card Directive", students and researchers. Family reunification and long-term residents are also issues to consider. Adoption of rules and procedures that have in the center of attention the unique permits (for non-EU workers with legal residence in an EU state), the conditions of entry and residence for seasonal workers and intra-cooperative transfers (in order to provide to migrants employment rights in a transparent way), the EU immigration portal (through which interested persons are provided with specific information on procedures in all 28 EU states for each category of migrants), improving the integration of non-EU nationals into EU companies, limiting migration illegal, managing migration through partnerships with non-EU countries constitute EU measures for a better organization of legal immigration. [European Commission (a)]

Combating illegal migration has been on the EU's policy agenda for over a decade. In 2002, the EU adopted a directive that focused on the issue of unauthorized facilitation of entry, transit and residence and a framework decision to support criminal architecture for such offenses. The policy of combating migrant smuggling as a priority, both on the European Migration Agenda and on the European Security Agenda, was supported in 2015, by adopting a Commission action plan aimed at transforming smuggling from a "profitable activity with high profit and low risk "in one with" high risk and low profit ". The Commission has also contributed to ensuring the protection of human rights for migrants, but the EU has also taken care to monitor the compliance with the provisions of the 2009 Directive on sanctions of employers, thus ensuring that those who employ irregular immigrants are sanctioned. With the support of the European Border and Coast Guard Agency (FRONTEX) the EU has made sustained efforts to save the lives of individuals in distress at sea, with the coastguards and naval services of the EU states playing a major role in this context. The EU is trying to support EU Member States in the process of returning illegally staying non-EU nationals, as well as asylum, migration and integration procedures. Effective cooperation with non-EU countries for the correct application of the Schengen return legislation is of major interest to the Commission. In this regard, EU agreements were negotiated with other non-EU states. [European Commission (b)]

At the end of 2015, the European Commission adopted a package of procedures to improve *the security of the EU borders* with implications and for the Schengen area without internal borders, to protect the free movement of people. Thus, ensuring a European border and coast guard, with a role in the optimal management of the external borders, is the Commission's proposal, but also the adoption of a practical manual for managing the European border surveillance system.(EUROSUR). Of major importance is another Commission proposal, namely to amend the Schengen Border Code to "introduce, at the EU's external borders, systematic checks of databases relevant to all parties entering or leaving the Schengen area" . The Commission also presented a formula for managing the flows of irregular migrants from Syria, with the implications of Turkey and the admission of people in need of international protection by EU member states. All this, but also the reports prepared by the Commission on monitoring the pulse of the refugee crisis, show not only the Commission's concerns about this crisis, but also its involvement in defending human rights in an international context. [European Commission (c)]

Granting asylum, as a fundamental right, to people fleeing persecution or serious harm in their own country and in need of international protection, is an international obligation, recognized for the first time in the 1951 Geneva Convention on the Protection of Refugees. EU Member States have a shared responsibility to welcome asylum seekers in a dignified manner, ensuring that they are treated fairly, that the rules are applied to uniform standards, wherever applicable, with results as they apply the common rules and procedures in a correct way. The EU has been concerned and has been working since 1999 to create a common European asylum system (CEAS) and to improve the current legislative framework. With a view to a common European asylum system, the EU, with and through its Member States, has made progress on: decisions more equitable, faster and better quality asylum, with greater protection of unaccompanied minors and victims of torture; human conditions of reception (such as housing) for asylum seekers throughout the EU, while respecting the fundamental rights of the people concerned; access for those benefiting from

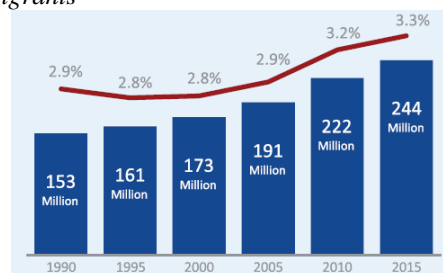
international protection, rights and integration measures; protection of asylum seekers during the process of designating / establishing the state responsible for examining the application and clarifying the rules governing relations between states; access to law enforcement at the base of EU data on asylum seekers' fingerprints under strictly limited circumstances, to prevent, detect or investigate the most serious crimes, such as murder and terrorism, under the revised EURODAC Regulation. [European Commission (d)]

„Established in 1951, International Organization for Migration (IOM), the United Nations Migration Agency, is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners“ [International Organization for Migration – IOM (a)]. IOM's concerns include: *the fight against trafficking in human beings, facilitating migration, assistance to refugees, voluntary repatriation and reintegration into the country of origin, integration of migrants with legal residence, resettlement, migrants' health or consular support* [Organizația Internațională pentru Migrație - OIM]. Taking into account the EU commitments at the Valletta Summit on Migration and its partnerships, at the beginning of 2019, the International Organization for Migration (IOM) has focused its attention and made recommendations for formulating long-term migration strategies and to ensure optimum funding at EU level, in the context of developing the next EU long-term budget, the Multiannual Financial Framework (MFF), so that “MFF responds to the needs and commitments of the EU and its partners to ensure better governance of migration in all its dimensions”, which in recent years has registered progress becoming more human-centered, more coherent, rights-based and more oriented towards legal integration [International Organization for Migration – IOM (b)].

4. Migration and asylum in figures

From a numerical perspective and from the trend of international migrants, the United Nations-Department of Economic and Social Affairs (UN DESA) produces estimates of the number of international migrants worldwide, and the data presented below are based on UN DESA estimates which have as source the date provided by the states. Generally, the estimated number of international migrants has increased over the past four and a half decades. Although the number of migrants from the international population has increased globally, we consider that in the last decade it has remained relatively stable as a proportion of the population of the world [International Organization for Migration (IOM) – The UN Migration Agency, 2018, pp. 15-16], as we can see in Figure no. 1.

Figure no. 1. International Migrants



Source: International Organization for Migration (IOM) – The UN Migration Agency, 2017, pp. 15-16

In 2019 throughout the world the number of international migrants increased to almost 272 million, compared to 2010 when it was around 222 million, with Europe hosting the largest number of international migrants (82 million), followed by North America (59 million) and North Africa and West Asia (49 million) [United Nations (a)]. The first five regional corridors (origin-destination pairs) represent almost half of the international migrants in the world, three of the first five migration corridors being intra-regional [United Nations (b)], one of them being identified in Europe, as shown in Table no. 2.

Table no. 2. International migrants in top five regional corridors, 2019

Origin	Destination	Number (millions)	Share of total (%)
Europe	Europe	41.9	15.4
LAC	N. America	26.6	9.8
N. Africa & W. Asia	N. Africa & W. Asia	18.9	7.0
Central & So. Asia	N. Africa & W. Asia	18.5	6.8
Sub-Saharan Africa	Sub-Saharan Africa	18.3	6.7
Total of 5 corridors		124.2	45.7

Note: LAC = Latin America and the Caribbean; N. America = Northern America; N. Africa and W. Asia = Northern Africa and Western Asia; Central and So. Asia = Central and Southern Asia

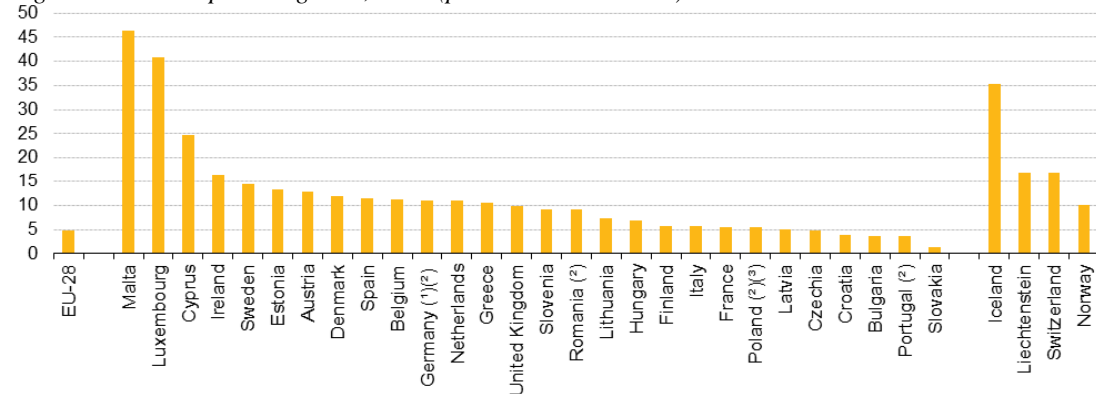
Source: United Nations - Department of Economic and Social Affairs, 2019, p. 2

At the EU level, economic prosperity and political stability have contributed to the increase in the number of immigrants attracted over time, the migration being influenced by a set of economic, political, environmental and not least social factors, both at the level of the country of origin, as well as at the level of the state of destination [Eurostat (a)].

In this international migration context, in 2015 and 2016, the EU space was assaulted by an unprecedented influx of refugees and migrants, over one million human beings entering the EU space, most fleeing the war and terror in Syria and from other countries, and many of them are children. Reporting to the EU, many people who have had or need international protection have arrived and are still coming to the EU for asylum, and how international protection is granted to those citizens who leave their country of origin and are unable to return there for fear of persecution or exposure to the risk of being seriously harmed, the EU is obliged to provide protection (implicitly) through the Member States [Comisia Europeană, 2017 (b)].

As an example, in Figure no. 2 we graphically show, for Europe, the immigration status for 2017, highlighting that the migration factor can have a positive impact on the destination states from the perspective of solving the labor market deficit, and from another perspective, it is possible that migration only could not be a solution to reverse the aging tendency of the population, problematic identified in many areas of the EU [Eurostat (b)].

Figure no. 2. Europe Immigrants, 2017 (per 1 000 inhabitants)



(1) Break in series; (2) Estimate; (3) Provisional;

Source: Eurostat (migr_imm1ctz) and(migr_pop1ctz), 2017 (b, c),

For 2017, Germany reported the highest number of immigrants (917.1 thousand), in the second place being the United Kingdom with 644.2 thousand, then Spain with 532.1 thousand, France with 370.0 thousand and Italy with 343.4 thousand (as shown in Table no. 3). [Eurostat, 2019 (d)]

Tabel no. 3. Immigrants within Europe in 2017

	Total immigrants			Nationals		Total		Non-nationals				
	(thousand)	(thousand)	(%)	(thousand)	(%)	(thousand)	(%)	Citizens of other EU Member States (thousand)	Citizens of non-member countries (thousand)	Citizens of non-member countries (%)	Stateless (thousand)	(%)
Belgium	126.7	17.5	13.8	108.5	85.6	69.2	47.5	46.3	38.1	0.0	0.0	0.0
Bulgaria	25.6	13.1	51.0	12.5	48.9	0.6	2.5	11.8	46.2	0.0	0.0	0.2
Czechia	51.8	4.5	8.7	47.3	91.3	16.0	32.0	30.7	59.3	0.0	0.0	0.0
Denmark	66.6	19.5	28.5	49.0	71.5	25.6	37.3	23.1	33.6	0.4	0.6	0.6
Germany (1)(2)	917.1	124.4	13.6	788.9	86.0	395.0	43.1	391.5	42.7	2.4	0.3	0.3
Estonia	17.6	8.5	48.5	9.1	51.4	4.6	25.9	4.5	25.5	0.0	0.0	0.0
Ireland	78.5	26.4	33.7	51.2	65.2	28.5	36.3	22.7	28.9	0.0	0.0	0.0
Greece	112.2	31.7	28.3	80.5	71.7	17.2	15.3	63.3	56.4	0.0	0.0	0.0
Spain	532.1	78.2	14.7	454.0	85.3	139.4	26.2	314.2	59.1	0.3	0.1	0.1
France	370.0	128.0	34.6	242.0	65.4	74.5	20.1	167.5	45.3	0.0	0.0	0.0
Croatia	15.6	7.9	50.9	7.6	49.1	2.2	14.1	5.4	35.0	0.0	0.0	0.0
Italy	343.4	42.4	12.3	301.1	87.7	61.1	17.8	240.0	69.9	0.0	0.0	0.0
Cyprus	21.3	4.0	18.6	17.4	81.4	9.3	43.7	8.0	37.7	0.0	0.0	0.0
Latvia	9.9	4.8	48.2	5.1	51.7	0.7	7.5	4.4	44.1	0.0	0.0	0.1
Lithuania	20.4	10.2	49.9	10.2	50.1	0.7	3.4	9.5	46.5	0.0	0.0	0.2
Luxembourg	24.4	1.2	4.9	23.2	96.0	16.7	68.3	6.5	26.6	0.0	0.0	0.0
Hungary	98.1	31.6	48.4	66.4	53.5	11.2	16.4	25.3	37.1	0.0	0.0	0.0
Malta	21.7	1.5	6.8	20.2	93.2	11.7	54.2	8.5	39.0	0.0	0.0	0.0
Netherlands	189.6	44.6	23.5	143.7	75.8	72.6	38.3	68.6	36.2	2.5	1.3	1.3
Austria	111.8	9.7	8.7	102.0	91.2	64.4	57.6	37.4	33.4	0.3	0.3	0.3
Poland (1)(2)	209.4	132.8	63.4	76.6	36.6	22.7	10.8	53.8	25.7	0.1	0.0	0.0
Portugal (1)	36.0	20.2	55.3	16.4	44.7	7.6	20.8	8.8	24.0	0.0	0.0	0.0
Romania (1)	177.4	146.3	82.5	26.8	15.1	9.2	5.2	17.5	9.9	0.1	0.1	0.1
Slovenia	18.8	3.3	17.5	15.5	82.5	3.3	17.6	12.2	64.9	0.0	0.0	0.0
Slovakia	7.2	4.3	59.5	2.9	40.5	2.3	32.4	0.6	8.1	0.0	0.0	0.0
Finland	31.8	8.1	25.4	23.1	72.6	6.5	20.3	16.5	51.8	0.2	0.5	0.5
Sweden	144.5	19.5	13.5	124.4	86.1	30.0	20.7	90.0	62.3	4.5	3.1	3.1
United Kingdom	644.2	80.9	12.6	563.4	87.4	242.7	37.7	320.7	49.8	0.0	0.0	0.0
Iceland	12.1	2.5	20.3	9.7	79.7	8.4	69.3	1.3	10.4	0.0	0.0	0.0
Liechtenstein	0.6	0.2	25.9	0.5	74.1	0.2	38.1	0.2	36.0	0.0	0.0	0.0
Norway	53.4	6.8	12.7	46.6	87.3	20.0	37.4	26.0	48.8	0.6	1.1	1.1
Switzerland	143.4	23.8	16.6	119.5	83.4	82.5	57.6	37.0	25.8	0.0	0.0	0.0

Note: The individual values do not add up to the total due to rounding and the exclusion of the 'unknown' citizenship group from the table.

(1) Break in series.

(2) Estimate.

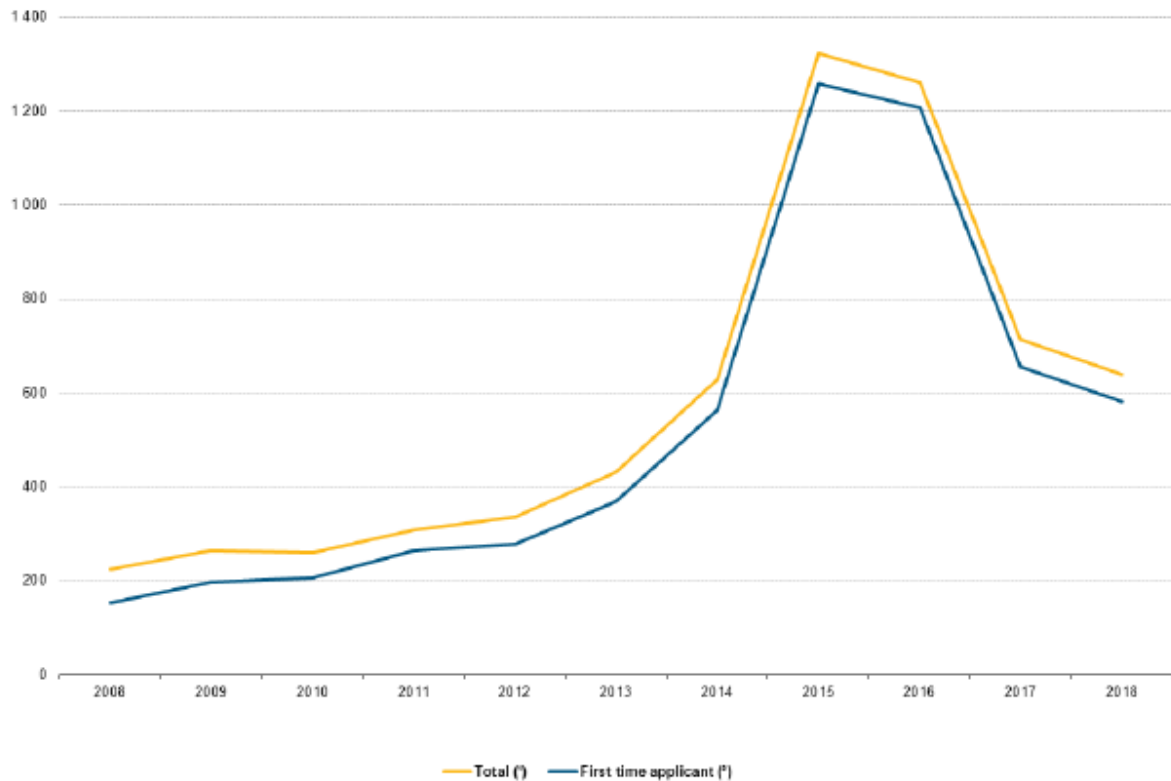
(*) Provisional

Source: Eurostat (2019)

Regarding the evolutionary issue of asylum at EU level (Figure no. 3), we highlight aspects such as [Eurostat (e)]:

- after the maximum reached in 1992 (672 thousand applications in the EU-15), in response to the EU Member States that received numerous asylum seekers from the former Yugoslavia and then after the figures registered in 2001 (424 thousand applications in the EU- 27), the number of asylum applications in the EU-27 decreased to 200 thousand by 2006;
- referring only to the requests from the citizens of the non-member countries, there was a trend of increasing the number of asylum applications in the EU-27 and later in the EU-28 until 2012, after which the growth registered a greater acceleration - increases were made with 431 thousand applications in 2013, 627 thousand in 2014 and about 1.3 million, both in 2015 and 2016, which is approximately double the number registered in the EU-15 in the previous peak period, relative to 1992;
- in 2018, 638 thousand asylum seekers applied for international protection in the Member States of the European Union (EU), decreasing by 10% compared to 2017 (712 thousand) and only slightly over half of the number registered in 2016, when nearly 1.3 million asylum seekers were registered, a figure comparable to the level registered in 2014, before the 2015 and 2016 highs.

Figure no. 3. Asylum applications (non-EU) in the EU-28 Member States, 2008–2018 (thousands)



(*) 2008 – 2014: Croatia not available.

(*) 2008: Bulgaria, Greece, Spain, France, Croatia, Lithuania, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2009: Bulgaria, Greece, Spain, Croatia, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2010: Bulgaria, Greece, Croatia, Luxembourg, Hungary, Austria, Romania and Finland not available. 2011: Croatia, Hungary, Austria and Finland not available. 2012: Croatia, Hungary and Austria not available. 2013: Austria not available.

Source: Eurostat (online data code: migr_asyappctza)

Source: Eurostat (migr_asyappctza), 2019, p. 2

5. Conclusions

This paper highlights how the EU has responded to the migration phenomenon that has marked Europe in recent years. The management of the migration phenomenon, through sustained and continuous efforts by the EU, highlighted its structures which, although faced with various vulnerabilities, showed professionalism, being able to manage the flows of migrants, reduce arrivals and save lives. The entire world has had the opportunity to witness the feedback the EU has provided to migrant citizens from Syria and other countries, citizens who have decided to flee the war, terror, despair, poverty and other shortcomings they have experienced. The EU has shown solidarity and responsibility, by defending human rights in the international context, and by the effective support provided on the ground, while continuing to provide protection for migrants and refugees, many of them children.

The added value offered by the EU was made possible by the reform of the EU's normative and procedural system on migration and asylum, due to the development and implementation of strategic policies referred to in the preceding paragraphs, which it managed with positive effects, with the support of all its bodies with responsibilities in this area, of the EU member states, as well as of all partners.

Of course, these steps cannot be stopped here, the progress registered must be continued and sustained, by continuing the migration and asylum reform, by providing the necessary resources of which we mention: legislative and procedural resources, budgetary, informational, human resources at the EU level as well as at the level of the Member States, but also from the partners around the world with whom agreements need to be outdone to improve existing partnerships, especially since migrants who do not need protection require additional efforts.

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