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**The Immigrant's Legal
Status in International Law**

**Migration in Europe: Economic and Legal Implications in the Context of
Demographic Decline and Recent Crises**

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Abstract: This article analyses the dynamics of migration in the European Union under the pressure of overlapping crises (post-pandemic, the conflict in Ukraine and the cost-of-living crisis) and structural demographic decline. The paper analyses the economic implications of migration for the labor market, social protection systems, and economic development, highlighting both the positive effects, such as addressing labor shortages, and the challenges posed by pressure on public services. At the same time, the legal aspects of the migrant status in international and European law are examined, with a focus on the regulations on the protection of fundamental rights, asylum and legal migration, exploring the hypothesis according to which the legal framework acts not only as an instrument of control, but as an essential catalyst for economic growth, by transforming migratory flows into productive human capital, while assessing the impact of the New Pact on Migration and Asylum on the sustainability of European social systems. In conclusion, the potential for economic growth brought by migrants is directly proportional to the quality of the legislation that governs them. In a Europe marked by overlapping crises and a severe demographic decline, the legal framework must evolve from a logic of restriction to one of intelligent talent management. Harmonizing migration policies with the needs of the labor market remains the only sustainable way to maintain European prosperity in the 21st century.

Keywords: economic migration; demographic decline; New Pact on Migration

1. Introduction

In recent years, Europe has encountered a convergence of significant political and legal challenges, resulting in a fragmented landscape. Persistent demographic decline has shifted labor migration from an optional policy decision to an urgent economic necessity. Three primary factors now shape the current environment: regional geopolitical instability, acute labor shortages, and sweeping legislative reforms at the European Union (EU) level.

Migration has quickly transformed from a humanitarian issue to a fundamental component of Europe's stability and security. The EU's ability to manage migration flows effectively now serves as a measure of its political and institutional maturity. This governance not only fortifies Europe against external

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pressures but also preserves unity among member states, especially as migration becomes a tool in political campaigns to spotlight divisions over sovereignty.

2. Global Governance Framework

2.1. United Nations (UN) Standards

Globally, international treaties and agreements establish key standards for human rights, refugee protection, and inter-state cooperation on migration. The 1951 Geneva Convention on Refugee Status, together with its 1967 Protocol, forms the backbone of legal protection for refugees.

For economic migration and the orderly management of population mobility, the Global Compact for Safe, Orderly and Regular Migration—adopted by the UN in 2018—serves as a guiding document. Although it is not legally binding, the Compact lays out cooperative frameworks aiming to maximize the benefits of remittances, promote ethical recruitment practices, and reduce the vulnerabilities faced by migrants. These principles underpin regional migration policies and stress the balance between border management and the protection of fundamental rights.

2.2. Regional Framework: The European Union and the New Pact on Migration and Asylum

The EU's previous efforts to develop a unified legal framework for refugee reception were undermined by the unprecedented influx of migrants from the Middle East and North Africa in 2015, leading to largely unregulated movements toward Northern Europe, especially Germany. Economic migration is frequently driven by poor labor standards, high unemployment, and difficult conditions in countries of origin. Pull factors include higher wages, better job prospects, improved living standards, and educational opportunities. When home economies weaken, migration to more prosperous regions rises.

Article 14 of the Universal Declaration of Human Rights (1948) asserts the right to seek asylum, while the 1951 Refugee Convention protects those fleeing danger from penalties for unauthorized entry, provided they come directly from a territory where their life or freedom is threatened.

Challenges around migration have tested EU solidarity, particularly as public perception often labels newcomers as illegal immigrants rather than asylum seekers. Generally, 'illegal immigrants' are those entering a country without meeting legal criteria, such as lacking a valid visa (Balza, 2024, p. 650).

In response to crisis-induced gridlock, the EU implemented extensive reforms to its security and asylum systems, culminating in the New Pact on Migration and Asylum, anchored by Regulation (EU) 2024/1351. This regulation replaces the rigid Dublin system with a model of mandatory, yet adaptable, solidarity: member states under pressure can receive assistance from others, which may either relocate asylum seekers or contribute financially to a jointly administered Solidarity Pool.

A key innovation is the Annual Migration Management Cycle, launched in November 2025, enabling continuous monitoring of states under migratory stress and the regular publication of a European Annual Report on Asylum and Migration. The goal is to standardize border screening procedures in advance of their full implementation in June 2026. Despite these measures, migration remains a highly politicized issue within member states.

Under the Common European Asylum System (CEAS) and the Dublin Regulations, the first EU country a migrant enters is responsible for processing their asylum claim. This system has imposed disproportionate burdens on countries at the EU's external borders. European case law has shifted from

national sovereignty to a harmonized framework, led by Directive 2008/115/EC (the Return Directive), which set unified standards for returning third-country nationals staying illegally. The Schengen Borders Code and the Frontex Agency oversee the removal of internal border checks and the coordinated management of external borders across the EU.

The legal framework on migration and asylum is being unified and restructured through the New Pact, with its rules set to be fully enforced from June 12, 2026. The Pact mandates security and health screenings at entry points, fast-tracks asylum processes for applicants with limited approval prospects, and enforces a solidarity system where member states choose between relocating migrants or providing financial and logistical support.

The EU Pact on Migration and Asylum: New Procedures and Solidarity Mechanisms

Effective June 2026, the EU Pact on Migration and Asylum introduces expedited border procedures and a shared list of “safe countries of origin.” While irregular migration is expected to decrease, significant challenges remain—particularly in enforcing comprehensive biometric checks and strengthening emergency response strategies (Cincotti, 2026).

The anticipated reduction in irregular arrivals is due to several factors:

Quick border screening enables the immediate processing of applicants unlikely to receive asylum, discouraging unauthorized economic migration.

The Pact's flexible solidarity mechanism lets member states choose between relocating asylum seekers or providing financial/logistical support, easing pressure on entry countries.

New partnerships with countries like Tunisia, Egypt, and Mauritania have improved border surveillance and curbed human trafficking, directly impacting migration flows.

Upgrading digital systems—especially the Eurodac database—allows for more effective monitoring and prevents individuals from submitting multiple asylum claims across EU states (Council of the European Union, 2024).

2.3. National Framework: Romania's Alignment with European Standards

As an EU border country and new Schengen member (initially via air and sea, followed by land integration), Romania has rapidly reformed its migration legislation. These changes address both asylum management and the regulation of large-scale labor migration—especially from Southeast Asia—to fill acute shortages in industries like construction, hospitality, and services.

Romanian migration policy is now based on two main legal pillars:

The National Asylum System, governed by Law no. 122/2006 (with amendments), coordinates registration, health checks, and fingerprinting with the EU's Eurodac system, and specifies when asylum seekers are exempt from prosecution for unauthorized border crossings. This law supports the National Strategy on Immigration (2026–2030), which manages migrant integration and flow control.

The Legal Regime of Foreigners, primarily regulated by Government Emergency Ordinance no. 194/2002, has been updated to streamline work visa processes and set annual quotas for foreign workers, while introducing tougher penalties for illegal residence and undeclared work.

Further reforms under Emergency Ordinance no. 32/2026 have overhauled the employment framework for foreign workers, requiring greater employer and agency accountability, introducing financial guarantees, and digitizing procedures through the [WorkinRomania.gov.ro](https://www.workinromania.gov.ro) portal.

This dual legislative approach reflects Romania's commitment to balancing urgent economic needs with security requirements as an EU partner. The 2026 reforms mark the most significant update to national labor migration rules in two decades, driven by the need for administrative efficiency and compliance with Schengen's rigorous standards.

3. The Impact of the SARS-CoV-2 Pandemic (2020-2022): A Stress Test for Legislation and the Economy

The analysis of the 2020-2022 interval highlights how an exogenous global crisis can suddenly disrupt the application of international legislation and the natural dynamics of the labor market.

Since its outbreak, the SARS-CoV-2 pandemic has had a profound and destabilizing impact on the socio-economic situation of migrants. The immediate introduction of travel restrictions and temporary border closures blocked legal mobility routes and suspended ordinary administrative procedures, resulting in a 10% decrease in the number of irregular border crossings into the EU (114,300 such crossings in January-November 2020) compared to the same period in 2019, the lowest level in the last 6 years.

While there was a significant decrease in the number of irregular arrivals in the countries of first entry along the Eastern Mediterranean route (-74%, 19,300 arrivals), the decrease was mainly due to the reduced number of arrivals from Turkey to Greece. Despite this overall decrease, irregular arrivals on the Central Mediterranean route (to Italy and Malta) increased (+154%) compared to the same period in 2019, with over 34,100 such arrivals recorded in 2020, compared to almost 11,500 in 2019, with the majority of people arriving in Lampedusa.

With the exception of March, arrivals have consistently exceeded 2019 levels. Arrivals to Spain and, in particular, to the Canary Islands have seen a significant increase (+46%, 35,800 arrivals) in 2020 compared to 2019. In Spain, the restrictions imposed in the context of the COVID-19 pandemic have had only a temporary impact on irregular arrivals: since August 2020, arrivals to Spain have been consistently higher than in 2019.

In September 2020, the Commission presented the new Pact on Migration and Asylum, including a detailed analysis paper, which drew on available statistics on migration to Europe to support policy proposals. The Commission has published statistics on migration to Europe, which will be updated quarterly based on the latest data available from various sources, such as: Eurostat, OECD, UNDESA, UNHCR, ILO, Frontex and EASO.

The socio-economic effects of the pandemic have been immediate and particularly severe, such as:

Labor market vulnerability: Migrants have experienced massive income losses and disproportionately high unemployment rates, often stranded in destination countries without access to national social safety nets.

Remittance decline: Financial instability has caused a sharp contraction in the flow of remittances sent to countries of origin. This decline has had a major and negative impact on emerging economies, which are heavily dependent on these capital infusions to maintain macroeconomic equilibrium.

Policy reconfiguration and repatriation: Governments have been forced to resort to ad hoc adjustments to migration and asylum policies (such as automatic extension of residence rights to avoid technical illegality). In parallel, there has been a large phenomenon of return migration (repatriation is voluntary or forced by circumstances).

Statistically, the direct effect of these restrictive measures was translated into a significant decrease in the immediate pressure at the borders. In the first months after the outbreak of the health crisis, a 10% decrease was observed in the number of irregular crossings of the external border to the European Union (Frontex, 2020). Between January and November 2020, only 114,300 such crossings were recorded, compared to the same period in 2019. Historically, this indicator marked the lowest level of illegal migration flows in the last six years (Frontex, 2020), demonstrating that severe health restrictions temporarily outweighed the classic push and pull factors.

It is noted that in 2020, in the global context generated by the COVID-19 pandemic, the number of emigrants from Romania decreased by 5744 people compared to 2019, which represents a reduction of approximately 21.5% compared to the previous year. Thus, the COVID-19 pandemic also affected the phenomenon of migration from Romania, because there were both those travel restrictions to other states and periods of national quarantine, on top of which people's uncertainty about their health was superimposed, as well as the reduction of activity in certain fields in countries that were traditionally destination countries for Romanian migrants, which led to the difficulty of finding a job.

It is also observed that throughout the period 2014-2020, net migration in Romania is constantly positive, meaning that the number of immigrants has constantly exceeded the number of emigrants, and yet, it is noted that the lowest value of the net migration indicator was recorded in 2016, Romania facing a labor shortage in certain sectors of activity vital to the national economy, which is why, during 2018, Romania amended the legislation regulating the right to work and stay of foreign citizens in Romania (Law no. 247/2018). Thus, the number of immigrant workers increased considerably in 2018 and 2019, when the quotas of foreigners who could be employed in Romanian companies increased. The crisis generated by the pandemic context also affected the number of immigrants arriving in Romania in 2020, which decreased by approximately 50% compared to 2019, reaching 32,250 people compared to approximately 64,479 in 2019.

The process of international migration is found in almost every country in the world and has profound implications for both the economies of the countries from which the labor force generally leaves, and for the countries of destination (Pripoaie, 2021).

4. Geopolitical Impact: Instrumentalization and Regional Instability

The lifting of pandemic restrictions triggered a surge in migration pressure, amplified by major geopolitical changes. Migration has shifted from being a side effect of conflict to a strategic tool in international relations.

The widespread media focus on (in)securitization has led some groups to view international law as favoring migrants, fueling nationalist and far-right rhetoric. This climate discourages moderate politicians from defending rule of law or international standards. Consequently, border and migration policies have become harsher, prioritizing security over humanitarian protections. Examples include the fortified border between France and the UK, and strict closures along the Balkan route during the 2015–2016 crisis, which fostered distrust of asylum seekers and exaggerated security risks (Bigo & Guild, 2019).

A significant security challenge is the deliberate use of migration by neighboring authoritarian regimes to exert political pressure. The Moscow-Minsk alliance, for example, has transformed the borders of Poland, Lithuania, Latvia, and Finland into areas of hybrid conflict by directing migrants toward the EU to overwhelm asylum systems and inflame internal tensions (Euronews Romania, 2024). In response, the New Pact on Migration allows for temporary exceptions to standard screening procedures in cases of such “instrumentalization” (Regulation 1351/2024).

5. The War in Ukraine and the Temporary Protection Paradigm

Russia’s full-scale invasion of Ukraine led to the most rapid and extensive displacement crisis in Europe since World War II. The European Union responded in a fundamentally new way: by immediately activating the Temporary Protection Directive, it enabled millions of Ukrainians—mainly women and children—to access labor markets, education, and healthcare across member states without undergoing lengthy asylum procedures. This swift response not only alleviated humanitarian pressures but also provided a timely workforce for Central and Eastern European countries grappling with labor shortages (Rethink Romania, 2026).

By April 18, 2022, UNHCR data showed more than 4.98 million Ukrainians had fled, primarily to Poland, Romania, Hungary, and Moldova. These countries established border reception centers for medical, legal, and material support (Țârlescu, 2022).

Long-term integration of adult refugees into the workforce is critical for both refugee well-being and host society stability. Employment is widely acknowledged as vital to successful integration. The UNHCR recommends that host countries allow refugees, including Ukrainians, to work as soon as possible, even during the asylum process.

Another crucial aspect is mental health, especially for children and families traumatized by war. Many young refugees have endured violence, displacement, and deprivation of basic needs. These experiences put children at elevated risk for depression, anxiety, and behavioral problems—risks that are even higher for those traveling unaccompanied. Supporting their psychological recovery is essential for their integration and for the social health of European societies.

A coordinated psychological approach is needed, with psychologists, educators, and policymakers working together to provide culturally sensitive support and access to essential resources. Authorities must ensure that refugee families can navigate new cultural environments and meet their basic needs during resettlement (Țârlescu, 2022).

6. The Western Balkans Route and Outsourcing of Migration Control

The Western Balkans continues to be a volatile transit corridor, often exploited by smuggling networks connecting through Turkey. This region remains highly susceptible to outside actors attempting to exert pressure on the Schengen area’s borders.

In response, the EU has emphasized the externalization of border management—establishing direct operational agreements with Frontex to operate within Balkan territories and linking financial aid to the alignment of local visa policies with EU standards.

Short-term research indicates that an influx of migrants may temporarily disadvantage low-skilled local workers, but these effects typically diminish as labor markets adapt over time. Wage disparities also

exist, with new migrants often earning up to 34% less than native workers in similar roles; however, this difference is generally cut in half within a decade as migrants transition to better-paying jobs.

Public administration has shifted from reactive crisis management to a more structured, predictable, and solidarity-based approach to migration in 2024–2025. Economic analysis shows that, in the long run, migrants' fiscal contributions outweigh the initial logistical costs for host societies. Foreign workers boost national productivity, and employers often report improved business performance due to better staffing. Migrants also have a strong tendency to start their own businesses, significantly contributing to entrepreneurship in developed countries.

Barriers and Challenges to Integration

Discrimination and Public Perception: The success of integration depends heavily on how host societies view migrants. Combating stereotypes remains a priority in EU communications.

Economic Vulnerability: Non-EU migrants are still at greater risk of poverty and social exclusion, necessitating targeted support policies.

Local governments and NGOs play a pivotal role in integration. By 2025, major Romanian cities had established “one-stop” service centers offering migrants comprehensive legal, healthcare, and educational assistance. NGOs such as Save the Children and the Romanian National Council for Refugees (CNRR) are crucial intermediaries between migrants and state institutions.

7. Conclusions

This examination of migration's evolution in Europe demonstrates that the phenomenon now extends well beyond demographic or humanitarian debates; it has become a fundamental element of national security and economic stability. The European Union's shift from managing population decline to addressing acute labor needs has driven it toward greater unity and predictability in governance, as symbolized by the adoption of the New Pact on Migration and Asylum and the launch of the Annual Migration Management Cycle in November 2025.

The experience of the SARS-CoV-2 pandemic revealed both the extreme vulnerability of migrants and the crucial economic role of remittances. While strict border controls and health restrictions briefly reduced irregular migration flows, the post-pandemic period quickly proved that migration pressures cannot be contained by physical barriers alone—especially amid ongoing geopolitical instability and the use of migration as a tool in hybrid conflicts. For countries like Romania, the key challenge is to rigorously implement EU standards, secure external borders, and maintain legal, safe, and appealing pathways for labor migration to sustain economic growth.

From a legal perspective, international treaties generally keep migration and national security issues distinct. States do have limited authority to restrict movement or deny protection based on security or terrorism concerns, but these exceptions are narrowly defined and usually handled at the national level. Human rights, anti-trafficking, and labor agreements seldom mention “national security” or “terrorism,” with only a few exceptions like the Palermo Protocols. Similarly, UN anti-terrorism measures rarely address migration or international protection directly, resulting in a legal separation of these domains—though some overlap exists in Security Council resolutions that allow states to externalize counter-terrorism efforts.

Nevertheless, public and political discourse often blurs the distinction between migration and security, framing migrants and refugees within narratives of insecurity or terrorism. This trend—well documented

by Bigo and Guild (2019)—contributes to the externalization of border controls and the justification of extraterritorial actions in the name of national security.

References

- Balza, B. (2024). Exploring the Economic Impact of Immigration in the European Union: Opportunities, Challenges and Legal Implications. *European Journal of Research Studies*, XXVII(4), 648-657.
- Bigo, D., & Guild, E. (2019). International Law and European Migration Policy: Where Is the Terrorism Risk? *Laws*, 8(4), 30. <https://www.mdpi.com/2075-471X/8/4/30>
- Cincotti, S. (2026, January). *Implementing the EU migration and Asylum Pact: Progress, challenges and What comes next*. ECEPAA. <https://www.ecepaa.eu/implementing-the-eu-migration-and-asylum-pact-progress-challenges-and-what-comes-next>
- Council of the European Union. (2023). *Western Balkans route: EU action to tackle irregular migration*.
- Council of the European Union. (2024). *EU Pact on Migration and Asylum*. <https://www.consilium.europa.eu/ro/policies/eu-migration-asylum-reform-pact/>
- Emergency Ordinance no. 32/2026, published in the Official Gazette on 27 April 2026, reforms the legal framework regarding the access of third-country nationals to the Romanian labour market and the regime of foreigners.
- Euronews Romania. (2024). *Illegal migration, used as a weapon: Poland accuses Russia and Belarus*.
- European Commission. (2021, January 27). *Migration Management*. Presscorner. https://ec.europa.eu/commission/presscorner/api/files/document/print/ro/ip_21_232/IP_21_232_RO.pdf
- European Commission. (2025). European Annual Report on Asylum and Migration: Launch of the first annual cycle management. *Official Journal of the European Union*.
- European Commission. (2021). *Managing Migration*. IP/21/232. https://ec.europa.eu/commission/presscorner/api/files/document/print/ro/ip_21_232/IP_21_232_RO.pdf
- European Parliament and Council of the European Union. (2008). Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. *Official Journal of the European Union*, L 348/98 of 24.12.2008.
- Frontex. (2020). *Situational awareness monitoring report: Irregular border crossings in times of COVID-19 pandemic*. European Border and Coast Guard Agency.
- Government Emergency Ordinance no. 194 of 12 December 2002 on the regime of foreigners in Romania. (2002). Official Gazette of Romania, Part I, no. 421 of 5 June 2008 (republished and updated).
- Law no. 122 of 4 May 2006 on asylum in Romania. (2006). Official Gazette of Romania, Part I, no. 415 of 15 May 2006 (updated by Law no. 84/2025).
- Law no. 247/2018 amending and supplementing certain normative acts on the regime of foreigners in Romania.
- Pripoaie, R. (2021). A comparative analysis of the migration process in Romania and the Republic of Moldova in the context of the COVID-19 pandemic. *Public Administration and Regional Studies*, 14(2), 25.
- Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management. (2024). Official Journal of the European Union, L 2024/1351.
- Rethink Romania. (2026). *The demographic situation of Europe – an obstacle to the continent's geopolitical ambitions*.
- Țârlescu, A. (2022, March 19). *The war in Ukraine and the migration crisis: The case of the Republic of Moldova*. Euro-Atlantic Resilience Centre - E-ARC. <https://e-arc.ro/2022/03/19/razboiul-din-ukraina-si-criza-migratiei-cazul-republicii-moldova>
- United Nations General Assembly. (2018). *Global compact for safe, orderly and regular migration* (A/RES/73/195). United Nations.