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## CHALLENGES AND SOCIAL VULNERABILITIES FOR ROMANIAN SEASONAL WORKERS IN GERMANY DURING THE COVID-19 PANDEMIC

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*Abstract:* In the present study I highlighted the subjective indicators of the quality of life in the Romanian diaspora during the COVID-19 pandemic, using as a case study the situation of Romanians residing in Germany, as well as of Romanians working in seasonal jobs. The data collected were extracted from primary research based on in-depth interviews that I conducted with Romanian respondents living both in Romania and in Germany between April 2021 and August 2021, also with administrative officials from both countries who agreed to present their opinions on the topic under analysis. The secondary databases have largely completed the data specific to a statistical analysis, but without being able to access a complete picture of Romanian migrants in Germany, as many of the specific macro-data for the period 2020 and 2021 are lacking and others are not finalized. An important part of the secondary data comes from statistical sources provided by Eurostat and the National Institute of Statistics. The increasing presence of Romanians in Germany in recent years has become a topic of interest for both countries, involving joint diplomatic efforts, closer communication and a streamlining of legislation and bureaucracy. In order to strengthen administrative and diplomatic relations between the two countries, the need for research on the proposed topic is a major priority for both Romanian and German academic society.

**Keywords:** Romanian migration to Germany, wage income, undeclared work, discrimination, vulnerable groups, pension system.

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## 1. The perception of Romanian workers in Germany, between normality and discrimination

The research tries to answer two important questions in a specific way:

1. What are the main challenges, discriminations and vulnerabilities faced by seasonal workers in Germany?
2. How have the Romanian authorities managed the Covid-19 crisis situation of labor movement to Germany?

Starting from the issue of discrimination of Romanian workers in Germany, we can say that, as a rule, the image of Romanians abroad is largely determined by the collective perceptions formed by the media and the foreign political environment. At the European level, the Covid-19 pandemic outbreak and government measures have deepened social divisions, xenophobia and electoral demagoguery critically directed against immigrant groups from Eastern Europe. The urgent need for labour from the eastern part of the western countries and the parallel criticism of Eastern European immigrants, including Romanians, has generated a double standard and a series of contradictory statements. However, public opinion is sensitive and always attentive to what the local press issues, and the press generally prefers scandalous and biased news, thus directly serving electoral interests. All these aspects "distinguish between the potential effects of interethnic relations, language knowledge and the perception of discrimination as components of integration" (Gherghina, et al., 2020: 515). Accepting the fact that the world of perceptions shapes psychosocial reality, two important levels appear on this topic: a) the external level determined by what is said about Romanian workers in Western countries, especially in Germany; b) the internal level determined by the way the Romanian authorities manage the pandemic during the lock-down period with emphasis on the free movement of citizens in the European space.

Discrimination against Romanians abroad is a complex subject, which involves not only observations of a phenomenon in the making, but also the causes, the reasons why, in some cases, the political environment, helped by some of the media, tries to ideologize a reality in the purest electoral sense. Germany's economic need for foreign labour is doubled by those discriminatory electoral messages, perfectly describing the duplicitous spirit of some politicians and media people who feed an artificial and toxic social environment. „Discriminated migrants might be particularly sensitive to such changes in public debate and may fear future implicit discrimination as a consequence of it" (Prömel, 2021: 29). This may then, in effect, make them feel less a part of Germany and more of their home country. Such a mechanism is also confirmed in the scientific literature in the same opinion which states that discrimination against migrant groups (Gould and Klor, 2015; Elsayed and de Gup, 2017) can have detrimental effects on their integration. In the last ten years, more and more German officials and journalists have complained about Romanian immigrants for selfishly and inefficiently using their welfare system. Here are some of the worrying statements: "They have to leave this

country, just leave!" ("Er muss weg aus diesem Land, einfach weg!"; Ley, 2014); "Romanians and Bulgarians are raiding our countries to abuse the welfare systems, stealing our jobs, probably our cars and wallets", says Ernst Petter Fischer, a German journalist from *DieZeit* (Ernst Petter F. *DieZeit*-online and the same statement of the quoted article is also mentioned in the online newspaper: *Euroobserver*). They even make politically expressed threats against Romanians, without any scientific basis: "He who cheats, flies". Andreas Scheuer, then general secretary of the CSU: " (Andreas Scheuer, general secretary of the CSU party), and we find the same string of statements in the last years of the Covid-19 pandemic.

In Germany, the expression "welfare tourism", referring to Romanians and Bulgarians appeared among Bavarian conservatives. Bavaria is a battleground for regional and federal elections, and Romanian immigration has become a campaign issue for German conservatives in the CSU (Christliche Soziale Union). A sizeable section of Bavarian politicians is advocating against Romania's entry into the Schengen area. At senior official level, the Bavarian conservative interior minister, Hans-Peter Friedrich, has publicly advocated a travel ban on Romanians, wanting the forced repatriation of those Romanians who have "abused" the German welfare system. "Those who come to work are welcome, but we must not accept that people come here only for the welfare benefits", is the argument mentioned by Hans-Peter Friedrich. Indirectly, he refers in particular to Romanians Roma, who are entitled to about 200 euros per child per month, as they usually have more than 5 children per family (Thomas Ochsner und Javier Cáceres, *Süddeutsche Zeitung*).

In the heated context of these statements, the image of Romanians in Germany has suffered and will continue to suffer. And yet, why has this frequency of unfavorable statements against Romanians continued in recent years, often brought to the surface especially during election periods and not only. What is the reality perspective and how well-founded are they beyond the political and electoral character? There are hardly any Romanian studies on the reality of Romanians in Germany, and these studies do not cover the aspects related to their perception there as immigrants and the quality of life in terms of equal rights and equal treatment. In order to answer these questions in full, we need to know the statistics on the presence of Romanians in Germany, to find out whether their rights are respected and, ultimately, what is the quality of life of those who are in various situations of social risk. The answers to these questions require complex research and cannot be clarified in this study, which is limited to a diagnosis, belonging to a type of exploratory research. The choice to focus on certain indicators and sub-indicators marks the need to capture a social phenomenon concerning the quality of life for Romanians living in Germany.

In general statistics, there were more than 800,000 Romanians in Germany in 2020. However, these are unofficial sources that speak of the presence of more than 1 million Romanians, including Romanian citizens who are not registered and without a work card (Destatis.de 2021). The exact number of Romanians not registered in the German papers is not officially known, but the hypothesis of a very significant number of more

than 200,000 is based on multiple sociological surveys that have shown (from 2014 – 2015), especially in large cities, a significant presence associated with undeclared work, and often with human trafficking in various fields of activity. Romanians entering the labour market in Germany as workers from south-eastern Europe are relatively well integrated, but they are the lowest paid, usually working in positions that are disadvantaged in relation to their level of qualification. In order to get to the edges of this relativity, however, it is necessary to initiate a complex social report, also starting from this exploratory study. Such a comprehensive report can be drawn up individually over several years or in a single year by a team of specialists, provided that there is close cooperation with the relevant German authorities.

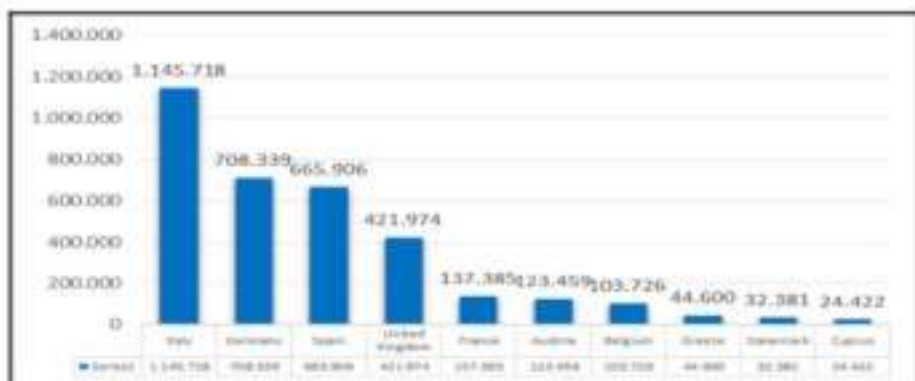
## **2. Romanian immigration to Germany: data, contexts and statistical comparisons**

In 2020, with the outbreak of the Covid-19 pandemic and the travel restrictions imposed by the medical crisis, the number of Romanians in Germany registered with legal documents has seen a slight but not significant decrease. While in the first half of the year, no one suspected how widespread the virus would become, in the second half of the year, things began to change and the media began to realize the length of a prolonged crisis. Romania responded to these challenges on the basis of the domino effect, without taking into account the domestic situation defined by the huge numbers of people working abroad. However, the government acted quickly by issuing emergency decrees in the hope that the situation could be brought under control. The right to work in a different EU state cannot be restricted or conditioned on quotas or differentiation, since any mobile worker is entitled to equal treatment with national workers under EU law (Article 45 TFEU) (Mantu, 2020). On the less expected effects, the process of border closures also known as "lockdown" has forced many seasonal workers from Romania to return to their country of origin, as shown in the following primary data extracted from the Romanian Migration and Immigration Objective Indicator. While in 2019 there were 748,225 Romanian seasonal workers registered on German territory, in 2020 there is a slight decrease, with a figure of 708,339.

The difference between 2019 and 2020 is simply explained by lockdown effects imposed not only by the Romanian state, but also by other European countries. The same can be verified in Spain in 2019 where we find, according to Statista data, 671,985 Romanian immigrants, and in 2020 this number slightly decreases, reaching 665,906.

According to Eurostat data (2020) Romanians and Croatians are among the highest number of people leaving their country of origin to work in other European countries. In 2020, Romanian citizens of working age (20-64) living abroad within the EU accounted for about one fifth (18.6%) of the resident population in Romania, making them the largest national group among mobile citizens in the EU.

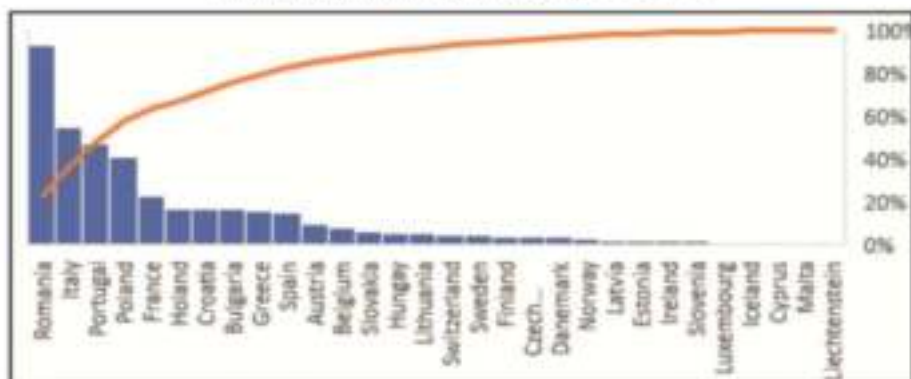
*Figure 1: Top 10 EU countries with the biggest number of Romanian citizens in 2020*



*Source: Statista. Number of Romanian citizens present in EU countries 2020 (Dataset)*

On the reverse direction of travel, "Romania has become an increasingly attractive destination for many Romanians from the Balkans and neighbouring non-EU countries, which has contributed to the decline of Romanian minority groups in these areas and implicitly to the evolution of Romanian communities through the emigration of these categories of Romanians to EU Member States. Emigration, especially to Western European countries, will remain a strong social phenomenon and Romania will be a source of support for this type of migration, with a particular appeal for human resources with a high level of education" (Fitzek, 2021: 62). In the following figure we observe, on the same objective indicators, but looked at differently, that Romanian citizens are the most numerous and mobile workers on the European market in the period 2010-2020.

*Figure 2: EU citizens of working age having their usual residence in another EU country by nationality and age in 2010-2020*



*Source: Eurostat (2020) EU/EFTA citizens of working age usually resident in another EU/EFTA country, by citizenship and age (online data code: LFST\_LMBPCITA)*

Apart from the Romanians who rank first, as can be observed directly from Figure 2, there are three other major national groups, representing between 10.3% and 17.6% of the resident population of their countries of citizenship, namely the Bulgarians (10.3%), the Portuguese (10.6%) and the Croats (17.6%). "The EU Member States with the lowest proportion of mobile citizens (of the resident population of the country of citizenship) were Germany and Sweden (both below 1.0%). In nine other Member States, the share was 3% or less. Overall, mobile EU citizens accounted for 3.3% of the total EU resident population in 2020, which is 0.9 points more than in 2010. On the other hand, if we look at the absolute figures, in 2020, the largest national groups of mobile EU citizens aged 20-64 were from Romania (2 300 100 people), Italy (1 027 800 people), Poland (1 005 500 people) and Portugal (679 600 people)" (Data extracted in August 2021, updated from Eurostat). Compared to the labour force of the country with a population of almost 20 million, Romania has around 5 million employees, unlike the Czech Republic which has 10 million inhabitants and 5 million employees. So, Romania has 5 million people working in the country and about 2,3 million outside, so almost half. In other words, we can say that more than a third of the country's workforce is working outside the country.

*Figure 3: Infographic on the phenomenon of Romanian migration between 2010 and 2019*



*Source: Social Atlas: Romania 14 years after joining the European Union (2021). Infographic report was developed by the Institute for Quality of Life Research with the support of the Romanian Government*

Romania is known as a country of emigration, given the large number of Romanians living and working abroad. It is one of the most important emigration countries in the EU. In addition to long-term migrant flows, for which countries such as Italy and Spain have proved to be the preferred destinations, there is also seasonal, highly circulatory migration, such as in agriculture. This kind of migration is difficult to quantify because

of the temporary nature and the various channels used by migrants (recruitment agencies, personal networks). The year 2019 is on an upward trend in terms of both immigration and emigration. In 2019, the total number of emigrants in Romania exceeds the total number of immigrants by about 30,000. The gap between the two figures became smaller in 2012 (by about 3000), registering the biggest difference in 2016-2018 (by about 70000).

However, there are notable reporting differences for the Romanians in Germany, depending on the data sources. For example, while *statista.com* reports 708,339 Romanians (with Romanian papers) in Germany in 2020, the German press reports more than one million Romanians. More than one million people in Germany are Romanian or have Romanian parents (*Deutsche Welle* apud *Romanian Insider*, 2019). Of the 748,000 Romanians living in Germany at the end of 2019, 48,000 were born in the country to Romanian parents. The average age of Romanians living in Germany is 32.2 years, and the largest age group is between 20 and 45 years (over 440,000). More than 151,000 Romanians living in Germany were under the age of 20 (*Romanian Insider*, 2019).

The Federal Statistical Office's databases presented in *destatis.de* (2021) show that the proportion of people of migrant origin in Germany in 2020 was 21.2 million, a remarkable figure representing around 26% of the country's native population. In other words, more than a quarter of Germany's current population is made up of people who were not born on German soil and who had or hold another nationality. The same source says that of this number, more than one million (1.018 million) are Romanian migrants born to Romanian parents.

To clarify the status of migrant in German terminology, people who fall into this category are those who have a migrant background only if both or at least one of their parents was born with another nationality than German. Thus, the term migrant includes any foreign citizen, citizen who acquired German citizenship and German citizen but with foreign parents (Moffitt & Juang, 2019: 656).

Regarding the number of those reported on German territory, in the last eight years, the number of Romanians has increased almost four times since 2012, namely from about 200,000 to more than 750,000, not counting those who have not reported a place of residence. And, to realize the continued growth of the Romanian presence in Germany, it is enough to look at 2019, when more than "50,000 Romanians moved to Germany, representing the largest group of new migrants for the second consecutive year" (*Bevölkerung in Privathaushalten 2019 nach Migrationshintergrund*). Another statistical curiosity extracted from official German sources shows that out of the almost 750,000 Romanians present on German territory, at the end of 2019, approximately 48,000 were new-borns to Romanian parents.

In this equation, surprisingly, Germany is the second country, after Italy, in terms of the number of Romanians, followed by Spain and United Kingdom, which rank third and fourth, respectively. Attraction to the German labour market undoubtedly has many advantages, but also major risks which require a new approach to Romanian-German

economic relations, but above all new legislation to protect immigrants from the European area.

### **3. Dissemination of the results of the interview of Romanian seasonal workers working in Germany**

Closing the borders and reuniting Romanian families for a short period of time due to the Covid-19 pandemic has not prevented waves of departures by airplane from Romania, back to seasonal work in Germany, towards the end of the first half of 2020 (see the scandals related to social distancing in Romanian airports: Cluj, Iasi etc). These departures have first and foremost made vulnerable the children of the migrants, who, in an extremely risky period have been left in the country in the care of relatives or the state (Dragan, 2021). *"The authorities have changed, through the latest Military Ordinance, the authorisation procedures for civilian charter flights, after more than 1,500 Romanians crammed into the parking lot of Cluj International Airport yesterday. These are workers who have gone to Germany for seasonal work. Congestion caused exasperation among local authorities, who dispatched gendarmes to help dispersing them"* (<https://www.rfi.ro/social-120156-inghetuiala-aeroport-cluj-noua-ordonanta-militara>). In disregard of the directives of the emergency ordinances issued by the Romanian government, the majority of Romanian workers left under dubious contracts, including in Germany, where a significant proportion of them had no legal agreement. During the 10<sup>th</sup> and 12<sup>th</sup> of April 2020, I conducted 12 open interviews with respondents at Otopeni Henri Coandă airport in Bucharest, who were leaving for Germany to work seasonal jobs in Frankfurt, Mainz, Hamburg and Munich. While looking for respondents, 12 out of 15 randomly selected respondents agreed to participate to the interview. There were no ethical issues during this interview and the discussion was informal.

#### **3.1. Application of the interview guide among seasonal workers, analysis and results**

Of the 12 respondents, six were women and six men, aged between 25 and 45, located in the airport lounge, subjects who agreed to participate, without any reservation, answering a set of 10 questions. At the time, the 12 people (8 urban and 4 rural) were waiting for planes to Germany to work in seasonal agricultural work. The exception was one person who was leaving to work in construction. Through the interview guide I set out to achieve three objectives:

1. during the first objective, I sought to find out what led Romanian seasonal workers to depart and put themselves at risk of contracting Covid-19, given that the distance between individuals was not respected and air traffic was not able to ensure minimum safety and hygiene standards;
2. a second objective was to find out from respondents whether they leave with a legal work contract;
3. in the third objective I sought to ascertain the subjects' plans, in the medium and long term, with regard to the hypothesis of a permanent assignment in Germany.

In the first objective, the main reason evoked by the interviewees to justify their decision of leaving and working in Germany at any cost is poverty described as severe material deprivation. "Concern for the prevention and reduction of marginalization and social exclusion becomes an important instrument of social solidarity culture. The concept of vulnerable social groups exposed to multiple risks generated by modern societies is thus brought to light" (Zamfir, 2020: 25). For them Romania is a country of unemployment, and the lack of money and work opportunities together form a triad of poverty. In the often evoked responses, "Romania is incapable of providing a minimum living standard", the quality of life being only a desideratum in the survival equation. Out of 12 respondents, 7 said that without the opportunity to work in seasonal agricultural activities in Germany, they would be at risk of severe poverty and social exclusion." Their position reflects the situation of material deprivation, and in some cases even severe poverty that characterizes many areas of rural Romania. The last decades have brought a central theme of social policies: social inclusion as a response to the multiple risks of exclusion. It is a broadening of the policy vision from focusing almost exclusively on economic poverty (lack of income), to new forms of exclusion and marginalization through: social inequality and social injustice, violation of human rights not only in everyday practice but also in the legal and political system (Zamfir, 2020: 25-24). This is why the situation has also become entrenched also with regard to the following aspect: social justice, following the words of this respondent who expresses his desperation to work abroad: "I don't have enough to feed my daughter at home, and my husband can't find work, nothing in Romania can be done. They threw him out of the company where he had worked as a slave for them for 10 years, without any reason. Just because they complained that they had no money to pay the salaries, but their boss was taking 100 million in hand and my man was barely given 10 million. Only "Dorel" everywhere, some take everything and don't work, others take the dust off the drum. The bastards have strangled this country. This can't be happening. What kind of country do we live in? Where is justice?"

The other respondents also gave the same arguments, pointing out that Romania's main problem is not only the low living standards, wages, laws and opportunities, but above all those related to justice through inequality, scarcity, theft and social inequality. The disproportion between the salaries paid to those who work and to bosses/managers in the budgetary and private sectors are disproportionate and are the most painful issues mentioned by all respondents. In an order of importance, the main reason that led respondents to leave is first of all social injustice and then poverty. In the last 31 years Romania has been deprived of "the most important public debate consumed in the gap between the wealthy and the poor, or more simply put from excessive accumulation of wealth versus severe poverty." (FitzeK, 2020: 108). Today, any intention in this regard has been completely abandoned, and great social frustrations flourish instead.

Regarding the legality of the employment contract, of the 12 respondents, only one subject had a legal employment contract, the other 11 opted only on the basis of mutual agreements made verbally with a Romanian recruitment firm. Avoiding any risk, the 11 respondents relied exclusively on the verbal agreement with their job brokers, on the idea of a fictitious salary, and the only argument evoked for trust was based on the fact that the same company offered them free transport, accommodation and meals,

together with a salary ranging from 1000 to 1500 euros. Three of the eleven respondents also relied on their previous experience of being employed by the same company in previous years. Quote: "There is no such thing as ripping us off because we worked with them before last year and they kept their word". When asked, however, how they could trust a mutual agreement without any paperwork and without any health insurance or what they would do if they got sick, respondents avoided answering directly, justifying that nothing bad could happen to them. In all direct answers they avoided any negative variants that would make them worry about their decision.

Last but not least, the topic of moving permanently to Germany generated three categories of responses: 8 out of 12 respondents said they would move under any conditions at the first opportunity, three respondents said they would make this change if they could bring their families and one respondent preferred to live in Romania and move abroad only for work. I could not help but notice their determination, also characterized by strong emotions, to leave Romania at any cost. The arguments they mentioned are part of the reality of those who live in small towns lacking opportunities and especially those in rural areas.

The relatively worrying conclusions of the interview highlight several issues:

1. there is obviously a phenomenon regarding Romanians who leave for seasonal work without ensuring the legality of the documents, the obligation of a contract that ensures the respect of fundamental labour rights, as in the case of medical insurance;
2. the main reasons for leaving the country permanently, not necessarily only to Germany, are: severe material deprivation, social injustice and lack of hope for a better future.
3. subjects knowingly violate some temporary restriction rules imposed by the authorities;
4. subjects, with one exception, would leave this country at any time to obtain the dignity of a better life or at least a quality of life that would ensure them a decent living;
5. in the respondents' opinion, the Romanian authorities are to blame for the rise of undeclared work, as long as they do not get involved and take no interest in their fate;
6. during the period of the ban on the movement of persons imposed by the Covid-19 medical crisis, the subjects consider that the Romanian authorities are not allowed to prevent free movement. On the contrary, in their opinion, the authorities are to blame for the agglomeration created, the lack of organization and the lack of minimum safety and hygiene conditions.

The findings bring to the surface a number of long-standing problems that characterise the Romanian migration indicator, and the period of the Covid-19 medical crisis only highlighted the structural vulnerabilities present since the Revolution. More and more Romanians are choosing the path of migration because they feel abandoned by the Romanian state, unable to represent their interests. One of the structural problems,

often mentioned by the subjects, is the lack of concordance between what the authorities say through the media, what they impose through legislation in Parliament and what is applied in society. The three levels do not communicate with each other and the reality, as reflected in the media, is on the opposite side of the tracks.

### ***3.2. Application of the interview guide among officials on migration to Germany, analysis and results***

For the second research segment, we chose three important institutions that are directly related to ministerial representation, diplomatic relations and the statistical situation of Romanians living abroad: the Department of Romanians Abroad (D.R.A.), the German Embassy in Bucharest and the Ministry of Labour and Social Protection. Of the 25 people officially working at the three institutions, only 12 subjects agreed to take part in the interview, but this was enough to form a point of view represented by the Romanian authorities and the German Embassy in Bucharest. Given the pandemic situation of the period, we could not obtain the agreement of several respondents, some of them giving the reason that they were not in the country and others not working in the office.

The structure of the interview consisted of 10 open questions and had three main objectives:

1. to express positions, not always official, on the subject of employment contracts of Romanian intermediary firms on the subject of labour recruitment for Germany;
2. personal position expressed, not always official, on the way of involvement, management and control of labour migration in the conditions of restriction of movement imposed by the Romanian Government;
3. the personal position, not always official, on the solutions and public policy plan to reduce the growing Romanian migration phenomenon.

The personal view expressed and not necessarily official was an advantage in getting an easier set of direct answers. As specialists in different fields of activity, respondents offered opinions, data and impressions gained from their own experience. In this respect, we opted for a semi-structured interview with open questions. The respondents who participated in the interview are between 34 and 62 years old, have higher education and live in Bucharest. Of the 12 respondents, 7 women and 5 men participated.

Summarizing the responses received on the topic researched from the interview data collection, the respondents unanimously identified a systemic vulnerability that directly affects the Romanian state authorities through the lack of centralised communication at inter-institutional level. In other words, in the years since the Revolution, Romania has been going through a major communication crisis between state institutions, with important data not being circulated and exploited centrally. Respondents are of the opinion that there is already important data on migration, but it stops at the level of one institution and the only transparent data are those issued by research institutions. However, scientific databases are insufficient without linking them to public data, and

this is a systemic problem. On major vulnerabilities, one respondent pointed out that the Ministry of Labour and Social Protection has enough data, which is, at most, used in the area of scientific research and publication, but only that. "There is a lot of data in every ministry, institutions and embassies, but there is a lack of data sharing, nobody centralises it so that we can see what others are doing or make our data available. Nobody is interested though. We operate in a system of institutions that don't communicate with each other, so we lack vision and common policies." Another respondent insisted on the re-establishment of a Ministry of Public Information with the main purpose of collecting and centralising all data. "Anyone who needs some official data should go to this database and find it out, and then this ministry could also track and evaluate some complex phenomena, such as migration.

Migration is not just about numbers, where some leave and others come, migration has deep social causes, and all these aspects are part of a series of data that we cannot easily track without thorough organisation." In this regard, a representative from the German Embassy in Bucharest gave an example of the case of Germany, which has several control institutions and complex information, adaptable to different requirements and phenomena that also concern the subject of migration. On this aspect, in Romania, existing data are not exploited to their full value because they stagnate or circulate extremely slowly. The position expressed by the respondents on this subject is also confirmed by some scientific papers which has pointed out in various scientific symposiums that the research and scientific data of researchers stop at the shelves or at most at some articles and journals that are not read enough. The Romanian government is too little interested in the value of these results. Lack of interest remains a general condition that would characterise even the ministries, as long as the government does not know the real problems of the country very well. The solution, according to respondents, would be centralisation through urgent digitalisation of the political and administrative institutional environment and urgent investment to eliminate the over-bureaucratisation of the administrative apparatus. "If public investments are launched late because of bureaucracy and cumbersome procedures, then it will be difficult both to revive the economy and to keep in the country (rural) part of the emigrants who returned to the country because of the pandemic" (ICCV Social Report, 2020:34). However, public investment has been slow to emerge due to the political instability caused by the change of government and the deepening divide between the vaccinated and unvaccinated through the collusion of political groups and interests. In this respect, Romania has not made up for lost time.

On another research objective, respondents are aware of the many contractual and delicate problems of Romanians working abroad and not only in Germany. Undeclared work, through seasonal work, is a real epidemic developed by systemic weaknesses. The fact is that the presence of Romanian companies for recruitment purposes has been encouraging undeclared work for many years, and the measures taken by the Romanian government are not effective in reducing or eliminating this phenomenon. A respondent working at the German Embassy believes that there are a number of vulnerabilities, including in the German legal system, in terms of discouraging undeclared work. "This probably suits everyone. Germany complains about immigrants, but economically it needs them and then federal governments don't get

involved." However, compared to Germany, Romania has not even bothered to combat undocumented migration because there is no clear legislation in place. Another respondent, an employee of the Ministry of Labour and Social Protection, said that this situation has been stagnating for many years and that so far the Parliament has not set out to build a set of laws to discourage illegal recruitment firms, quote: "[...] intermediary recruitment firms are directly responsible for the escalation of undeclared work in any European market. You as a foreign authority cannot regulate the Romanian problem, but only the one related to your own citizens. But if you get citizens from other countries, as we Romanians are for the Germans, then the problem is not in their court, but in ours. To be clear, without tough and clear legislation on this subject, nothing will change." The plan exists, but it still needs to be adopted as a legislative proposal in the parliamentary working groups, but as a priority, otherwise we run the risk of tabling bills that outlive the short life of Romanian governments, and when a new government comes in, everything starts all over again.

Another aspect included in the area of systemic vulnerabilities, unanimously stated by respondents, comes through the lack of concordance between the will of the authority and the deliberate violation of the rules. Mentioning here the restrictions imposed during that period throughout the Romanian territory, in reality they did not work. According to the Romanian Constitution, emergency ordinances become binding throughout Romania by the principle of national sovereignty, they apply to all those who fall under the laws, everywhere and without exception. Yet the press has shown how airlines have frequently broken the rules without being held accountable. I quote from the words of a respondent employed at the German Embassy: "How is this possible in a European country? In Germany, if something like this happened on the part of an airline, the entire management from the director down to the last representative in the leadership and management structure would resign within 24 hours. It is unimaginable for a sovereign state to have its provisions openly violated. The press showed their ignorance, and a whole world watched the impotence of the Romanian state". Against the backdrop of the dysfunction between law and reality, we deduce that beyond the medical crisis there is a deep political and authority crisis. The Romanian government has authority problems and is incapable of applying and enforcing its laws.

On the last point addressed in the interview guide, respondents offered different opinions on appropriate solutions to control migration and on the elimination of undeclared work. Quote: "Romania is a prisoner of its own traps. You cannot offer that set of solutions and public policies as long as the sovereignty of power and authority is not resolved. Romania is a special case in that there are laws, but nobody enforces them." The rights of Romanians abroad can be successfully represented by prestigious institutions, such as the Department of Romanians Abroad (D.R.P.), but illicit contracts, victims of human trafficking, exploitation of child labour and other serious problems of violation of Fundamental Human Rights can only be solved by the Authority of the Romanian State, i.e. by a stable Parliament and Government, with clear powers and efficient execution of decisions in any situation.

Another respondent is of the opinion that "The dysfunctional situation between the law and the sovereignty of powers can only be resolved by amending the constitution, and

here the people must be called to vote and clearly establish how the checks and balances of powers in the state work. Without a clear allocation of power, the fundamental institutions of the state are in conflict due to constitutional confusion. There are laws, but the constitution does not clearly assign responsibility and enforcement to whom." Indeed, this principle of the rule of law cannot be resolved politically, rather by plebiscite, so the powers of control and law-making will not generate decisional confusion between omnipotence or limitation of power between the President and the Prime Minister or legislatively between Parliament and the Constitutional Court. Another line of opinion argues that: 'at the root of the problem is a lack of clear delimitation of legislation between national sovereignty and the application of European Union directives. This can be seen in the lack of congruence and consensus between the will from Brussels and national wills. Europe needs a European plebiscite to limit or uniformly extend the powers and boundaries between the centralised power of the Union and the national sovereignty of each Member State. Without such delimitations, the European institutions will not be able to harmonise legislation and will not be able to resolve the great social inequalities between countries, which are widening as time goes by, and the rich countries will become richer and the others poorer". Any mediation and harmonisation policy of the European Union is superfluous. "The effect obtained is the opposite of what is expected: the gap between rich and poor will deepen the more you try to reduce it" (Stănescu, 2013: 26). A legalization of these power structures can only be achieved by a plebiscite of all European citizens. A harmonisation of immigration legislation, the universalization of the rights of all European citizens to be treated equally, without discrimination, wherever they move to work in the European area is indeed a priority that the Union must urgently address.

#### 4. Conclusions

After interviewing Romanian seasonal workers, I found out that most of them are people who used to work in other professional fields but, having lost their jobs, preferred to do something else to avoid severe poverty. From a broader perspective, most Romanians who choose to work abroad, as well as for the German environment, accept jobs that are under qualified compared to their training. On the other hand, the rush to move seasonal workers around Europe is a kind of recognition of their importance in keeping some wheels of the continent's economy in motion. According to the study, the profile of the typical fruit and vegetable picker is, approximately, between 26 and 55 years old, with an average basic education, a background as a skilled worker and a preference for outdoor work. However, Romanians who go out to seasonal work feel "unappreciated and disregarded".

As members of the European Union, Romania and Germany have an active social policy. Both countries use the term 'welfare state', a guarantee given by their basic laws; the welfare state is obliged to take measures for economic development and social protection, ensuring a decent living for Romanian seasonal workers.

After analysing all the responses received, there are two fundamental questions to which answers are expected:

1. Romania is facing difficulties in applying the law, or in other words, the Romanian Government does not have enough authority to make its decisions heard. The case of the airports during the lockdown is a vivid example of this, and the responsibility has been passed from the decision-makers to a masquerade that the media caught, ridiculing the authority of the political power in Romania. Until the government assumes to the end its powers of control and of fining the guilty parties for systematically violating official rules, until then we cannot extend the subject to other visions or solutions.
2. The problem of undeclared work for Romanian seasonal workers is not Germany's problem, but Romania's, which is currently incapable of coherence and capacity to manage its own challenges. The companies that illegally recruit Romanian seasonal workers are Romanian and fall under the exclusive jurisdiction of Romanian law and authority.

In answering the two research questions, Romanians in Germany face a number of challenges stemming from a multitude of causes and dysfunctions in terms of legislation, rights and communication. With the arrival of the Scholz government, discrimination against Romanians in the German press has decreased, as well as in political statements, but there is still a lot of legislative work to be done. The Romanian and German states need to strengthen their diplomatic and legislative ties to reduce undeclared work and ensure a suitable environment that guarantees better working and pension conditions for seasonal workers. On the other hand, the authority of the Romanian state must be strengthened and clearly asserted in times of medical and economic crisis. Otherwise, as seen in the Romanian airport crisis, the government risks being undermined by unenforced law and setting a dysfunctional precedent in the political system.

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I declare, on my own responsibility, that there is no conflict of interest in the production and publication of this article.

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