

New regulations on expat rights to reside and work in Romania

24 September 2014

In brief

Government Ordinance no. 25 on the employment and secondment of third-country nationals in Romania, amending and completing certain legislative acts concerning the status of third-country nationals in the territory of Romania, "OG no. 25/2014", was published in the Official Journal of Romania on 30 August 2014.

In detail

OG no. 25/2014 transposes, *inter alia*, Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

The main revisions and completions brought by OG no. 25/2014 are:

- with reference to the right to work
 - The work permit, as defined under Government Urgency Ordinance (OUG) no. 56/2007 concerning the employment and secondment of third-party nationals in Romania, as later revised and completed, is replaced by an

employment or secondment approval;

- An employer may issue an employment or secondment approval provided that the Romanian employer or service beneficiary were not been the subject of a final court sentence for a criminal offence provided for by the Labour Code, or for intentional criminal offences against the person provided for by the Criminal Code;
- New classes of third-country nationals who do not require employment approval in order to be employed in the territory of Romania have been introduced;
- In order to prove compliance with the special conditions for

the issuance of employment approval for permanent workers, where there is available workforce for the respective vacant job position, the employer must prove the publication in a mass-circulation daily of at least three consecutive announcements regarding that vacant position;

- The deadline for the notification of employee secondment to the Territorial Labour Inspectorate has been changed, from by the first day of employment to within five days following the employment date. The fine imposed for the violation of this obligation has been reduced from 3,000 -

- 6,000 lei to between RON 1,000 - 2,000 lei.
- with reference to visas
 - The entry visa to Romania has to be requested no earlier than three months prior to the expected date of arrival in Romania and the travel document on which the visa is to be affixed should have been issued within the last 10 years;
 - The possibility to file visa applications through outsourced service suppliers contracted by the Ministry of Foreign Affairs has been introduced;
 - The possibility to file visa applications in special, urgent cases also at consular offices other than those in the country of legal domicile or residence has been introduced.
 - with reference to the residence permit
 - The single permit has been introduced. This is an identity document issued to a foreign-country national by the General Inspectorate for Immigration which certifies the latter's right of stay and work in Romania;
 - Where the employment of the third-country national is terminated prior to the expiry of their residence permit (single permit or Blue

Card), their temporary right of stay may be extended for the equivalent of the period whilst they benefits from unemployment allowance according to the law;

The takeaway

Applications filed at the General Inspectorate for Immigration for work permits under OUG no. 56/2007 and in process of settlement upon the coming into effect of OG no. 25/2014 will be settled in accordance with the provisions of the new law.

OG no. 25/2014 becomes effective 90 days after its publication in the Official Journal, i.e. as of 28 November 2014, on which date OUG 56/2007 will be repealed.

Let's talk

For a deeper discussion of how this issue might affect your business, please contact:



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