

## TYPES OF WORK PERMITS

Depending on the type of work-related activity, work permits can be:

### Work permit for local hires

- The foreigner must be employed in Romania and conclude a local employment contract.
- Valid as long as the local employment contract is valid, automatically extended upon renewal of the residence permit (single permit).
- Obtained under specific pre-conditions that must be fulfilled both by the Romanian employer and the foreign national.

### Work permit for highly-skilled employees

- The foreigner must be employed in Romania in a highly-skilled position and conclude a local employment contract.
- Valid for up to 2 years, extendable.
- Obtained under specific mandatory eligibility conditions. The foreigner must prove high-skills / qualifications needed to hold the highly-skilled position, salary level, local employment contract

### Work permit for assignees

- Valid for maximum 1 year, not extendable (due to 1 year within a 5-year period limitation of the right of stay in Romania for assignment purposes, as set by law).
- Obtained on the basis of an employment contract and assignment letter issued by the employer outside Romania.
- Foreigners holding residence permits in an EU or EEA country or Switzerland may be seconded for a period longer than 1 year within 5 years, subject to certain conditions.

### Work permit for ICT worker

- The duration of the assignment can be up to 3 years, for foreigners who occupy a *management* or *specialist* position, and up to 1 year for foreigners who come as *trainee* workers.
- A specialist is defined as a foreigner who has at least 3 years' professional experience, relevant for the area of activity, and who has technical or management knowledge, which is useful for the beneficiary of the services. He/she must also have at least 6 consecutive months' experience in the same company or group of companies. Trainees must have at least 3 consecutive months' experience within the same company or group of companies.
- Foreigners who hold ICT permits issued by other EU states, may carry out activities in Romania as ICT workers from the date when the Romanian company registers the application for the work permit, and do not have to wait until it is issued.

**Other types of work permits**, which can be granted to foreigners: work permits for seasonal workers, interns, and cross-border workers.

### WORK PERMIT QUOTA APPROVED BY THE ROMANIAN GOVERNMENT IN 2018

The Romanian Government has approved 7,000 work permits for 2018 for foreigner's wishing to work in Romania under employment contracts or assignments from foreign companies, out of which:

- 4,000 are for local hires (3,000 in 2017).
- 1,200 are for assignees from non-Romanian employers (700 in 2017).
- 500 are for highly-skilled employees (500 in 2017).
- 700 are for ICT workers (700 in 2017)
- 100 are for interns, 400 for seasonal workers, and 100 for cross-border workers.

## RESIDENCE IN ROMANIA

EU/EEA/Swiss nationals as well as foreign nationals residing in Romania must obtain temporary residence documents, such as: residence permits / residence cards / registration certificates / EU Blue Cards.

## TEMPORARY RESIDENCE DOCUMENTS - GENERAL ASPECTS

- These are residence documents in Romania.
- They contain a personal numerical code number (CNP) to be further used for tax and social security purposes.
- They are granted by the Romanian authorities:
  - According to the purpose of stay in Romania (for local employment / assignment / family reunification / study etc.).
  - On the basis of a long-stay D-type visa previously obtained, where this is required for initial entry.

**AUTHORITY**  
which grants temporary residence documents

Romanian General Inspectorate for Immigration.

## TYPES OF TEMPORARY RESIDENCE DOCUMENTS

According to the nationality of the individual, the Romanian authorities can issue the following types of residence document:

### Residence Permits

- Granted to foreign nationals typically on the basis of a long-stay D-type visa.
- Issued within 30-45 days of the application and valid for up to 12 months, extendable.
- Mandatory if the stay in Romania exceeds 90 days within a 6-month period.

### Single Permits

- Identification documents attesting the foreigner's right to reside and work in Romania.
- Granted to foreign nationals typically on the basis of a long-stay D-type visa for local employment / for assignment.
- Issued within 30-45 days of the application and valid for up to 12 months, extendable.

### ICT Permit

- Granted to foreign individual as ICT worker, who is transferred within the same company.
- Valid for the duration of transfer but no longer than 3 years for managers and specialists and one year for trainee employees.

### Registration Certificates

- Granted to EU/EEA/Swiss nationals.
- Issued within 1 day of application and valid for up to 5 years, extendable.
- Typically required for a stay in Romania exceeding 3 months.

### Residence Cards

- Granted to foreign individuals who are family members of an EU/ EEA/ Swiss/Romania national.
- Issued within 90 days of application and valid for up to 5 years, extendable.
- Mandatory if the stay in Romania exceeds 90 days within a 6- month period.

### EU Blue Cards

- Granted to foreign individuals who are highly-skilled employees who conclude local employment contracts.
- Monthly salary of at least 4 times the average gross salary (i.e. minimum EUR 2,850/month).
- Valid for up to 2 years, depending of the validity of the employment contract.
- After an 18-month legal stay in an EU Member State, the foreign individual can move to another EU Member State to occupy a highly-skilled position.

## LONG-TERM RESIDENCE IN ROMANIA

The right of long-term residence in Romania can be approved by the Romanian authorities for EU/ EEA/ Swiss nationals and foreign nationals who are holders of valid temporary residence documents, under special terms set by law. The right of long-term residence in Romania is terminated when absence from Romanian territory exceeds 12 consecutive months, in the case of foreign nationals (except when the foreign individual is a holder of a temporary right of stay in an EU country within this period) or when the absence exceeds 2 consecutive years, in the case of EU/EEA/Swiss nationals.

## LONG-TERM RESIDENCE PERMITS/ RESIDENCE CARDS

- Granted to foreign nationals typically with 5-year validity or 10-year validity, in the case of EU/ EEA/Swiss nationals.
- To be eligible to obtain a long-term right of residence in Romania, the foreign national or EU/EEA/ Swiss national must have had an uninterrupted and legal stay in Romania for the previous 5 years based on Romanian temporary residence documents.
- Foreign nationals must have knowledge of the Romanian language - basic level.

**Rights and benefits for holders of a Romanian long-term residence permit**

- Free access to the Romanian labour market - no work permit required

## FAMILY REUNIFICATION

**Non-EU Dependents.** Spouses and children should obtain Romanian immigration documents for family reunification (i.e. special approvals from General Inspectorate for Immigration, long-stay D-type visas, residence permits), if accompanying the foreign national during his/her long-stay in Romania. Children are required to obtain a residence permit, irrespective of their age.

Family reunification procedures can be initiated once the foreign national obtains his/her Romanian residence permit / EU Blue Card (the residence permit should be valid for at least 1 year). Family members of some nationals can enter Romania together with the main applicant. Requirements must be reviewed individually as per each case. Marriage and birth certificates with either the Hague Convention Apostille or over-legalisation stamps, as appropriate, are required for family member applications.

**EU Dependents.** EU nationals may travel freely to Romania, but are required to register their residence in the country. Registration is processed based on marriage certificate for spouse and birth certificates for children, bearing either the Hague Convention Apostille or over-legalisation stamps, as appropriate.

## RECOGNITION OF DIPLOMAS AND QUALIFICATIONS

Diplomas, certificates of competencies, scientific titles, etc. obtained abroad can be validated and recognised by the Romanian Ministry of Education, which can issue a certificate of studies recognition in support of an application for local employment or assignment to Romania. To be validated, the diplomas must have either the Hague Convention Apostille or over-legalisation stamps, as appropriate, depending on which country has issued them.

## CHANGING A FOREIGN DRIVING LICENCE INTO A ROMANIAN ONE

EU/EEA/Swiss individuals as well as foreign nationals who have domicile, temporary or long-term residence in Romania (e.g. holders of a valid Romanian residence permit / registration certificate / residence card / EU Blue Card) must file a request to change their national driving licence obtained abroad, in accordance with Romanian road traffic legislation.

Usually, no further examination or driving test is necessary to exchange a driving licence issued abroad. However, individuals holding licences issued by certain foreign governments (as detailed in Romanian legislation) may be required to take lessons and pass a test to obtain a Romanian driving licence.

## OBLIGATION TO NOTIFY THE ROMANIAN AUTHORITIES

**While staying in Romania, foreign nationals must inform the Romanian authorities of:**

- Any change of the Romanian residence address, within 30 days of moving to the new address.
- Any change in personal data (i.e. name and surname, citizenship, marital status, employment situation, birth of child, death of a family member residing in Romania, renewal or change of passport), within 30 days of the change.
- Assignment from EU/EEA based companies, at least 1 working day before commencement of work in Romania.
- Assignments from non-EU/EEA based companies, no later than 5 days from the commencement of the secondment.
- Upon arrival in Romania - registration at a local police station is mandatory within 24 hours of arrival at accommodation (if the visitor is staying in a hotel, registration is handled by the hotel) or within 3 days of arrival in the country.

## CONSEQUENCES OF ILLEGAL IMMIGRATION

Infringement of the legal requirements on entry, work and residence (for example, overstaying a visa, illegal work, illegal stay, failure to give legally required notifications to the Romanian authorities within the terms set by law etc.) may have severe reputational consequences at company level or individual level. These infringements may be penalized by: fines, cancellation of visa / work permit / residence permit, requirement to leave the country, ban on re-entering the country, ban on hiring/assigning foreign workers etc.

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**KPMG**

KPMG in Romania

Inside this guide you will find basic information concerning entry, work and residence in Romania in accordance with the main requirements set by law and the practice of the Romanian authorities. This guide cannot be regarded as tailored advice to individual circumstances. Consequently, we recommend that users seek detailed advice on a case-by-case basis.



