

Tax Newsflash

New immigration rules applicable to seasonal workers

The government has approved a draft law, which will be sent to Parliament, aimed at correctly transposing Directive 2014/36/EU on seasonal workers from third countries. The draft legislation proposes amendments to Government Emergency Ordinance No. 194/2002 concerning the regime of foreigners in Romania, as well as to Government Ordinance No. 25/2014 concerning the employment of foreigners.

Companies can still hire seasonal workers from outside the EU, but new, stricter conditions have been introduced, while other requirements have been simplified.

Below, we set out the main changes in immigration requirements:

- **Changes related to work permit applications**

- Employers must submit a certificate from the trade registry confirming that no bankruptcy or liquidation proceedings have been initiated.
- Only regulated professions will need to prove that they meet the requirements for professional qualifications, work experience, or authorization, in accordance with the current legislation for occupying the relevant job.

- **New changes for the category of seasonal workers**

- A work permit can be revoked if the employer:
 - Has been liquidated or is insolvent
 - Is not carrying out economic activities
 - Has unpaid tax obligations

Has been convicted of labor-related offenses or has been sanctioned in the last 6 months

- If the visa or residence permit is revoked, the employer is responsible for paying the seasonal worker two guaranteed gross minimum wages, as well as any outstanding obligations that the employer should have met if the long-stay visa or temporary residence permit had not been revoked.
- Applications for work permits to hire seasonal workers will be processed within 15 days of registration.
- When extending the right of temporary residence for work, the requirement for seasonal workers to prove that the minimum wage was maintained throughout their stay at the time of the extension request will be eliminated.

KPMG in Romania will continue to monitor these developments closely, as well as observing how immigration authorities implement the new regulations. Although we do not anticipate that the legislative changes will significantly restrict the recruitment of seasonal workers from outside the EU, we recommend that companies intending to rely on this type of worker should conduct a preliminary analysis.



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