



# GMS Flash Alert

## Immigration Edition

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# Romania - Brexit: Change in Rules for U.K. Citizens from 1 January 2021

On 25 November 2020, Romania's Emergency Ordinance no.204, enacting various measures applicable for U.K. nationals in relation to the Withdrawal Agreement, was published in *Monitorul Oficial* (the official journal of Romania) (no.1132). The newly-adopted measures are applicable as from 1 December 2020.

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## WHY THIS MATTERS

The new Emergency Ordinance issued by the Romanian government addresses the uncertainties and concerns with respect to U.K. nationals living and working in Romania after the transition period ends (on 31 December 2020).

Certain actions will need to be taken before 31 December 2020, to help ensure that they, and their employers, are compliant in the post-Brexit era.

U.K. nationals in Romania pre-Brexit, or planning to travel to Romania post-Brexit to take up work and/or residence, are advised to discuss their situations and plans with immigration counsel and/or their global mobility advisers and tax professionals.

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## Background

As the end of Brexit transition period will end on 31 December 2020, new rules for U.K. citizens will be enforced.

The end of free movement of people between the EU and the U.K. on 1 January 2021 is a near certainty. This has a significant impact on the mobility of people moving between the two territories, whether for local hires, assignees, remote workers, or business travellers, which business leaders should take into account. New immigration rules will consequently be applicable to U.K. nationals.<sup>1</sup>

# Immigration Rules for U.K. Nationals: Now and Post-1 January 2021

## Requirements for Registration/Extension of the Right to Enter/Stay in Romania

There is no change in the requirements for entry into Romania for U.K. citizens and their family members until 31 December 2020. They will continue to enjoy the same free movement rights as any EU citizen in relation to travel (no visa required), residence, work, or study in Romania.

However, after the transition period, U.K. citizens and their family members who resided in Romania and wish to remain in Romania after 31 December 2020 (i.e., beneficiaries of the Withdrawal Agreement), should register with the Romanian immigration authorities for the new residence status *before* 31 December 2021.

The new measures adopted by Emergency Ordinance 204/2020 are the following:

- The transition period will end on 31 December 2020.
- U.K. nationals and their family members who enter Romania during the period 1 to 31 December 2020 may apply for a temporary residence document (valid for up to five years) within 90 days of the date of entry into Romania.
- U.K. nationals and their family members, already registered and residing in Romania before 31 December 2020 (i.e., holders of registration certificates) may apply for an extension of their right of residence in Romania (i.e., a new residence document) no later than 31 December 2021, as beneficiaries of the Withdrawal Agreement. The residence document will be valid for up to five years.
- U.K. nationals who have obtained a permanent residence right in Romania before 31 December 2020, can have their status validated and recognised if they apply for a permanent residence permit by 31 December 2021. The validity of the permanent residence documents will be for up to 10 years.
- Family members accompanying a U.K. national from 1 January 2021 until 30 September 2021, may apply for a temporary right of stay in Romania until 31 December 2021. Those entering Romania after 1 October 2021, have to apply for the right of residence within 90 days of the entry date.
- U.K. nationals residing in Romania must notify the immigration authorities in relation to any change which has occurred in their situation (i.e., change of name/citizenship/residence address/marital status, etc.) within 30 days of the change.

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## KPMG NOTE

It is recommended that organisations consider:

- Analysing how many U.K. nationals are working for the organisation.
- Checking if U.K. nationals have already obtained a temporary/permanent residence permit in Romania by 31 December 2020.
- Staying vigilant when planning future business travel of U.K. nationals to Romania considering that free movement of people as we know it now will change as of 1 January 2021.

## KPMG NOTE continued:

Organisations with Romania-inbound relocation plans for their U.K. national employees and Romania-based organisations considering local hires of U.K. nationals may wish to discuss their plans and how the rules (current and post-1 January 2021) would affect them, with their qualified global mobility professionals and immigration counsel.

The KPMG International member firm in Romania will endeavour to keep clients informed should any new developments occur.

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## FOOTNOTE:

1 Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, 2019/C 384 I/01, *OJ C 384I*, 12 November 2019, p. 1-177. For related coverage of Brexit and the Withdrawal Agreement and immigration matters for U.K. nationals, see our other Brexit reports in *GMS Flash Alert*, at: <https://home.kpmg/xx/en/home/insights/2015/09/flash-alert-brexit.html>.

For more on the EU-U.K. Withdrawal Agreement, see: [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement_en).

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## Contact us

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*\* Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Romania.**

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