

GMS Flash Alert

Immigration

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Romania – New Rules for Highly-Skilled Foreign Workers and Work Permits

With effect from 8 March 2024, the conditions for requesting work permits and the rules applicable to highly-skilled workers have been significantly amended. Specifically, Law no. 28/2024, published in Romania's official journal (no. 176 of 5 March 2024)¹ makes important changes to the legislation applicable to foreign citizens in Romania, previously set out in Government Emergency Ordinance no. 194/2002 concerning the regime of foreigners in Romania and Government Ordinance no. 25/2014 concerning the employment and posting of foreigners in Romania. Law no. 28/2024 also sets out details on the implementation of EU Directive 2021/1883.

Generally, employers that apply for work permits in Romania must observe several conditions. Firstly, the immigration legislation sets out a set of general conditions related to the employer and its activity in Romania, and secondly the legislation refers to specific conditions depending on the type of worker for whom the work permit is requested.

WHY THIS MATTERS

The changes to Blue Card holders' rules with respect to work permits, residence permits, employment contracts, minimum monthly salary, and for certain eligible foreign national students to work more part-time hours, all point to enhancing flexibility, convenience, mobility, and the appeal to highly-skilled individuals of coming to work in Romania.

However, there are new administrative steps for employers that are intent on hiring skilled foreign nationals, for example, in terms of prioritising the search for workers within Romania's domestic labour pool and other, related more stringent requirements.

More Details

We refer below to the key changes to the immigration requirements.

New Amendments and Changes for Highly-Skilled Worker Category

- A new concept of “**short-term mobility**” has been introduced.
- Exceptions from the work permit:
 - A new category of workers, called “**mobile highly-skilled workers**” has been introduced. Specifically, third-country nationals who are holders of a valid EU Blue Card issued by another EU/EEA member state may enter Romania and carry out economic activities for up to 90 days within any 180 days, without a work permit.
 - Third-country nationals who are holders of a valid EU Blue Card issued by another EU member state and who have resided in another member state for at least 12 months, or who have resided in more than one member state and have resided for at least six months in the last country of residence, may be able to enter Romania and work in the country, under exceptional rules, without a work permit or specific work visa. These categories of individuals may apply for an EU Blue Card in Romania within one month of entering the country. Their family dependents will be exempted from the family reunification procedure and may apply directly for a residence permit.
- The definition of a “highly-skilled worker” has been modified.
- The minimum length of an employment contract has been modified; it can be concluded for a definite or indefinite term of at least six months (as compared to at least one year previously).
- The minimum monthly salary for highly-skilled workers has been reduced to at least the level of the average gross salary (as compared to two average gross salaries previously).
- A new condition has been introduced to the application process for a work permit for highly-skilled workers; the employer should prove that it has carried out the necessary verification to ensure that the vacant position could not be held by a Romanian citizen, by a citizen of another EU/EEA member state, by a citizen of the Swiss Confederation, or by a foreign national with the right of long-term residence in Romania (i.e., proof of selection and AJOFM certificate). The AJOFM certificate must be issued no later than 90 days before the submission of the application for the work permit, instead of 60 days as previously.
- New conditions for qualifications and professional experience have been introduced (previously, there was no professional experience requirement for highly-skilled workers):
 - higher education, as well as
 - at least five years of professional experience in the same area as the education.

Furthermore, third-country nationals who apply for a highly-skilled worker’s permit and who will occupy positions as leaders in information and communication technology services, or as specialists in information and communication technology, will be required to demonstrate at least three years of relevant professional experience in the seven years prior to the application for the work permit.

- Family reunification applications for family dependents of a highly-skilled worker may now be submitted simultaneously with the application for the principal’s EU Blue Card.

Changes Related to Work Permit Applications

- The general conditions to obtain a work permit have changed, as the work permit will only be granted if, among other things, the employer proves that it actually carries out in Romania activities compatible with the position for which a work permit is applied and the employer's activity was not established or is not carried out for the purpose mainly of facilitating the entry of foreign nationals into Romania.
- The employer needs to prove payment of all obligations to the state budget, not just those for the last quarter, as previously.
- The new law specifies that in order to verify the above aspects, the General Inspectorate for Immigration can carry out checks at the headquarters of employers.
- The validity of the certificate issued by the Unemployment Agency (required for the work permit file) has increased from 60 to 90 days from the issue date.
- Foreign nationals holding the right of temporary residence for study purposes can be employed in Romania without a work permit only with a part-time individual work contract, for a maximum of six hours per day (as compared to four hours per day previously).

Other Amendments

- The validity of the regular residence permit for permanent workers will be for the period of the validity of the employment contract, but for no longer than two years (compared to one year previously).
- The validity of the EU Blue Card (the residence permit granted to highly-skilled workers) will be for the period of the validity of the employment contract, but for no longer than 3 years (compared to two years previously).
- A work permit for a secondment will be valid for up to 180 days (as compared to 60 days previously).
- The processing period for long-term visa applications has now been increased to within 20 days from the date of application (compared to 10 days previously).

Changes in Notification Requirements

- Foreign nationals are required to notify any change in their personal situation 10 days from the occurrence of the change (compared to 30 days previously), especially the following: a change of name, citizenship, domicile or residence; the conclusion, dissolution, or annulment of a marriage; the birth of a child; the death of a family member in Romania; any change made in connection with their employment; the extension or change of a passport.
- If the legal relationship with the foreign national is terminated or suspended, the host entity is required to inform the immigration authorities within 10 days of the date of the occurrence of the event.

KPMG INSIGHTS

These changes aim to enhance Romania's appeal as a destination for highly-skilled workers and to bring clarity to the rules employers must follow to hire/bring such workers in/to Romania.

The rules are in flux and foreign national individuals seeking employment in Romania and employers seeking to hire foreign nationals may have questions about eligibility as well as conditions that need to be met to facilitate availing of the new rules and being compliant with them. Such employers and individuals should consult with their qualified immigration/employment law counsel or a member of the People Services team in Romania (see the Contacts section).

FOOTNOTE:

1 See *LEGE nr. 28 din 29 februarie 2024*, published in the Romanian official journal (*Monitorul Oficial nr. 176 din 5 martie 2024*) online at: <https://legislatie.just.ro/Public/DetaliiDocument/279587>.

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RELATED RESOURCE:

This article is excerpted, with permission from “[New rules for highly-skilled foreign workers and work permits](#)” in *Tax Newsflash* (14 March 2024), a publication of the KPMG International member firm in Romania.

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