28.04.2026

Tax Newsflash

Access of Foreign Nationals to the Romanian Labor Market – New Rules Adopted

Emergency Ordinance No. 32/2026 on the access of foreign nationals to the Romanian labor market, as well as to amend and supplement certain legislation (hereinafter the "Ordinance" or "EO 32/2026"), was published in the Official Journal of Romania no. 335, dated 27 April 2026.

The Ordinance sets out the legal framework for the registration and authorization of employers which use foreign labor (i.e. citizens of non-EU states) in Romania, the authorization and conduct of activities by agencies placing foreign nationals on the Romanian labor market, as well as for the establishment of a digital mechanism for the admission of foreign nationals for employment in Romania, which will replace the current system for issuing work and secondment permits.

Main provisions

Digitalization of the procedure – the WorkinRomania.gov.ro electronic platform

The Ordinance introduces the electronic platform **WorkinRomania.gov.ro**, which becomes the single tool for managing procedures relating to the employment of third-country nationals (i.e., non-EU nationals). Employers intending to hire non-EU citizens are required to register on the platform and to carry out the entire procedure through it (uploading documents, submitting applications, communicating with the authorities).
Consequently, a single, exclusively online application has been introduced, integrated within WorkinRomania.gov.ro, which centralizes the checks carried out by the relevant authorities (the National Employment Agency - ANOFM, the Labor Inspectorate, the Ministry of Foreign Affairs, etc.).

New categories of employment visas (D/AM1 and D/AM2)

The Ordinance regulates two main types of long-stay visa for employment purposes:

- The **D/AM1 visa** – intended for highly skilled workers and other special categories (for example, individuals carrying out teaching or scientific activities, as well as professional athletes). This visa is available only to employers registered on the WorkinRomania.gov.ro platform.
- The **D/AM2 visa** – intended for permanent, seasonal, or cross-border workers. This visa can be used by authorized employers or through authorized foreign-placement agencies.

Consequently, the admission regime for highly skilled workers has been differentiated from that for permanent and seasonal workers, including in terms of the conditions which employers must meet.

Introduction of the concepts of registered employer and authorized employer

The Ordinance establishes two distinct categories of employers, depending on their role and level of responsibility in relation to non-EU workers:

A **Registered Employer** is an employer which enrolls on the WorkinRomania.gov.ro platform and may initiate procedures for the employment of non-EU nationals applying for a **D/AM1 visa, or a D/AM2 visa through a placement agency**, and which meets the legal eligibility and compliance criteria set out in GEO No. 32/2026.

The eligibility criteria include the following:

- The employer must have carried out effective activity for at least 12 months, in fields compatible with the occupations for which employment is requested (a condition applicable for the D/AM2 type visa);
- The employer must have no outstanding tax liabilities to the consolidated general budget and a clean fiscal record.

An **Authorized Employer** is an employer that wishes directly to employ permanent non-EU workers under the **D/AM2** category, and which meets the legal eligibility and compliance criteria set out in GEO No. 32/2026.

The eligibility criteria include the following:

- The employer must have carried out activity for **at least 24 months**, in fields compatible with the occupations for which employment is requested;
- The employer must have had an average of at least **50** employees in the year prior to the submission of the application;
- The employer must set up and maintain a financial guarantee (a deposit with the State Treasury or a bank guarantee letter) of **EUR 1,000** (equivalent in RON at the official exchange rate of the National Bank of Romania on the day of submission or issuance of the guarantee letter) for each permanent D/AM2 worker it intends to employ. This is intended to cover repatriation costs, support for vulnerable persons, fines and other unfulfilled obligations.

Introduction of a list of occupations for which there is a shortage of workers

The employment of third-country nationals as permanent workers under the D/AM2 category is permitted exclusively for occupations included on the ***List of Occupations for which there is a shortage of workers*.**
The *List of Occupations for which there is a shortage of workers* will be drawn up and updated **every six months or whenever necessary**, by order of the Minister of Labor, and published in the Official Journal of Romania. The list is set based on needs identified at national and county level, using data supplied by relevant institutions (the National Employment Agency, the Labor Inspectorate, the General Inspectorate for Immigration, etc.) and after consultation with social partners.

Quota applicable to workers in the D/AM2 category

The annual quota of foreign workers newly admitted to the Romanian labor market, established by Government Decision, applies **exclusively to workers applying for a D/AM2 visa** (permanent, seasonal and cross-border workers) employed under the new procedures.

Highly skilled workers (D/AM1 category) and seconded workers are not included in the quota.

New regime for the secondment of foreign workers and elimination of work permits

The Ordinance significantly revises the regime applicable to the secondment of foreign workers to Romania.

Standard secondment to Romanian territory is **permitted for foreign nationals employed by a company established in an EU Member State, in the European Economic Area or in the Swiss Confederation**. They may be seconded to Romania for a period of up to 12 months, with the possibility of extension up to a maximum of 18 months within any 36-month period, based on a valid residence permit issued by that state.

Secondment from third countries (non-EU) is permitted only for ICT-type workers (foreign nationals transferred within the same company), under the special conditions set out in relevant legislation.

At the same time, **the requirement for seconded workers to obtain work permits has been eliminated**. These workers may now apply directly **for a secondment visa**.

Regime applicable to foreign-placement agencies

Placement agencies may carry out recruitment and placement activities for foreign nationals only on the basis of an authorization issued by the National Employment Agency (ANOFM).

Authorization is conditional on the agency meeting eligibility and compliance criteria set out in GEO No. 32/2026.

The eligibility criteria include the following:

- The agency must have no significant debts to the state budget and have received no penalties for fiscal, accounting or customs related offenses;
- The agency must set up a financial guarantee of EUR 75,000 (equivalent in RON) which covers up to 250 placed foreign nationals.

The purpose of the guarantee is to cover repatriation costs, support provided to vulnerable persons and any fines or unfulfilled obligations. If the guarantee is partially or fully enforced, it must be replenished up to the statutory level within a limited period in order for the validity of the authorization to be maintained.

The agency's activity must be strictly limited to placing foreign nationals in occupations included on the List of Occupations for which there is a shortage of workers and exclusively on the basis of binding offers from employers registered on the platform. It is prohibited to charge commissions, fees or guarantees to foreign nationals; all costs must be borne entirely by employers, under a services agreement.

Non-compliance with these requirements may lead to the suspension or withdrawal of the authorization, in addition to any penalties.

Electronic registers for employers and placement agencies

Dedicated electronic registers have been established to monitor employers and placement agencies that use non-EU labor. These are generated and automatically updated based on data from the electronic platform:

- The **Register of Employers of Foreign Nationals (R.A.S.)** – includes all employers that employ foreign nationals and are registered on the platform in accordance with the Ordinance;
- The **Register of Foreign-Placement Agencies (R.A.P.S.)** – includes all placement agencies authorized in accordance with the Ordinance;
- The **Register of Authorized Employers (R.A.A.)** – includes employers authorized to employ permanent non-EU workers; these employers are automatically registered both in the R.A.A. and in the R.A.S.

These registers will enable a centralized and up-to-date record to be kept of all parties involved in the recruitment and employment of third-country nationals and will facilitate control and information exchange between relevant authorities.

Amendments and completions to related legislation: Law No. 53/2003 – the Labor Code

The Ordinance introduces new rules into Law No. 53/2003 – the Labor Code- in relation to the employment of foreign nationals in Romania. One of the most important changes is the requirement for the employer to conclude individual employment contracts both in Romanian and in the language of the foreign national's state of origin or in an international language that the foreign national understands or can reasonably be presumed to understand. Failure to comply with this requirement is penalized with a fine of RON 6,000 for each contract concluded only in Romanian.

An exception has also been introduced in relation to the submission of a medical certificate upon hiring. Foreign nationals may be employed without this document, provided that the medical certificate is obtained no later than the date on which activity starts.
New situations have been added with regard to termination of an individual employment contract, such as rejection of the single residence application or discovery of illegal stay by the General Inspectorate for Immigration. In such cases, the employer must issue a termination decision based on notifications received from the relevant authorities via the electronic platform.

Transitional provisions

The provisions of Title I of the Ordinance, as well as those relating to obtaining and extending the right of residence for employment purposes, based on single applications, will apply until 7 August 2026, exclusively for carrying out the procedures for registering employers of foreign nationals, authorizing foreign-placement agencies, and testing the functionality of the dedicated electronic platform.

Applications for employment or secondment permits submitted before the entry into force of the new regulations will be resolved in accordance with the previous legislation. Foreign nationals may apply for long-stay visas for employment or secondment within 180 days of the issuance of the permit by the employer, and applications submitted via the e-Visa portal will be processed under the rules applicable at the time of submission. Likewise, foreign nationals entering Romania on the basis of visas issued previously may request the extension of their temporary right of residence in accordance with prior legislation.

From 8 August 2026, foreign nationals with a temporary right of residence may change their employer under the conditions provided by the updated legislation, and employers may hire foreign nationals in a calendar year without concluding contracts with placement agencies, within a limit equal to the average annual number of employees in the previous year.

Foreign nationals present in Romania after the expiry of their right of residence may request an extension of this right until 31 December 2026, without being required to obtain a new long-stay visa, subject to compliance with the relevant procedure, by appearing within 60 days from the date of entry into force of the Ordinance at any local office of the General Inspectorate for Immigration to declare the address at which they reside in Romania and by meeting certain conditions (i.e., they must not be flagged in the Schengen Information System or in the National Alert Information System for return or refusal of entry; they must not be involved in terrorist activities or transnational crimes; there must be no indications of serious crimes such as war crimes or crimes against humanity; they must not have illegally introduced other foreign nationals into Romania; they must not suffer from diseases that endanger public health; they must not be considered a threat to national security; they must hold a valid travel document or have taken steps to renew one; and they must provide proof of payment of the fees related to the extension of the right of residence and proof of payment of the costs of the documents issued for this purpose).

To support the implementation of the new regulations, the Government and the Ministry of Labor will issue, within set time limits, Decisions and Orders in relation to the quota of foreign workers, the List of Occupations for which there is a shortage of workers and other related aspects.

Furthermore, Title I of Government Ordinance No. 25/2014, which previously regulated the employment and secondment of foreign nationals, will be repealed.

KPMG comment:

Although the declared purpose of the Ordinance is to facilitate employers' access to labor from third countries and to align recruitment with positions for which there is a shortage of labor on the Romanian market, while protecting foreign workers and combating illegal migration, the new rules introduce significantly more complex compliance requirements, especially in relation to authorization, reporting, contractual obligations and financial guarantees.

Consequently, the new immigration rules significantly change how non-EU nationals may be employed, seconded or or transferred, with procedures becoming more digitalized and centralized but also more restrictive for certain categories, with increased obligations and risks for employers in terms of eligibility, quotas and compliance.

In this context, it is crucial for organizations to identify precisely the changes introduced, to reassess their current workforce management models, to prevent operational bottlenecks and compliance risks, and to plan their human-resources needs efficiently for 2026 and beyond.

Contact

KPMG în Romania
Șoseaua Bucuresti - Ploiesti, nr. 89A
Sector 1, Bucuresti 013685, Romania
Tel: +40 372 377 800 / Fax: +40 372 377 700
Internet: www.kpmg.ro
E-mail: kpmgro@kpmg.ro

René Schöb
Partner, Head of Tax & Legal,
KPMG in Romania
E: rschob@kpmg.com

Mădălina Racovițan
Partner, Tax
KPMG in Romania
E: mracovitan@kpmg.com

Laura Toncescu
Partner KPMG,
Head of KPMG Legal – Toncescu și Asociații
E: ltoncescu@kpmg.com

Alin Negrescu
Partner, Tax
KPMG in Romania
E: vnegrescu@kpmg.com

Daniel Pană
Partner, Tax
KPMG in Romania
E: dpana@kpmg.com

Inga Ţîgai
Partner, Tax
KPMG in Romania
E: ingatigai@kpmg.com