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Amendment of certain normative acts regarding the regime of work and residence of foreigners in Romania

Law No 28/2024 aims to transpose the provisions of the EU Directive 2021/1.883 pertaining to the conditions of entry and residence of third-country citizens for the purpose of highly skilled employment, as well as other amendments concerning the regime of foreigners.

I. Amendment of certain normative acts regarding the regime of work and residence of foreigners in Romania

On March 5th 2024, **Law no. 28/2024 for amending and completing certain normative acts in the field of foreigners** has been published in the Official Gazette of Romania, Part I.

Main amendments implemented

I. Residence and work regime for highly skilled workers

- ✓ Updates regarding the eligibility conditions for highly skilled workers:
 - Labour Market Test with Unemployment Agency and newspaper is introduced;
 - the full-time employment contract is concluded for a period of at least six months;
 - proof of the highly professional qualifications required for the position can be provided both based on professional experience and not only on the basis of completed studies.
- ✓ Highly skilled workers can prove that they have highly professional qualifications either through relevant completed education studies, or by proving that they have highly professional skills obtained through at least five years of professional experience. In the case of individuals in professional occupations within group 133 “Managers in information and communication technology services” and major sub-group 25 “Information and communication technology specialists”, at least three years of relevant professional experience is required, within seven years prior to applying for the work permit.
- ✓ Foreigners applying for the first EU Blue Card can apply for family reunification at the same time as his/her application for extending the right of residence. Thus, in these cases, the family reunification process is reduced by approximately three to four months (considering the legal deadlines for processing applications).
- ✓ The salary income for highly skilled workers is reduced to a value of at least the level of the average gross salary in Romania (RON 7,567 for the year 2024).
- ✓ Foreign citizens holding an EU Blue Card valid after 12 months of employment on Romanian territory are exempt from requiring a work permit, as highly skilled workers.

II. Mobility of highly skilled workers

- ✓ Foreign citizens holding a valid EU Blue Card issued by a Member State which fully or partially applies the Schengen acquis, may carry out economical activities on the territory of Romania for a period of 90 days in any 180-day period, without the requirement to obtain a work permit.
- ✓ Holders of an EU Blue Card of at least 12 months in the first Member State or, at least 6 months in the second Member State, have the right to live and work in Romania as a highly skilled worker, without the requirement to obtain a work permit, with a deadline of 30 days to apply for the right of residence. The employment contract in Romania must be valid for at least 6 months, while the application for residence must be fulfilled within 30 days.

III. Other amendments

- ✓ The validity of residence permits for work as a permanent worker has increased to two years (from one year, as of present), and in the case of highly skilled workers, it is increased to three years (from two years, as of present).
- ✓ The validity of the certificate on job vacancy issued by Unemployment Agency is extended to 90 days from 60 days.
- ✓ Students can be employed by benefiting of work permit exemption, based on an individual part-time employment contract of up to 6 hours per day.
- ✓ The deadline to apply for a long-term visa D/DT for assignment purposes is extended from 60 days to 180 days.
- ✓ New conditions must be met by employers to obtain work permits:
 - The employer's activity is not established or carried out with the main purpose of facilitating the entry of foreigners into Romania,
 - The employer carries out on the territory of Romania activities compatible with the function for which the work permit is requested,
 - The General Inspectorate for Immigration may perform audits at the employers' registered offices or workplaces to verify the fulfillment of these conditions.

- ✓ Foreign citizens living in Romania are obliged to notify the General Inspectorate for Immigration of any change in their personal situation within 10 days instead of 30 days. Similarly, host entities are obliged to inform the General Inspectorate for Immigration of the termination/suspension of the legal relationship with the foreign individual within the same 10-day period.

For further questions regarding the aspects mentioned in this alert, please contact us.



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