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Emergency Ordinance on the access of foreigners to the labor market in Romania, as well as for the modification and completion of some normative acts

The main aspects concern:

- ✓ the introduction of the "single application" for obtaining a long-stay visa for employment or for extending the right of residence for employment purposes, in certain cases;
- ✓ the conditions for registration and authorisation of employers hiring foreigners and of employment agencies for foreigners;
- ✓ the establishment of the "WorkinRomania.Gov.ro" electronic platform, as main tool for the submission of single applications, for the registration and for the authorisation of foreigners' employers;
- ✓ the introduction *of the list of deficient occupations* that will limit the activity of placing foreigners on the Romanian labor market for the category of permanent employees;
- ✓ amending the regime for the simple assignment of foreign workers, limiting this structure to assignments from entities based in one of the Member States of the European Union, the European Economic Area or the Swiss Confederation, provided that a residence permit issued by the authorities of that State is presented.

Emergency Ordinance on the access of foreigners to the labor market in Romania, as well as for the modification and completion of some normative acts

On 27.04.2026, the Emergency Ordinance no. 32/2026 on the access of foreigners to the labor market in Romania was published in the Official Gazette, as well as for the amendment and completion of some normative acts. Thus, Title I of *Ordinance no. 25/2014 on the employment and posting of foreigners on the territory of Romania and for the amendment and completion of certain normative acts on the regime of foreigners in Romania* is repealed, and the following normative acts are amended and/or supplemented, among others:

- Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania;
- Law no. 53/2003 – Labor Code, republished, with subsequent amendments and completions.

I. Updates introduced by the Emergency Ordinance

The provisions of the Emergency Ordinance introduce certain updates, especially regarding the obligations of employers of foreigners on the territory of Romania and changes regarding the employment process of foreign workers. Thus, a new legal framework is established that provides:

- the establishment of the electronic platform 'WorkinRomania.Gov.ro';
- the activity of placing foreigners on the Romanian labor market;
- registration and authorization conditions of employers employing foreigners;
- authorisation, operation, supervision and control of employment agencies for foreigners.

The employment and placement of foreigners on the Romanian labor market for the category of permanent employees will be limited to the occupations included in the ***"List of deficient occupations",*** which are developed and periodically updated based on the needs identified both at national and county level by the National Employment Agency.

1. Establishment of the “WorkinRomania.Gov.ro” electronic platform

The draft Ordinance introduces the WorkinRomania.Gov.ro electronic platform, administered by the Ministry of Internal Affairs, which will be the main tool for:

- registration of employers of foreigners and registration in the "Register of Employers of Foreigners" (R.A.S);
- authorization of foreigners' employers and registration in the "Register of Authorized Employers" (R.A.A.);
- uploading the applications for authorization of the employment agencies for foreigners, respectively for the extension of the validity of the authorization, as well as their registration of in the "Register of employment agencies for foreigners“(R.A.P.S.);
- issuing, cancelling, suspending and withdrawing the authorisation of the employment agencies for foreigners and monitoring their activity;
- the submission and processing **of single applications** for foreign workers, concerning, through a single application:
    - obtaining a long-stay visa for employment; and
    - granting and extending the right of residence for work purposes.
- data collection, reporting, and statistics.

The platform will interconnect with the databases of the National Employment Agency, the Ministry of Labour, Family, Youth and Social Solidarity, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Finance and the Ministry of Justice and other public institutions.

2. Registration, obligations and regime of employers employing foreigners on the Romanian labour market

Employers can hire foreigners **only after prior registration** in the WorkinRomania.Gov.ro electronic platform. For registration approval, employers must meet a number of cumulative conditions, including:

- not having outstanding tax liabilities in the general consolidated budget;
- carrying out activity for at least one year in fields of activity compatible with the deficient occupations included in the "List of deficient occupations". Certain categories of foreigners are exempt from this condition, such as:
    - highly skilled foreign workers;
    - foreigners who will carry out activities requested by ministries / other bodies of the central public administration;
    - foreigners who will carry out teaching, scientific activities, etc., based on bilateral agreements, as well as foreigners who carry out artistic activities in cultural institutions in Romania, based on the order of the Minister of Culture;
    - professional athletes who have concluded an individual employment contract with a sports structure;
    - citizens of the Republic of Moldova, Ukraine and Serbia employed on the territory of Romania with an individual full-time employment contract.
- not to have been sanctioned, in the last six months prior to the resolution of the application, for undeclared work or serious violations of labor legislation;
- not to have been definitively convicted for certain criminal acts relevant to the employer, representatives, administrators, associates/shareholders.

The fulfillment of the conditions will be verified, according to their competences, by the General Inspectorate for Immigration, the Labor Inspectorate, the Ministry of Finance and the National Office for the Prevention and Combating of Money Laundering.

At the same time, employers will have certain obligations, including:

- concluding employment contracts both in Romanian and in the language of the foreigner's state of origin or in an international language known to the foreigner;
- ensuring adequate living space that guarantees an adequate standard of living, if this obligation is assumed by the employer in the individual employment contract;
- ensuring the provision of Romanian language courses and cultural accommodation for a period of at least six months from the start of the activity;
- notification of the authorities in case of absence, termination of employment contract or risk situations regarding the foreigner's activity.

Failure to comply with the conditions regarding the registration of employers, the legal regime of residence of foreigners in Romania and the valid conclusion of individual employment contracts concluded with foreign and employed employees or of the obligations assumed by the respective individual employment contracts, may lead to the **suspension** and even **cancellation** of the employer's account on the electronic platform.

3. Authorization of employers of foreigners

The employer may obtain authorization for the employment of foreigners, **permanent workers**, if he meets the following conditions (among others):

- has carried out uninterrupted economic activity for at least 24 months prior to the formulation of the application for authorization in the field of activity compatible with the occupation in *the List of deficient occupations* for which foreigners are employed;
- the average number of employees registered in the year prior to the submission of the authorization application is at least 50 employees, according to the certificate issued by the National Trade Register Office in Romania.

In order to employ foreigners as permanent workers, the authorized employer is obliged to provide, prior to the issuance of the authorization, a **financial guarantee** in the amount of 1,000 euros/foreigner, which guarantees repatriation costs, support in risk situations and the payment of potential fines.

4. Authorisation and regime for employment agencies for foreigners

Employment agencies for foreigners can only operate **on the basis of an authorisation** issued by ANOFM and provide foreign placement services exclusively for the occupations included in the "List of deficient occupations".

- similar to the regime applicable to employers, the employment agencies for foreigners must cumulatively meet a series of similar conditions in order to be authorized to carry out the placement activity on the territory of Romania, respectively for the extension of the validity of the authorization.
- in addition, the employment agencies for foreigners is obliged to provide, prior to the issuance of the authorization, a **financial guarantee** of 75,000 euros for up to 250 placed foreigners, which is increased by 50,000 euros for each additional 250 foreign workers.

Regarding **the authorisation** granted to employment agencies for foreigners:

- is valid for two years and can be extended with new successive periods of two years;
- may be suspended or withdrawn for non-compliance with the legal provisions;
- during the period of suspension, the immigration agency does not have the right to recruit and place new foreign workers on the territory of Romania;
- withdrawal of the authorisation may result in the loss of the financial deposit.

At the same time, the foreigner who has been placed by employment agencies for foreigners cannot have the initiative to change the employer for a period of six months from the date of starting the activity on the territory of Romania.

The employment agencies have the obligation to verify quarterly the compliance with the conditions provided in the individual employment contract, by performing visits to the place of work and to the accommodation space of the placed foreigner.

II. Amendments and additions regarding the Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania

The amendments are mainly aimed at harmonizing the provisions *of the Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania* with the updates introduced by the Ordinance with respect to the employer registration system, the activity of authorized employment agencies and the use of the electronic platform WorkinRomania.Gov.ro:

- The assignment structure is significantly modified, with foreign workers being able to be assigned only from an employer based in one of the Member States of the European Union or the European Economic Area or in the Swiss Confederation, for a period of 12 months, with the possibility of extension up to a maximum of 18 months in any 36-month period, provided that the residence permit issued by the authorities of that state is presented. The structure of ICT secondment does not undergo major changes compared to the previous regime;
- the "Holiday and Work Visa" is introduced, which is granted under the conditions established by *the bilateral treaties on Holiday and Work Programs*;
- new general conditions for granting visas are introduced;
- with regard to the application for the long-stay visa for employment, a single application will be completed, exclusively by the employer, for highly qualified foreign workers;
- with regard to the application for the long-stay visa for employment for *permanent, seasonal and cross-border workers,* the employment agencies for foreigners fills in a single application through the electronic platform, based on the placement contract, the contract for the provision of services and the individual employment contract registered in the General Register of Employees;

- the cancellation and revocation of the visa may also be ordered if it is found that the foreigner has violated the regulations on employment;
- additional conditions relating to medical insurance are introduced for several categories of visas, namely:
    - to fully cover, during the expected period of stay of the foreigner concerned, all expenses that could be incurred by medical repatriation, emergency medical treatment and/or emergency hospitalisation or death;
    - to be valid on the entire territory of the Member States;
    - the minimum coverage should be EUR 30,000.

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