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Amendments brought to certain normative acts regarding immigration and border control

Emergency Ordinance no. 25/2024 amending and supplementing certain immigration and border control regulations

I. Amendments brought to certain normative acts regarding immigration and border control

Emergency Ordinance no. 25/2024 amending and supplementing certain immigration and border control regulations **was published on March 22, 2024 in the Official Gazette of Romania, Part I.**

The main amendments implemented seek the alignment of the national legal framework with the provisions of the Schengen acquis.

I. General aspects regarding the stay of foreigners Romania

- ✓ The ordinance updates the reasons for termination of the right of residence for certain categories of foreign citizens (i.e., foreign citizens who are not required to obtain a visa/are exempted from the visa requirement/are holders of long-stay visas or residence permits issued by other Schengen states).
- ✓ Foreign citizens can apply for certain visas through external service providers contracted by the Ministry of Foreign Affairs (MFA). Other tasks that can be carried out by external service providers are also regulated, such as the collection of visa fees and their transfer to the competent entities or the submission and collection of travel documents.
- ✓ Foreign citizens holding Schengen visas may enter and stay on the territory of Romania during the period in which their visa is valid. Holders of long-stay visas/residency permits issued by Schengen area states may reside on Romanian territory for a maximum of 90 days during any 180-day period, calculated as periods spent also on the territory of other Schengen states (other than those that issued the visa/permit).

II. Provisions regarding the validity of visas

- ✓ The refusal of the competent authorities to extend the period of validity and/or the right of residence established by the short-stay visa can no longer be contested.
- ✓ The authorities will be able to cancel the long-stay visa D/AM if the individual's employment contract has not been concluded within 15 working days from the foreign citizen's entry in Romania or from the date when the new work permit was obtained.
- ✓ Fees for short-stay visas are eliminated for certain categories of foreign citizens (e.g., children under the age of six, pupils, students, postgraduate students and accompanying teachers whose stay in Romania is for study or educational training purposes).

III. Aspects regarding the employment of foreign citizens

- ✓ Romanian employers will have the obligation to conclude an employment agreement with the individual within 15 working days from the entry of the foreign citizen on Romanian territory or from the date that a new work permit is obtained. Starting with April 22, failure to comply with this obligation constitutes a contravention if it is not due to the fault of the foreign citizen, and it will be sanctioned with a fine ranging from RON 5.000 to 10.000. The contravention may be ascertained by the workers of the General Immigration Inspectorate (GII).
- ✓ Each foreign citizen, for whom an employment or assignment permit was issued, may be attributed a personal identification number, which is inscribed in the work permit.
- ✓ A new eligibility condition is introduced for the employer which must obtain a work permit: the employer must have effectively performed activities in the field for which the work permit is requested for at least one year prior to the request. To verify that the condition is met, GII may perform checks at the offices of applicants.
- ✓ The deadline for notifying GII the changes or the cessation of the employment agreement/assignment in cases of foreign citizen benefiting of work permit exemption is decreased from 10 to 5 working days.

IV. Other modifications

- ✓ Informing the authorities on hosting foreign citizens and the communication of information needed to register their accommodation can also be performed by notifying GII.
- ✓ The deadline within which any change in the employment status of the foreign citizen has to be brought to the attention of the GII by the individual is reduced from 10 to 3 days.
- ✓ In order to determine the duration of the ban on entry into Romania, the period of illegal stay is increased from 30 to 90 days for foreigners at risk of evading voluntary compliance with the return obligation.
- ✓ British citizens, holders of a right of temporary residence on the territory of Romania, will no longer be required to prove that they have the means of subsistence in value at least equal to the minimum wage in Romania in order to obtain recognition of the right of permanent residence.

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