

Emergency ORDINANCE no. 194 of 12 December 2002 (\*\*republished\*\*) on the status of aliens in Romania  
ISSUER · GOVERNMENT

published in the Official Gazette of Romania no. 421 of 5 June 2008

\*\*) Republished pursuant to Article 15 of the Government Emergency Ordinance no. 55/2007 on setting up the Romanian Immigration Office by reorganization of the Authority for Aliens and the National Office for Refugees, as well as by amendment and supplement of normative documents, published in the Official Gazette of Romania, Part I, no. 424 of 26 June 2007, approved by amendments and supplements by Law 347/2007, published in the Official Gazette of Romania, Part I, no. 851 of 12 December 2007, giving the texts a new numbering.

Government Emergency Ordinance no. 194/2002 was republished in the Official Gazette of Romania, Part I, no. 201 of 8 March 2004 and was also amended and supplemented by:– Law 309/2004 on the free movement on the Romanian territory of citizens of the Member States of the European Union and the European Economic Area, published in the Official Gazette of Romania, Part I, no. 593 of 1 July 2004, repealed by Government Emergency Ordinance no. 102/2005 on the free movement on the Romanian territory of citizens of the Member States of the European Union and the European Economic Area, published in the Official Gazette of Romania, Part I, no. 646 of 21 July 2005, approved with amendments and supplements by Law 260/2005;– Law 482/2004 amending and supplementing the Government Emergency Ordinance no. 194/2002 on the status of aliens in Romania, published in the Official Gazette of Romania, Part I, no. 1.116 of 27 November 2004;– Government Emergency Ordinance No. 113/2005 amending and supplementing the Government Emergency Ordinance no. 194/2002 on the status of aliens in Romania, published in the Official Gazette of Romania, Part I, no. 658 of 25 July 2005, as approved with amendments and supplements by Law 306/2005, published in the Official Gazette of Romania, Part I, no. 962 of 31 October 2005;– Law 56/2007 for amending and supplementing the Government Emergency Ordinance no. 194/2002 on the status of aliens in Romania, published in the Official Gazette of Romania, Part I, no. 201 of 26 March 2007.

Note

We reproduce the first three paragraphs of the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE no. 250 of 22 March 2024:

Having regard to Council Decision (EU) 2024/210 of 30 December 2023 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, according to which, "From 31 March 2024, checks on persons at internal air and sea borders with and between Bulgaria and Romania shall be lifted and the provisions of the Schengen acquis referred to in the Annex shall apply to Bulgaria and Romania between themselves and in their relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the

Republic of Finland and the Kingdom of Sweden, as well as Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation”,

taking into account the list of provisions of the Schengen acquis within the meaning of Article 4 paragraph (2) of the 2005 Act of Accession to be applicable to Bulgaria and Romania between themselves and in their relations with the Member States fully applying the Schengen acquis, as well as with Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation, Annex to the Council Decision (EU)2024/210, which contains provisions of the Convention signed at Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, legal acts of the European Union together with acts implementing them, applicable to Romania as of 31 March 2024, considering the need to align the national legal framework with the provisions of the Schengen acquis until 31 March 2024, the date on which Article III of Law 157/2011 amending and supplementing several legislative acts regarding the legal status of aliens in Romania, as subsequently amended and supplemented,

## Chapter I General provisions

### Article 1

#### Regulatory area

This Ordinance constitutes the framework which regulates the entry, residence and exit of aliens to and from the territory of Romania, their rights and obligations, as well as specific measures of migration control, in accordance with the obligations assumed by Romania by international documents it is part of.

### Article 2

#### Definitions

For the purposes of this Emergency Ordinance, the terms and phrases below shall have the following meaning:

a) alien - person who does not have Romanian citizenship, citizenship of another Member State of the European Union or of the European Economic Area or the citizenship of the Swiss Confederation;

(on 31-07-2011, letter a) of Article 2 was amended by item 1 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

b) stateless person - alien who does not have the citizenship of any state;

c) resident - alien holding a temporary residence card granted under the terms of this Emergency Ordinance; (on 31-07-2011, letter c) of Article 2 was amended by item 1 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

d) long-term resident - alien holding a long-term residence card granted under the terms of this Emergency Ordinance;

(on 31-07-2011, letter d) of Article 2 was amended by item 1 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

e) sponsor - alien, holder of a residence card, other than for the purpose of family reunification, or of an European Union Blue Card issued by the General Inspectorate for Immigration, who applies for family

reunification or whose family members apply family reunification with him, under the conditions of this Emergency Ordinance;

(on 28-11-2014, letter e) in Article 2 was amended by item 1 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

e<sup>1</sup>) family reunification - entry into and residence on the territory of Romania of family members of an alien residing lawfully on the territory of Romania or of a Romanian citizen, for the purpose of preservation of the family unit, regardless of the date of establishment of this family relationship;

(on 31-07-2011, letter e<sup>1</sup>) in Article 2 was introduced by item 2 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

f) National Visa Centre – specifically designated structure within the Ministry of Foreign Affairs, which contributes to the establishment and implementation of Romania's national visa policy, as well as the implementation and observance of the Schengen acquis in the field of activity, together with the other institutions of the central public administration, according to the competences defined by law, and is a central access point to the Visa Information System;

(on 22-03-2024, letter f), Article 2, Chapter I was amended by item 1. Article III of the Emergency Ordinance no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

f<sup>1</sup>) separate sheet for affixing the visa - has the meaning set forth in Article 2(8) of Commission Regulation (EC) No. 810/2009 of the Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), published in the Official Journal of the European Union series L no. 243 of 15 September 2009, hereinafter referred to as the Visa Code;

(on 31-07-2011, letter f<sup>1</sup>) in Article 2 was introduced by item 3 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

g) visa - authorization, materialized by the application of a sticker onto a travel document valid for crossing the state border or, as the case may be, on the separate sheet for affixing the visa, which gives the holder the right to request airport transit, transit or temporary stay for a determined period, while fulfilling the conditions set by this Emergency Ordinance;

(on 31-07-2011, letter g) of Article 2 was amended by item 1 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

g<sup>1</sup>) long-stay visa - the visa entitling the holder to request the extension of the right of temporary residence for a period of more than 90 days, under the conditions of this Emergency Ordinance;

(on 31-07-2011, letter g<sup>1</sup>) in Article 2 was introduced by item 4 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

g<sup>2</sup>) short-stay visa - uniform visa, as defined in Article 2(3) of the Visa Code, and the visa with limited territorial validity, as defined in Article 2(4) of the Visa Code;

(on 31-03-2024, letter g<sup>2</sup>) of Article 2, Chapter I was introduced by item 1, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the

OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

h) airport transit visa - has the meaning set forth in Article 2(5) of the Visa Code;

(on 31-03-2024, letter h) of Article 2, Chapter I was amended by item 2, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

i) right of temporary residence – alien’s right to remain on the territory of Romania for a determined period, under the law;

(on 31-07-2011, letter i) in Article 2 was amended by item 1 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

i<sup>1</sup>) long-term right of residence - the right granted to the alien by the competent authorities to remain on the territory of Romania for an indefinite period, under the law;

(on 31-07-2011, letter i<sup>1</sup>) in Article 2 was introduced by item 1 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

i<sup>2</sup>) international protection - refugee status or subsidiary protection status;

(on 26-12-2013, letter i<sup>2</sup>) in Article 2 was introduced by item 1 of Article I of LAW 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013.)

j) residence card - the identity document issued by the Romanian Immigration Office, under the law, to the alien to whom the right of residence in Romania is extended or to the one to whom the right of long-term residence is granted, as the case may be;

(on 31-07-2011, letter j) in Article 2 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right of permanent residence" with the phrase "right of long-term residence".)

k) single permit - the identity document, issued to the alien by the General Inspectorate for Immigration, under the conditions of this Emergency Ordinance, certifying his/her right to stay and work on the territory of Romania;

(on 28-11-2014, letter k) in Article 2 was amended by item 1 of Article 41, Title II of ORDINANCE no. 25 of

26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

k<sup>1</sup>) residence card for secondment - identity document to be issued to the alien by the Romanian Immigration Office, in accordance with the law, and certifies the right of residence and work on the basis of secondment on the territory of Romania;

(on 31-07-2011, letter k<sup>1</sup>) in Article 2 was introduced by item 6 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

k<sup>2</sup>) intra-corporate transferee card, hereinafter referred to as "ICT permit" - the identity document, issued to the alien by the General Inspectorate for Immigration, under the terms of this Emergency Ordinance, certifying his/her right to stay and work on the territory of Romania as an ICT worker;

(on 03-09-2016, letter k<sup>2</sup>) in Article 2 was introduced by item 1 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

k<sup>3</sup>) permit for long-term mobility, hereinafter referred to as «mobile ICT» card - the identity document, issued to the alien by the General Inspectorate for Immigration, under the conditions of this Emergency Ordinance, certifying his/her right to stay and work on the territory of Romania as an ICT worker in the framework of long-term mobility.

(on 03-09-2016, letter k<sup>3</sup>) in Article 2 was introduced by item 1 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

l) convenience marriage - marriage concluded for the sole purpose of circumventing the conditions of entry and residence of aliens and obtaining the right of residence on the territory of Romania;

m) interview - the discussion held by a representative of the Romanian authorities with the person requesting the granting of the Romanian visa or the extension of the right of residence under the conditions of this Emergency Ordinance, in order to obtain additional information on the data recorded in the requests made, the reasons for travelling and staying in Romania and the truthfulness of the documents submitted;

n) interview officer - the worker within the Romanian Immigration Office, with duties in ascertaining the existence of the elements of the marriage of convenience;

n<sup>1</sup>) pupil - alien who has been accepted by a state or private educational unit, authorised to operate provisionally/accredited, under a pupil exchange program or an educational project, as well as the alien of Romanian origin, who is a scholarship holder of the Romanian state or is exempted from paying tuition fees or has the obligation to pay the registration fee, registered at a state or private educational unit, authorized to operate provisionally/accredited, secondary or post-secondary education, including non-university tertiary education, full-time;

(on 15-12-2023, Letter n<sup>1</sup>), Article 2, Chapter I was amended by Item 1, the SOLE ARTICLE of the EMERGENCY ORDINANCE no. 112 of 14 December 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 1137 of 15 December 2023)

n<sup>2</sup>) student - alien who has been accepted by a state or private higher education institution, accredited or provisionally authorized according to the law, to a bachelor's degree programme,

master's degree programme, at a doctoral or postdoctoral study programme, for full-time education; (on 10-11-2018, Article 2 of Chapter I was supplemented by Item 1, Article I of LAW 247 of 5 November 2018, published

in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

n<sup>3</sup>) trainee - alien who has a higher education degree or who is pursuing a cycle of studies leading to a higher education degree and who is admitted to a training program in order to acquire knowledge, practices and experience in a professional environment;

(on 10-11-2018, Article 2 of Chapter I was supplemented by Item 1, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

n<sup>4</sup>) digital nomad - alien who is employed with an employment contract at a company registered outside Romania and providing services through the use of information and communication technology or owning a company registered outside Romania, where provides services by using information and communication technology and can carry out the activity of employee or the activity within the company, remotely, by using information and communication technology;

(on 17-01-2022, Article 2 of Chapter I was supplemented by Item 1, Article I of LAW 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022)

o) researcher - alien, holder of a doctoral degree or higher education degree, by nature, allowing him/her to access to research or postdoctoral research programmes and who is accepted by accredited higher education institutions, research institutes, a research-development unit or a research centre certified to carry out scientific research activities within a project;

(on 10-11-2018, Letter o) of Article 2, Chapter I was amended by Item 2, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

o<sup>1</sup>) educational project - a set of educational actions developed by a Romanian institution or educational unit in cooperation with other institutions or similar units in a third country for the purpose of cultural exchange, education and vocational training;

(on 10-11-2018, Article 2 of Chapter I was supplemented by Item 3, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

o<sup>2</sup>) host entity - any individual or legal entity in a legal relationship with an alien that provides rights and obligations for both parties;

(on 10-11-2018, Article 2 of Chapter I was supplemented by Item 3, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

o<sup>3</sup>) host family - family that temporarily receives an au pair and allows him/her to participate in his/her daily family life on the territory of Romania;

(on 10-11-2018, Article 2 of Chapter I was supplemented by Point 3, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

o<sup>4</sup>) European Union or multilateral programmes comprising mobility measures - programmes financed by the European Union or the Member States of the European Union, including Romania, by promoting the mobility of aliens in the European Union or in the Member States of the European Union, including Romania, participating in the respective programmes;

(on 10-11-2018, Article 2 of Chapter I was supplemented by Point 3, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

p) travel document for aliens - document issued under the law, valid for a single trip, for aliens who are no longer in possession of a valid travel document;  
(on 31-07-2011, letter p) of Article 2 was introduced by item 7. of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

q) repatriation certificate - document issued by the Romanian Immigration Office that allows the exit from the country of the aliens included in the assisted voluntary repatriation programme;  
(on 31-07-2011, letter q) in Article 2 was introduced by item 7 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

r) Schengen State - State fully applying the Schengen acquis in the field of visas and immigration;  
(on 31-07-2011, letter r) in Article 2 was introduced by item 7 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

s) EU Blue Card - identity document, issued to the alien by the General Inspectorate for Immigration certifying his/her right to reside and work on the territory of Romania as a highly qualified worker;  
(on 28-11-2014, letters) in Article 2 was amended by item 1 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

t) first Member State - Member State of the European Union granting the first «EU Blue Card», ICT permit or residence card for research or study purposes;  
(on 10-11-2018, Letter t) of Article 2, Chapter I was amended by Item 4, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

u) illegal stay - the presence on the territory of Romania of an alien who does not meet or no longer meets the entry conditions provided for in Article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) with subsequent amendments, hereinafter referred to as the Schengen Borders Code, or the conditions of entry or stay provided for by this Emergency Ordinance, as the case may be;  
(on 22-03-2024, Letter u), Article 2 , Chapter I was amended by Item 1. , Article III of the Emergency Ordinance no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

u<sup>1</sup>) return decision - administrative document issued by the General Inspectorate for Immigration finding that the stay of an alien is illegal and establishing his/her obligation to return;  
(on 28-11-2014, letter u<sup>1</sup>) in Article 2 was introduced by item 2 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

v) return - the process of voluntary or escorted return of an alien to a third country, namely the country of origin, the country of transit established according to the agreements to which Romania or the European Union are parties or other third country to which the alien decides to return and to which he/she is accepted;  
(on 28-11-2014, Letter v) in Article 2 was amended by item 1 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

v<sup>1</sup>) expulsion - enforcement of ancillary penalties, complementary respectively, prohibition of the exercise of the alien's right to be on the territory of Romania, applied according to the provisions of Article 65(2) or Article

66(1)c) of the Criminal Code;

(on 28-11-2014, letter v<sup>1</sup>) in Article 2 was introduced by item 3 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

v<sup>2</sup>) removal under the escort - enforcement of removal measures, i.e. return or expulsion, by accompanying aliens outside Romania;

(on 28-11-2014, letter v<sup>2</sup>) in Article 2 was introduced by item 3 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

x) entry ban - the decision or any other act of an administrative or judicial nature prohibiting entry into and stay on the territory of Romania or on the territory of one of the the Member States of the European Union or the European Economic Area or in the territory of the Swiss Confederation, for a specified period;

(on 08-04-2023, Letter x) of Article 2 , Chapter I was amended by Item 1, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

y) risk of absconding - the existence of reasons provided for in this Emergency Ordinance justifying in an individual case the assumption that an alien subject to a removal measure may abscond;

(on 28-11-2014, letter y) in Article 2 was amended by item 1 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

z) vulnerable persons - minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape and other serious forms of psychological, physical or sexual violence.

(on 31-07-2011, letter z) in Article 2 was introduced by item 7 of article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE of ROMANIA no. 533 of 28 July 2011.)

## Article 3

### Rights of aliens

(1) Aliens legally residing in Romania shall enjoy general protection of persons and property as guaranteed by the Constitution and other laws, as well as the rights provided for in international treaties to which Romania is a party.

(2) Aliens legally present in Romania may move freely and establish their residence or, as the case may be, domicile anywhere on the territory of Romania.

(3) Aliens legally residing in Romania and temporarily leaving the territory of the Romanian State shall have the right to re-enter for the entire duration of the validity of the residence card.

(4) Only aliens with the residence or domicile in Romania may benefit from social protection measures from the state, under the same conditions as Romanian citizens.

(5) Aliens who have been issued a document by the Romanian Immigration Office shall have the right to verify the personal data entered therein and, where appropriate, to request the correction or elimination of data that does not correspond to reality.

(6) Aliens in education of all grades shall have unrestricted access to school and training activities in society.



## Article 4

### Obligations of aliens

(1) During their stay in Romania, aliens are required to comply with Romanian legislation.

(2) Aliens may not organise on the territory of Romania political parties or other organisations or groups similar to them, nor may they be part of them, may not hold positions and public office and may not initiate, organise or participate in demonstrations or meetings that affect public order or national security.

(on 28-11-2014, Para. (2) in Article 4 was amended by Article 42, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, by replacing the phrase "national safety" with the phrase "national security".)

(3) Aliens may not finance parties, organisations, groups or demonstrations or meetings as provided for in para. (2).

(4) Aliens on the territory of Romania are obliged to comply with the purpose for which they have been granted the right to enter and, as the case may be, to remain on the territory of Romania, not to remain on the territory of Romania beyond the period for which their stay was approved, as well as to make all the due diligences to exit Romania until the expiry of this period.

(5) Aliens entering or leaving the territory of the Romanian State shall have the obligation to submit to the control for crossing the state border, according to the law.

(6) Aliens on the territory of Romania shall have the obligation to submit, under the law, to the control of the police and other competent public authorities in this regard.

(7) Aliens shall have the obligation to undergo fingerprinting and photography, in the situations provided by this Emergency Ordinance.

(on 08-04-2023, Article 4 of Chapter I was supplemented by Item 2, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 din 5 April 2023 )

## Article 5

### Immigration policy

(1) Yearly, the following shall be established by Government Decision:

a) repealed;

(on 28-11-2014, letter a) of para. (1) of Article 5 was repealed by item 4 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

b) the amount of allowances necessary for feeding, maintenance and accommodation in centres, as well as for medical care and hospitalization;

c) the total amounts representing the appropriate means both for the maintenance during the stay and for the return to the country of origin or for the transit to another state, provided for in Article 6 (1)(c).

(2) The Government may, by decision, whenever appropriate, establish the introduction of the suspension of short-term facilities, when granting the right to enter or, as the case may be, when extending the right of residence on the territory of Romania, for certain categories of aliens, as well as the periods for which these facilities are granted, respectively suspended. On the long-term, the Government shall establish the national strategy in the field of immigration.

(3) The Government of Romania, through the competent institutions, shall transmit to the European Commission and the governments of the other Member States, in a timely manner and no later than when they are made public, information on:

a) draft legislative acts proposing measures regarding third-country workers and their family members, regarding entry, stay and employment, as well as the achievement of equal treatment in living and working conditions, salary entitlements and other economic rights, the promotion of integration into the local workforce and society and the voluntary return to the country of origin of such persons;

b) draft agreements on the topics referred to in letter (a), as well as draft cooperation agreements which it intends to negotiate or renegotiate with third States, where such agreements contain provisions relating to the topics referred to in letter (a);

c) draft agreements on the conditions of residence and employment of their own nationals working in third countries and their family members, which they intend to negotiate or renegotiate with those countries.

(4) The Government of Romania shall transmit to the European Commission and the governments of the other Member States the texts of the legislative acts in force, as well as the texts of the agreements concluded with third countries, which regulate the topics referred to in para. (3) (a).

## Chapter II General provisions regarding entry, residence and exit of aliens

### Section 1 Entry of aliens on the territory of Romania

#### Article 6

##### Conditions on the entry of aliens

(1) Entry on the territory of Romania may be permitted to aliens who fulfil the following conditions:

a) possess a valid state border crossing document, which is accepted by the Romanian State;

b) possess a visa or residence card granted under this Emergency Ordinance or, as the case may be, possess any authorization that grants the holder the right of transit or residence on the territory of Romania on the basis of the legislative acts of the European Union, binding and applicable for Romania, unless otherwise established by international agreements;

(on 31-07-2011, letter b) para. (1) of Article 6 was amended by item 8 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

c) present, under the conditions of this Emergency Ordinance, documents which justify the purpose and conditions for their stay and prove the existence of necessary means of subsistence for the duration of their stay, as well as for their return to the country of origin or transit to a third state where they are known to be allowed to enter;

d) present guarantees that they shall be allowed to enter the territory of the destination state or that shall leave the territory of Romania, in case of aliens in transit;

e) on their behalf, no alerts are entered in the National Computer System of Alerts for the purpose of refusing entry into the territory of the Romanian State;

(on 28-11-2014, letter e) para. (1) of Article 6 was amended by item 5 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014).

f) Repealed;

(on 31-07-2011, letter f) para. (1) of Article 6 was repealed by item 9 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

g) no alerts are entered on their names in the Schengen Information System for the purpose of refusing entry;

(on 28-11-2014, letter g) para. (1) of Article 6 was amended by item 5 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014).

h) they do not represent a danger to the national defense and security, or public order and health.

(on 08-03-2024, Letter h) , Paragraph (1) , Article 6 , Section 1 , Chapter II was amended by Item 1. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 din 5 March 2024 )

(2) Aliens - family members of Romanian citizens, as well as aliens holding a long-term right of residence on the territory of the Member States of the European Union shall be allowed to entry into the territory of Romania without fulfilling the conditions set out in para. (1)

(c) and (d).

(on 31-07-2011, para. (2) in Article 6 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right of permanent residence" with the phrase "right of long-term residence".)

(2<sup>1</sup>) Aliens holding a local border traffic card shall be allowed to enter the territory of Romania without fulfilling the conditions set out in para. (1) letters b) and c).

(on 01-03-2010, Para. (2<sup>1</sup>) in Article 6 was introduced by item 1 of the sole article of the EMERGENCY ORDINANCE no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF ROMANIA no. 136 of 1 March 2010.)

(3) Aliens stationing in the international transit areas of airports, in the transit areas at the state border or in accommodation centres having the status of transit area, as well as aliens who do not disembark from ships or boats anchored in sea and river ports, shall not be subject to the provisions of this Emergency Ordinance referring to the conditions of entry and stay of aliens on the territory of Romania.

(on 31-03-2024, Paragraph (3) of Article 6, Section 1, Chapter II was amended by Item 1, Article 43 of ORDINANCE No. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, supplementing Article III of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, with item 2<sup>1</sup>.)

Note

According to the recitals OF the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the

OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

(4) The entry of aliens onto the territory of Romania shall be made through any state border crossing point open to international public traffic.

(5) Aliens may also cross the state border through other places, under the conditions established in bilateral agreements and arrangements, or through other border crossing points, only with the approval of the competent authority.

(on 31-07-2011, Para. (5) in Article 6 was amended by item 11 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

## Article 7

### Obligations of carriers

(1) It is forbidden for aliens to be brought to Romania by air, sea or land transport companies without border crossing documents, with false or forged documents or visas or hidden in the means of transport or which do not meet the conditions provided for in Article 6(1)(a) and (b);

(on 31-07-2011, para. (1) in Article 7 was amended by item 12 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(2) In the event of non-compliance with the provisions of para. (1), the respective transport company shall be obliged to ensure the immediate transport of the aliens concerned to the place of embarkation or to another place that the aliens accept and where they are accepted. Should this not be possible, the expenses incurred in granting the rights provided for in Article 9(4), as well as those for enforcing the measure of not allowing entry into Romania shall be covered by the carrier.

(on 28-11-2014, Para. (2) in Article 7 was amended by item 1 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) The obligations set out in para. (2) shall also apply to the transport companies with which aliens in transit arrive in Romania, if:

- a) the carrier that is to pick them up to take them to the country of destination refuses to embark them;
- b) the authorities of the receiving state do not allow the entry of aliens and return them to Romania.

## Article 8.

### Non-permission of entry to Romania

(1) Aliens shall not be allowed to enter the territory of the Romanian state if:

(on 31-07-2011, the introductory part of para. (1) of Article 8 was amended by item 13 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

- a) they do not fulfil the conditions provided by art. 6 (1);
- b) they are reported by international organizations to which Romania is a party, as well as by institutions specialized in combating terrorism that finance, prepare, support in any way or commit acts of terrorism;
- c) there are indications that they are part of organized criminal groups of a transnational nature or that they support in any way the activity of these groups;
- d) there are serious reasons to believe that they have committed or participated in the commission of crimes against peace and humanity or war crimes or crimes against humanity, provided for in the international conventions to which Romania is a party.

(2) Border police bodies may not allow aliens to enter the territory of the Romanian state in the following situations:

(on 31-07-2011, the introductory part of para. (2) of Article 8 was amended by item 14 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

- a) they have intentionally committed, on the territory of Romania or abroad, crimes for which they have been sentenced to deprivation of liberty for more than 3 years;

(on 10-11-2018, Letter a) of Paragraph (2), Article 8, Section 1, Chapter II was amended by Item 6, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

- b) they have smuggled or attempted to smuggle other aliens into Romania;
- b<sup>1</sup>) they have previously, unjustifiably, violated the stated purpose upon obtaining the visa or, as the case may be, upon entering the territory of Romania, have violated the customs regime or have crossed or attempted to illegally cross the state border of Romania;

(on 31-07-2011, letter b<sup>1</sup>) in para. (2) of Article 8 was introduced by item 15 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

- c) they suffer from diseases that can seriously endanger public health, established by order of the Minister of Health.

(3) Bodies and institutions holding data and information on the existence of situations such as those referred to in paragraphs (1) and (2) may request the General Inspectorate of Border Police or the Romanian Immigration Office to order the measure of prohibiting entry into Romania, under the conditions of this Emergency Ordinance.

(on 31-07-2011, Para. (3) in Article 8 was amended by item 16 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(4) The measure of not allowing entry into Romania shall be motivated by the border police bodies and shall be communicated immediately to the person concerned, using the form provided in Part B of Annex V to the

Schengen Borders Code, as well as to the National Visa Centre within the Ministry of Foreign Affairs (on 28-11-2014, Para. (4) in Article 8 was amended by item 7 of Article 41, Title II of Ordinance no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 9

### Enforcement of non-permission of entry to Romania

(1) The alien against whom the measure of non-permission of entry to Romania was ordered has the possibility to voluntarily leave the state border crossing point at the latest 24 hours.

The time-limit shall be calculated from the time following that in which the measure of non-permission of entry to Romania was ordered.

(2) Upon the expiry of the time-limit provided for in para. (1), the measure of non-permission of entry to Romania shall be enforced by the border police bodies, taking into account the state of health of the alien and in compliance with the provisions of Article 90 paragraphs (7) and (8), by sending him/her to the country of origin or to another destination that he/she accepts and where he/she is accepted, except for the territory of Romania.

(3) If the border police authorities find that more than 12 hours are required to fulfil the arrangements associated to leaving the border crossing point, the alien shall be accommodated in a space arranged for this purpose in the transit area, provided by the administrator of the border crossing point, or, if this is not possible, in another location established outside the border crossing point, with transit zone status.

(3<sup>^</sup>1) The Inspector General of the General Inspectorate of Border Police shall establish, by order, the location of the premises outside the border crossing points provided for in para. (3), the internal rules that aliens staying in these locations are obliged to comply with, as well as the organization of access, guarding, supervision and accompaniment of aliens in and from those locations. At the request of the Inspector General of the General Inspectorate of Border Police, other structures of the Ministry of Internal Affairs, other central public administration authorities, as well as authorities of local public administration shall provide support, within the limits of their own legal powers, for the organisation and operation of locations outside the border crossing points provided for in para. (3).

(on 24-12-2015, Para. (3<sup>^</sup>1) in Article 9 was introduced by item 1 of Article II of LAW 331 of 16 December 2015, published in the OFFICIAL GAZETTE OF ROMANIA no. 944 of 21 December 2015.)

(4) During the accommodation as per para. (3), the alien shall benefit from the rights provided for in Article 104(4), of food, emergency medical care and basic treatment of the disease, taking into account the special needs in the case of the vulnerable person, through the care of the border police bodies.

(4<sup>^</sup>1) If the air, sea or land transport company does not provide, as per Article 7(2), by its own forces the transport of the alien who was refused entry on the territory of Romania, it may request the competent Romanian Border Police structure to escort the respective alien to a third country, respectively to the country from which he/she was transported or a transit country. In this case, the transport company shall provide/support the round-

trip transport of border guards accompanying the alien outside the territory of Romania.

(on 22-03-2024, Article 9, Section 1, Chapter II was supplemented by Item 2., Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

(4<sup>2</sup>) The escort activity provided for in para. (4<sup>1</sup>) shall be carried out on the basis of the order of the head of the border crossing point/head of the border police sector. Police personnel of the Romanian Border carrying out the escort activity shall enjoy the rights provided by law for the personnel sent on a temporary mission abroad.

(on 22-03-2024, Article 9, Section 1, Chapter II was supplemented by Item 2. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(5) If the alien declares to the border police that leaving the border crossing point is possible only to a State for which there are justified fears that his/her life is endangered or that he/she will be subjected to torture, inhuman or degrading treatment and that he/she understands not to submit an application for a form of protection, he/she shall be accommodated in the premises provided for in para. (3).

(6) Upon the occurrence of the situation referred to in para. (5), the border police bodies shall immediately inform the General Inspectorate for Immigration, which shall, at the latest 10 days, analyse the situation of the alien and determine whether his/her statement is substantiated.

(7) If the General Inspectorate for Immigration finds that the alien's statement is not substantiated, it shall notify the border police bodies, which shall inform the alien in this respect. The provisions of paragraphs (1) and (2) shall be applied accordingly. The time-limit provided for in para. (1) shall be calculated from the time following that in which the alien was informed.

(8) If it finds that the alien's statement is substantiated, the General Inspectorate for Immigration shall enforce the measure of non-permission of entry to Romania by escorting the alien. The provisions of this Emergency Ordinance regarding the removal under escort, detention of aliens and toleration of stay on the territory of Romania shall apply accordingly.

(on 28-11-2014, Article 9 was amended by item 8 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 10

Documents on the basis of which the state border can be crossed

(1) The crossing of the state border through the border crossing points or other places established for the border crossing shall be made only on the basis of the border crossing documents accepted by the Romanian State.

(on 28-11-2014, Para. (1) in Article 10 was amended by item 9 of Article 41, Title II of ORDINANCE no. 25 of 26 of August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(2) Aliens included as accompanying person in a state border crossing document belonging to another person may enter or leave Romania only together with its holder.

(3) For information purposes, the list of state border crossing documents accepted by the Romanian State shall

be published, free of charge, in the Official Gazette of Romania, Part I, by order of the Minister of Foreign Affairs, in the last quarter of each calendar year.

(on 28-11-2014, Para. (3) in Article 10 was amended by item 9 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014. )

(4) For humanitarian reasons or in the application of international agreements or arrangements to which Romania is a party, the Government of Romania may approve, by decision, the exemption from mandatory possession of border crossing documents.

(on 31-07-2011, Article 10 was amended by item 18 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

## Section 2 Residence of aliens in Romania

### Article 11

#### General provisions on the residence of aliens

(1) Aliens temporarily lawfully staying in Romania may remain on the territory of the Romanian State only until the date on which the right of residence established by a visa or, as the case may be, by the residence card ends.

(2) Aliens who are not required to obtain a visa under Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as subsequently amended, shall be allowed to enter the territory of Romania and may remain for a maximum of 90 days during any 180-day period preceding each day of stay on the territory of any Schengen State.

(3) Aliens who are in possession of a visa issued by a Schengen State under the conditions Visa Code, except for visas subject to a limitation for the territory of Romania, may enter and remain in Romania subject to the validity of the visa and the period of residence granted by the respective visa.

(4) Aliens holding long-stay visas or residence cards issued by other Schengen States shall be allowed to enter the territory of Romania and may remain for a maximum of 90 days during any 180-day period preceding each day of stay on the territory of Romania, calculated as a period cumulated with those spent on the territories of the other Schengen States, other than the one that issued them the long-stay visa, respectively the residence card.

(5) Aliens entering the territory of Romania under the conditions of paragraphs (2) and (4), as well as on the basis of international conventions or legislative acts by which they are exempted from the visa requirement terminates their right of residence in the following situations:

- a) it is found that on the date of entry on the territory of Romania they did not meet the conditions provided by this Emergency Ordinance or no longer meet them;
- b) entered the territory of Romania on the basis of false documents or information;



- c) have smuggled or attempted to smuggle into Romania other aliens or have facilitated their transport or accommodation;
- d) violated customs regulations or crossed or attempted to cross the state border illegally;
- e) entered Romania during the period of prohibition, previously ordered;
- f) do not comply with the stated purpose when entering the territory of Romania or violated the regulations regarding the employment of aliens;
- g) after entering the country against them, the measure of the entry ban was ordered or they were declared undesirable.

(6) The measure of termination of the right of residence for the situations referred to in para. (5) shall be communicated to the alien by the return decision.

(on 31-03-2024, Article 11 of Section 2, Chapter II was amended by Item 1, Article I of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, amending Item 3, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 )

#### Note

According to the recitals OF the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 12

##### Conditions regarding accommodation of aliens

(1) The alien legally entered into the territory of Romania, as well as the person who accommodates him/her have the obligation to notify the competent territorial police body within 3 days from the date of entry and accommodation, respectively.

(on 31-07-2011, Para. (1) in Article 12 was amended by item 20 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(2) In the event of accommodation in hotels or other tourist facilities, the alien shall fulfil the record-keeping formalities at the administration of the respective place which, within 24 hours, will communicate the necessary data to the territorial competent police body.

(3) The data referred to in para. (2) shall also be submitted to the police officers of the General Inspectorate for Immigration and to those of the General Inspectorate of the Romanian Police, upon their request.

(on 28-11-2014, Para. (3) in Article 12 was introduced by item 11 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(4) The obligations set forth in paragraphs (1) and (2) may also be fulfilled by notifying the General Inspectorate for Immigration regarding the arrival on the territory of Romania or regarding the accommodation

of the alien, as the case may be, respectively by communicating the data regarding the registration of the alien to the General Inspectorate for Immigration, by means of a computer application made available for this purpose.

(on 22-03-2024 2024, Article 12, Section 2, Chapter II was supplemented by Item 3, Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

## Article 13

### Notification of authorities on changes in the alien's situation

(1) During their stay in Romania, aliens shall be required to declare to the territorial unit of the Romanian Immigration Office, which granted them the right to stay, the following:

a) any change in the personal situation, in particular the change of name, citizenship, domicile or residence, conclusion, dissolution or annulment of the marriage, birth of a child, death of a family member on the territory of Romania;

(on 28-11-2014, letter a) in para. (1) of Article 13 was amended by item 12 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

b) any change in his/her employment;

c) extending the validity or changing the state border crossing document.

(on 31-07-2011, letter c) in para. (1) of Article 13 was amended by item 21 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(2) The alien who changes his/her name, nationality, domicile or residence is obliged, once the change in his/her personal situation has been declared, to request a new identity document.

(on 28-11-2014, Para. (2) in Article 13 was amended by item 13 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) Theft or loss of state border crossing documents shall be reported to the competent territorial police body.

(4) The statements referred to in para. (1) (b) shall be made within 3 working days, those provided for in para.

(1) (a) and (c), within 10 days, and those provided for in para. (3), within 48 hours.

(on 22-03-2024, Paragraph (4), Article 13, Section 2, Chapter II was amended by Item 4. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(5) In the case of the alien who changes his/her domicile or residence, the time-limit provided for in para. (4) shall run from the date of establishment to the new address.

(on 28-11-2014, Para. (5) in Article 13 was introduced by item 14 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(6) Host entities are obliged to inform the territorial unit of the General Inspectorate for Immigration about the

termination or suspension of the legal relationship with the alien, within 5 working days from the date of the event.

(on 22-03-2024, Paragraph (6), Article 13, Section 2, Chapter II was amended by Item 4, Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

### Section 3 Exit of aliens from the territory of Romania

#### Article 14

##### Exit of aliens

- (1) If the alien is no longer in possession of the state border crossing document on the basis of which he/she entered the country, he/she must submit at the exit from Romania a new valid state border crossing document.
- (2) The exit from the country of aliens who have the citizenship of several states is made on the basis of the state border crossing document with which they entered. In special cases, the border police may also allow exit from the country on the basis of the document certifying another nationality.

#### Article 15

##### Non-permission to leave

- (1) The alien shall not be allowed to leave the country in the following situations:

a) is a suspect or accused in a criminal case and the magistrate orders the imposition of a ban on leaving the locality or the country;

(on 10-11-2018, Letter a) in Paragraph (1), Article 15, Section 3, Chapter II was amended by Item 9, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

b) was sentenced to imprisonment by a final court decision and the complementary punishment of the prohibition of the right to leave the territory of Romania was applied or the measure of non-leaving the territory of Romania was ordered.

(on 10-11-2018, Letter b) of Paragraph (1), Article 15, Section 3, Chapter II was amended by Item 9, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(2) In the situations referred to in para. (1), the competent bodies within the Ministry of Internal Affairs shall implement the measure of not allowing the exit from the territory of Romania, only on the basis of the documents concluded by the prosecutor, by the courts or by the bodies provided by law having enforcement powers of the prison sentence, which contain such a measure and are submitted for implementation.

(on 31-07-2011, Para. (2) in Article 15 was amended by item 22 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(3) Repealed.

(on 31-07-2011, Para. (3) in Article 15 was repealed by item 231 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(4) The implementation of the measure shall be carried out, in all cases, by the establishment of the nominal instruction at the border by the border police bodies.

(on 31-07-2011, Para. (4) in Article 15 was amended by item 24 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

## Article 16

### Termination of non-permission to leave

The termination of non-permission to leave is made by cancelling the nominal instruction, at the written request of the public authority that has such competence according to the law, for the situations provided for in Article 15(1).

(on 31-07-2011, Article 16 was amended by item 25 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## CHAPTER II<sup>1</sup>

### Local Border Traffic Regime

(on 01-03-2010, Chap. II<sup>1</sup> was introduced by item 2 of the sole article in EMERGENCY ORDINANCE no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF ROMANIA no. 136 of 1 March 2010.)

## Article 16<sup>1</sup>

### Regulatory Scope

The local border traffic shall be carried out according to the bilateral agreements concluded by Romania with neighbouring third States pursuant to the provisions of Article 1(2) and Article 13 (1) of Regulation (EC) 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, published in the Official Journal of the European Union (OJEU) series L405 of 30 December 2006. (on 01-03-2010, Article 16<sup>1</sup> was introduced by item 2 of the sole article in the EMERGENCY ORDINANCE no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF ROMANIA no. 136 of 1 March 2010.)

## Article 16<sup>2</sup>

### Bodies competent to issue the local border traffic card

- (1) Local border traffic cards shall be issued by the diplomatic missions and consular offices of Romania in neighbouring third countries with which Romania has concluded the agreements provided for in Article 16<sup>1</sup>, under the conditions established by these agreements.
- (2) The documents referred to in para. (1) shall be issued within a time-limit of up to 60 days from the date of submission of the application.
- (3) In order to approve applications for local border traffic cards, diplomatic missions and consular offices shall request the opinion of the Romanian Immigration Office only in the cases established by a protocol approved by joint order of the Minister of Foreign Affairs and the Minister of Internal Affairs.
- (4) The opinion of the Romanian Immigration Office provided for in para. (3) shall acknowledge that the conditions provided for in Article 6(1) letters e), g) and h) are fulfilled.
- (5) The Romanian Immigration Office shall issue the opinion within up to 30 days from the date of receipt of the request from the diplomatic missions and consular offices.

(on 01-03-2010, Article 16<sup>2</sup> was introduced by item 2 of the sole article in the EMERGENCY ORDINANCE no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF ROMANIA no. 136 of 1 March 2010.)

### Article 16<sup>3</sup>

#### Local Border Traffic Card Regime

- (1) The Local Border Traffic Card, issued to the alien under this Emergency Ordinance, is the document that entitles residents of the border area to cross the common state border, under local border traffic regime, according to Regulation (EC) No. 1931/2006 and based on the agreements provided for in Article 16<sup>1</sup>.
- (2) The holder of the Local Border Traffic Card shall have the obligation to carry the document with him/her at all times, not to alienate it and to submit it to the competent authorities whenever requested.
- (3) The holder of the Local Border Traffic Card shall be obliged to notify the competent border police bodies about the theft, loss, damage or destruction of the local border traffic card no later than 5 days after finding any of these situations.
- (4) The alien shall be issued by the issuing bodies provided for in Article 16<sup>2</sup>(1) a new local border traffic card instead of the one declared stolen, lost, damaged or destroyed, after the full resumption of the issuing procedure.

(5) The form and content of local border traffic cards shall be established by decision of The Government. The Ministry of Foreign Affairs shall communicate to the European Commission and the other Member States of the European Union the template of local border crossing card.

- (6) Based on Article 12(@) of the Regulation (EC) No. 1931/2006, the record of the requested, issued, cancelled or revoked local border traffic cards shall be kept at national level in a central register, in electronic format, by the Romanian Immigration Office, which is designated and national contact point, responsible for managing and providing the data contained in this register. The central register is maintained and updated by all authorities with responsibilities in the field of local border traffic.

(on 01-03-2010, Article 16<sup>3</sup> was introduced by item 2 of the sole article in the EMERGENCY ORDINANCE no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF ROMANIA no. 136 of 1 March 2010)

## Article 16<sup>4</sup>

### Cancellation and revocation of local border traffic cards

(1) The local border traffic card can be cancelled or revoked abroad by diplomatic missions or consular offices of Romania, and in the country by the border police bodies, on the occasion of the control for crossing the state border, or by the Romanian Immigration Office when aliens are on the territory of the Romanian State.

(2) The enforcement of the measure of cancellation or revocation of the local border traffic card shall be carried out by the border police bodies or, as the case may be, of the Romanian Immigration Office.

(3) The authorities referred to in para. (1) may take the measure of cancelling the local border traffic card in the following situations:

a) it is subsequently found that, at the time of the application for the local border traffic card, the aliens did not meet the conditions laid down in the agreements governing the legal regime regarding local traffic at the common border;

b) aliens have obtained the local border traffic card on the basis of false documents or information;

c) aliens have smuggled or attempted to smuggle into Romania other aliens or have facilitated their transport or accommodation;

d) aliens have violated customs regulations or have crossed or attempted to cross the state border illegally;

(on 31-07-2011, letter d) para. (3) of Article 16<sup>4</sup> was amended by item 26 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

e) aliens entered Romania during the previously ordered ban period.

(4) The measure of revocation of the local border traffic card may be ordered by the authorities referred to in para. (1) in the following situations:

a) aliens no longer meet the conditions required for granting the local border traffic card;

b) after granting the local border traffic card, the aliens were declared undesirable or the measure of the entry ban was ordered against them;

(on 08-04-2023, the phrase: prohibition of entry into Romania was replaced by item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

c) aliens repeat exceeding the border area provided for local traffic.

(5) The decision to cancel or, as the case may be, revoke the local border traffic card, taken by the competent authority according to para. (1), shall be communicated to the alien, in writing, together with the reasons underlying it, by:

a) the diplomatic mission or consular office that issued the local border traffic card, when the applicant is abroad;

b) by the border police bodies, when they are at the state border crossing point;

c) General Inspectorate for Immigration, when they are in Romania, by return decision.

(on 28-11-2014, letter c) in para. (5) of Article 16<sup>4</sup> was amended by item 15 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(6) From the date of communication, the cancellation shall take retroactive effect and the revocation shall take effect only for the future.

(on 01-03-2010, Article 16<sup>4</sup> was introduced by item 2 of the sole article in the Emergency Ordinance no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF ROMANIA no. 136 of 1 March 2010.)

## Article 16<sup>5</sup>

### Civil offences and sanctions

(1) If the holder of the local border traffic card exceeds the period of stay established by the agreement governing the legal regime on local traffic at the common border, the measure of civil sanction shall be ordered against him/her with a fine from Ron 600 to Ron 1,200 and the return decision provided for in Article 83(1).

(on 28-11-2014, Para. (1) in Article 16<sup>5</sup> was amended by item 16 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(2) If the holder of the local border traffic card exceeds the border area established by the agreement regulating the legal regime on local traffic at the common border, the measure of civil sanction shall be ordered against him/her with a fine from Ron 600 to Ron 1,200 and the return decision provided for in Article 83(1).

(on 28-11-2014, Para. (2) in Article 16<sup>5</sup> was amended by item 16 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) If the holder of the local border traffic card fails to comply with the obligations provided for in Article 16<sup>3</sup>(2), the civil sanction shall be ordered against him/her with a fine from Ron 100 to Ron 500.

(4) If the holder of the local border traffic card fails to comply with the time-limit for reporting the theft, loss, damage or destruction of the local border traffic card, provided for in Article 16<sup>3</sup>(3), the measure of civil sanction shall be ordered against him/her with a fine from Ron 100 to Ron 500.

(5) The measure of the entry ban shall be ordered against the holder of the local border traffic card, as follows:

a) for aliens referred to in para. (1):

(i) one year in case of an illegal stay from 30 days to one year or if the alien has not complied with the return decision;

(ii) 2 years in the case of an illegal stay of more than one year;

b) 3 years for aliens referred to in Article 16<sup>4</sup>(4)(c).

(on 08-04-2023, the phrase: prohibition of entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 din 5 April 2023)

(6) For aliens referred to in Article 16<sup>4</sup>(3)(e) and paragraph (4)(b), the prohibition shall be equal to the prohibition period previously ordered, but not less than 5 years.

(7) The entry ban shall be ordered under the conditions provided for in Article 106<sup>3</sup>.

(on 28-11-2014, Para. (7) in Article 16<sup>5</sup> was amended by item 16 of article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(on 08-04-2023, the phrase: prohibition of entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 din 5 April 2023)

(8) In the cases referred to in para. (5)(a), the duration of the prohibition shall be determined by applying the provisions of Article 106<sup>4</sup>(4).

(on 28-11-2014, Para. (8) in Article 16<sup>5</sup> was amended by item 16 of Article 41, Title II of Ordinance no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(9) Based on article 17(3) of the Regulation (EC) No. 1931/2006, the records of all cases of misuse of the local border traffic regime and of the sanctions applied are kept at national level in a special register, in electronic format, by the Romanian Immigration Office, which is responsible for the management and provision of the data contained in this register. The special register is maintained and updated by all authorities with responsibilities in the field of local border traffic.

(on 01-03-2010, Article 16<sup>5</sup> was introduced by item 2 of the sole article in the Emergency Ordinance no. 12 of 23 February 2010, published in the OFFICIAL GAZETTE OF Romania no. 136 of 1 March 2010)

## Chapter III Visa regime

### Section 1 General provisions

#### Article 17

##### Form and contents of the visa

The form, contents and security elements of the visa shall be approved by decision of the Government of Romania, at the proposal of the Ministry of Foreign Affairs, in consultation with the Ministry of Internal Affairs and in accordance with the standards of the European Union in the field.

#### Article 18

##### Limits of the rights conferred by the visa

(1) The visa confers the right to its holder to enter the territory of Romania only in the case when, upon submitting it at the state border crossing point, the Romanian Border Police bodies ascertain that there are no reasons for non-permission to enter into Romania, provided for in Article 8 paragraphs (1) and (2).

(2) The right of residence granted by visa may be exercised only during the period of validity of the visa.



## Article 19

### Exemptions from the regime of visa obligation

(1) Citizens of the states with which Romania has concluded agreements for this purpose are exempt from visa obligation, under the conditions and for the durations of stay provided by such agreements.

(2) Aliens pilots of aircraft as well as crew members, holders of a flight license or crew license, provided by Annex No. 9 to the Convention on international civil aviation, signed in Chicago on 7 December 1944, are exempt from the obligation to possess a travel document and visa only in case they are on assignment and:

- a) do not leave the transit airport;
- b) do not leave the destination airport;
- c) do not leave the territory of the city situated in the neighbourhood of the airport;
- d) leave the airport only for the purpose to be transferred to another Romanian airport.

(3) The Government may establish, by decision, the unilateral exemption of certain categories of aliens from visa obligation.

## Section 2 Types of visas

### Article 20

#### Types of visas

The Romanian authorities shall grant the following types of visas:

(on 31-03-2024, the Introductory Part of Article 20, Section 2, Chapter III was amended by Item 4. Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

a) visa for airport transit, identified by the symbol A;

b) repealed;

(on 31-03-2024, Letter b) of Article 20, Section 2, Chapter III was repealed by Item 5. Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of

Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

c) short-stay visa, identified by the symbol C;

d) long-stay visa, identified by one of following symbols, according to the activity to be carried out in Romania by the alien it has been granted to:

(i) carrying out economic activities, identified by the symbol D/AE;

(ii) carrying out professional activities, identified by the symbol D/AP;

(iii) carrying out commercial activities, identified by the symbol D/AC;

(iv) employment, identified by the symbol D/AM;

(iv<sup>1</sup>) secondment, identified by the symbol D/DT;

(on 31-07-2011, item (iv<sup>1</sup>) of letter d) of Article 20 was introduced by item 27 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(v) study, identified by the symbol D/SD;

(vi) family reunification, identified by the symbol D/VF;

(vii) religious activities, identified by the symbol D/AR;

(on 31-07-2011, item (vii) of letter d) of Article 20 was amended by item 28 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(viii) scientific research activities, identified by the symbol D/CS;

(ix) diplomatic and official visa, identified by the symbol DS;

(x) other purposes, identified by the symbol D/AS.

## Article 21

### Visa for airport transit

(1) The visa for airport transit shall be granted in the situations provided for in Article 3 of the Visa Code.

(2) The incidence of the situations provided for in Article 3(2) of the Visa Code shall be established by joint order of the Minister of Foreign Affairs and the Minister of Internal Affairs, which shall be published in the Official Gazette of Romania, Part I.

(3) The Ministry of Foreign Affairs shall inform the European Commission of the issuance, respectively repeal of the joint order provided for in paragraph (2).

(on 31-07-2011, Article 21 was amended by item 29 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

## Article 22

Repealed.

(on 31-03-2024, Article 22, Section 2, Chapter III was repealed by Item 6, Article III of LAW 157 of 11 July

2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 )

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

## Article 23

### Short-stay visa

The short-stay visa shall be granted under the conditions and for the purposes provided by the Visa Code.

(on 31-03-2024, Article 23, Section 2, Chapter III was amended by Item 7. , Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 )

### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

## Article 24

### Long-stay visa

(1) The long-stay visa shall be granted to aliens, upon request, for a period of 90 days, with one or more trips, for the following purposes:

a) carrying out economic activities - to aliens who are to carry out on the territory of Romania economic activities organized and regulated by special laws;

(on 28-11-2014, letter a) para. (1) of Article 24 was amended by item 18 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

b) carrying out professional activities - to aliens who are to exercise on the territory of Romania liberal professions regulated by special laws;

(on 28-11-2014, letter b) para. (1) of Article 24 was amended by item 18 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

c) carrying out business activities - to aliens who are or are to become stakeholders or shareholders in charge of the management and administration of companies in Romania;

d) employment - to aliens who are to enter Romania for employment. The visa granted for this purpose will

also be issued to athletes who are to perform within clubs or teams in Romania, based on an individual employment contract under the law;

(on 28-11-2014, letter d) para. (1) of Article 24 was amended by item 18 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

d<sup>1</sup>) secondment - to qualified aliens, employees of a legal entity based abroad, who are to carry out work activities on the territory of Romania, in accordance with the law.

(on 28-11-2014, letter d<sup>1</sup>) para. (1) of Article 24 was amended by item 18 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE of ROMANIA no. 640 of 30 August 2014.)

e) study – to aliens who are to enter Romania to attend courses in pre-university, university or postgraduate education, as the case may be, or to obtain scientific titles within accredited state or private institutions, according to the law;

f) family reunification – to aliens who are to enter Romania in order to regain the family unit;

g) religious activities – to aliens who are to enter Romania to carry out activities in the field of recognized cults, upon their request;

(on 31-07-2011, letter g) para. (1) of Article 24 was amended by item 33 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

h) scientific research activities – to aliens who are to enter Romania to carry out scientific research activities.

i) other purposes.

(2) Through the long-stay visa, aliens are granted the right of temporary residence and the possibility to request its extension and obtain a residence card.

(on 28-11-2014, Para. (2) in Article 24 was amended by item 19 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 25

### Diplomatic visa and official visa

(1) The diplomatic visa and the official visa allow the entry in Romania, for a stay, usually for a long period, of aliens holding a diplomatic or official passport, who is to perform an official function as members of a diplomatic representation or consular post of the State of affiliation in Romania.

(2) These types of visas are issued to holders of diplomatic or official passports or similar thereof, at the request of the Ministry of Foreign Affairs of the referring State or its diplomatic or consular representation, as well as to the members of his/her family, with whom the holder lives, and are valid for the duration of the mission or in accordance with bilateral agreements to which Romania is a party.

Repealed.

(on 31-07-2011, Article 26 was repealed by item 34 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

### Section 3 General conditions for granting visas

#### Article 27

##### Granting the visa

(1) The Romanian authorities shall grant aliens, upon request, visas from those provided for in Article 20, under the conditions and for the purposes provided for in the Visa Code or in this Emergency Ordinance, as the case may be.

(2) The Ministry of Foreign Affairs shall inform the European Commission of the representation agreements concluded pursuant to Article 8 in the Visa Code.

(3) The list of states whose citizens need a visa to enter the territory of Romania is provided in Annex no. I Regulation (EU) no. 2018/1806 of the European Parliament and of the Council.

(on 22-03-2024, Paragraph (3) of Article 27, Item 8. , Article III was amended by Item 2., Article I of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(4) The long-stay visa shall be granted only if:

- a) the conditions regarding the entry on the territory of Romania, provided for in Article 6(1) letters (a), (c)-(h) are fulfilled;
- b) there are no reasons for non-permission to entry into Romania, provided for in Article 8 (1) letters (b)-(d) and para. (2) letter c);
- c) the alert on the refusal to issue the visa was not entered on the name of the alien in the Integrated Information System for Migration and Asylum Management;
- d) there are no reasons to consider that the visa is applied for the purpose of illegal migration;
- e) the alien has not been definitively convicted of crimes committed abroad, incompatible with the purpose for which he/she applies for a visa;
- f) the general conditions set out in this section are met, as well as the special conditions for granting the visa, depending on the purpose for which it is requested;
- g) the travel document submitted is not false, counterfeit or forged;
- h) there are no reasonable doubts about the authenticity of the supporting documents submitted by the applicant or the truthfulness of the data they contain or the degree of confidence that can be given to the applicant's statements.

(5) In the event that the aliens do not meet the conditions set out in paragraph (4) (a), because they are subject of alerts entered into the Schengen Information System by another Schengen State for the purpose of non-permission to entry, the long-stay visa shall be granted only for justified

reasons, in particular for humanitarian reasons or due to international obligations, and only after consultation with the Schengen State that entered the alert, in accordance with the procedure set out in the Sirene Manual.

(6) Aliens whose stay on the territory of Romania is in the interest of the Romanian state shall be granted long-stay visa, at the express request of the Parliament, the Presidential Administration, Government or specialized central public administration authorities addressed to the National Visa Centre, without fulfilling the conditions set out in paragraph (4), if they do not pose a danger to public order or national security.

(7) The visa application shall be submitted to the diplomatic missions or consular offices of Romania abroad, in whose jurisdiction the applicant has his/her domicile or residence, and in special, urgent cases, at the diplomatic missions or consular offices of Romania in the state on whose territory the applicant is legally located.

(on 31-03-2024, Article 27 of Item 8, Article III was supplemented by Item 3, Article I of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

(on 31-07-2011, Article 27 in Section 3, Chapter III was amended by Item 3, Article 43 of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, amending Item 8, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

## Article 28

### Conditions regarding the validity of travel documents

(1) The conditions regarding the validity of the travel document to be affixed the visa for airport transit or short-stay visa are those provided for in Article 12 of the Visa Code.

(2) The conditions regarding the validity of the travel document provided for in Article 12 of the Visa Code shall also apply to the travel documents in which the long-stay visa is to be affixed.

(on 31-03-2024, Article 28, Section 3, Chapter III was amended by Item 9, Article III of Law no. 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of

Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 28<sup>1</sup>

##### Conditions for applying for a visa for airport transit and a short-stay visa

The conditions regarding the submission of applications for visa for airport transit or short-stay visa, as well as those regarding the admissibility of such applications are those provided for in Articles 9 and 10, respectively in Article 19 of the Visa Code.

(on 31-03-2024, Section 3, Chapter III was supplemented by Item 10., Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 29<sup>th</sup>

##### Conditions for applying for a long-stay visa

(1) The application for a long-stay visa must be accompanied by the state border crossing document, which meets the conditions of validity, according to Article 28(2), in which the visa can be applied, documents justifying the purpose and conditions of travelling, as well as proof that the alien possesses means of subsistence during his/her stay in Romania and in order to leave the territory of Romania.

(2) Amounts in convertible foreign currency may be accepted as proof of means of support, traveller's cheques, check books on a foreign currency account, credit cards with the account statement for them, issued no later than two days before applying for the long-stay visa, or any other means proving the existence of appropriate financial resources.

(3) When submitting the application for the long-stay visa, the applicant shall be usually called for an interview.

(4) The application for a long-stay visa shall not be taken over, being considered inadmissible, and the examination of the visa file shall be stopped, in the following cases:

- a) fails to be submitted no later than 3 months before the expected date of arrival in Romania;
- b) the applicant fails to submit the completed, signed application form and two standard compliant photographs;
- c) when the visa fee has not been paid.

(5) When applying for a long-stay visa, aliens must appear in person before the authorities competent to grant

the visa.

(6) Exceptions to the provisions of paragraphs (3) and (5) may be made by prominent personalities of social, cultural, political or economic life, aliens who have to travel a very long distance to go to the diplomatic mission or consular office and only if there is no doubt about the good faith of the applicant, as well as organised groups, when a recognized and trustworthy body is responsible for the good faith of the applicants.

(on 31-03-2024, Article 29 of Section 3, Chapter III was amended by Item 4. Article I of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, amending Item 11, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 29

##### Cooperation with external service providers

- (1) By exception from the provisions of Article 29(5), applications for long-stay visas may also be submitted through external service providers contracted by the Ministry of Foreign Affairs according to the law.
- (2) Through the external service providers contracted by the Ministry of Foreign Affairs also the visa applications provided for therein may be submitted, in accordance with the provisions of Article 43 of the Visa Code.
- (3) The conditions and modalities of cooperation with external service providers shall be established by order of the Minister of Foreign Affairs.
- (4) External service providers shall not be allowed access to the National Visa Information System and tasks cannot be delegated to them regarding the examination of applications, the performance of interviews with visa applicants, deciding on applications, printing and affixing visa stickers.
- (5) Based on the cooperation agreements concluded with the Ministry of Foreign Affairs, external service providers may perform, as appropriate, one or more of the following tasks:
  - a) providing general information on visa requirements and application forms;
  - b) informing the applicant of the required supporting documents, on the basis of a checklist;
  - c) data collection, including, where applicable, biometric identifiers and applications for visas, as well as their transmission, under the law, to the competent diplomatic missions and consular offices of Romania;
  - d) collection of visa fees and their transfer to the competent diplomatic missions and consular offices of Romania;
  - e) managing appointments for in-person attendance at the competent diplomatic missions and consular offices



of Romania;

f) submitting and collecting travel documents to and from the diplomatic missions and consular offices of Romania and returning them to the applicants;

g) handing over the form for refusal, cancellation or revocation of visas.

(6) The Ministry of Foreign Affairs aims to ensure that the additional service fees charged by external service providers shall be proportionate to the expenses incurred by them in carrying out the tasks entrusted to them and shall not exceed half of the fee for processing a visa application.

(7) Cooperation with external service providers does not preclude the possibility of submitting visa applications directly to the diplomatic missions and consular offices of Romania.

(8) In the event of termination of cooperation with an external service provider, the competent diplomatic and consular offices of Romania shall ensure the continuity of the provision of comprehensive visa services.

(on 31-03-2024, Article 29<sup>1</sup> of Section 3, Chapter III was amended by Item 4., Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, amending Item 11<sup>1</sup>, Article III of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011. Item 11<sup>1</sup>, Article III of Law 157 of July 11, 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 was introduced by Item 5, Article 43 of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

## Article 30

### Authorities competent to grant the visa

(1) The visa for airport transit and the short-stay visa shall be granted by the diplomatic missions and consular offices of Romania:

a) without the prior approval of the National Visa Centre, for aliens coming from the States laid down in the list referred to in Article 27(3), for which the invitation procedure is not necessary;

b) with the prior approval of the National Visa Centre, for aliens coming from the states mentioned in the list provided for in Article 37(2), as well as where necessary additional checks for the settlement of applications submitted by aliens coming from the States laid down in the list referred to in Article 27(3), for which the invitation procedure is not necessary.

(2) In order to approve applications for short-stay visas, the National Visa Centre may:

- a) request the opinion of the General Inspectorate for Immigration, in the cases established by the protocol, approved by order of the Minister of Foreign Affairs and the Minister of Internal Affairs;
- b) consult the competent authorities of the Member States, according to the provisions of Article 22 of the Visa Code.

(3) The opinion of the General Inspectorate for Immigration provided for in paragraph (2) letter a) shall ascertain the fulfilment of the conditions provided for in Article 6(1) letters a), e), g) and h) and Article 8 (1) letters (b)- (d):

(4) The General Inspectorate for Immigration shall issue the opinion provided for in para. (2) letter a) within up to 7 working days from the date of receipt of the application of the National Visa Centre. In duly justified cases, the time-limit may be extended by up to 7 working days.

(5) The visa for airport transit and the short-stay visa shall be granted by the competent authorities of other Schengen States, according to the representation agreements concluded pursuant to Article 8 of the Visa Code.

(6) The short-stay visa shall be granted by the border police at the external border crossing points, according to the provisions of Article 35 and 36 of the Visa Code.

(7) The long-stay visa shall be granted by the diplomatic missions and consular offices of Romania, with the approval of the National Visa Centre, only after obtaining the opinion of the General Inspectorate for Immigration.

(8) The opinion of the General Inspectorate for Immigration provided for in paragraph (7) shall ascertain the fulfilment of conditions provided for in Article 6(1) letters a), e), g) and h), Article 8(1) letters (b)-(d) and Article 27(4) letters c) and d), as well as the special conditions for each type of long-stay visa.

(9) The General Inspectorate for Immigration shall issue the opinion referred to in para.(7) within up to 30 days from the date of receipt of the request of the Ministry of Foreign Affairs. In duly justified cases, where further examination of the application is necessary, the time-limit may be extended by 15 days.

(10) The visa for aliens who are family members of Romanian citizens and the short-stay visa for aliens referred to in Article 16(4) of the Visa Code shall be granted by the diplomatic missions and consular offices of Romania, free of duties.

(on 31-03-2024, Paragraph (10) of Article 30, Item 12. , Article III was amended by Item 5. Article I of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(on 31-03-2024, Article 30 of Section 3, Chapter III was amended by Item 6. , Article 43 of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, amending Item 12, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011. )

Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in

the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 30<sup>1</sup>

For the purpose of carrying out specific checks on requests for prior consultation addressed to Romania in accordance with Article 22 of the Visa Code, the General Inspectorate for Immigration is consulted by the National Visa Centre within the Ministry of Foreign Affairs.

(on 22-03-2024, Section 3 , Chapter III was supplemented by Item 5., Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

#### Article 31

##### Settlement of visa applications

- (1) The conditions under which applications for visas for airport transit or short-stay visas are settled shall be those provided for in Article 23 of the Visa Code.
- (2) The applications for a long-stay visa shall be settled for the purpose of granting a long-stay visa or for the purpose of refusing to grant a long-stay visa, within a period of up to 60 days from the date of their submission, following verification of the fulfilment of the general conditions and determined by this Emergency Ordinance.
- (3) When the results of the interview, the documents submitted and the personal circumstances of aliens applying for long-stay visas indicate uncertainties, other documents than those provided for in Articles 41-49 may be requested for the settlement of applications.
- (4) The decision of the competent Romanian authorities refusing to grant the visa shall be communicated to the applicant, by the diplomatic missions and consular offices of Romania, together with the reasons on which it is based.
- (5) The decision of the competent Romanian authorities refusing to grant a visa may be challenged under the Administrative Law no. 554/2004, as subsequently amended and supplemented.

(on 31-03-2024, Article 31 of Section 3, Chapter III was amended by Article II of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. of 7 November 2018.)

#### Note

Pursuant to Article III of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018, from the date of full application by Romania of the provisions of the Schengen acquis, pursuant to the Council Decision issued in this regard, items 13 and 15-22 of Article III of Law 157/2011

amending and supplementing several legislative acts regarding the legal status of aliens in Romania, published in the Official Gazette of Romania, Part I, no. 533 of 28 July 2011, as subsequently amended and supplemented, shall be repealed.

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

## Article 32

Repealed.

(on 31-03-2024, Article 32, Section 3, Chapter III was repealed by Item 14, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

## Article 33

Cancellation and revocation of the visa

(1) The visa may be cancelled or revoked abroad by the diplomatic missions or consular offices of Romania, and in the country, by the border police bodies, on the occasion of control for crossing the state border or on the occasion of detecting persons who have crossed or attempted to cross the state border illegally, or by the General Inspectorate for Immigration, when aliens are in the territory of the Romanian State. Enforcement of the measure of cancelation or revocation of the visa in the country shall be carried out by the border police or, as the case may be, of the General Inspectorate for Immigration.

(2) The authorities referred to in para. (1) may take the measure of cancelling the long-stay visa, in the following situations:

- a) it is found that on the date of the visa application the aliens did not meet the conditions provided by this Emergency Ordinance;
- b) aliens obtained the entry visa on the basis of false documents or information;
- c) aliens have smuggled or attempted to smuggle into Romania other aliens or have facilitated their transport or accommodation;
- d) aliens have violated customs regulations or have crossed or attempted to cross the state border illegally;
- e) aliens entered Romania during the period of prohibition, previously ordered.

(3) The situations in which the authorities referred to in para. (1) cancel or revoke the visas for airport transit or short-stay visas shall be those provided for in Article 34 of the Visa Code.

(4) The measure of revocation of the visa may be ordered by the authorities referred to in para. (1) in the following situations:

- a) aliens no longer meet the conditions required for granting the visa;
- b) the purpose for which the entry visa was granted is not complied with;
- c) after granting the visa, the measure prohibiting the entry into Romania was ordered against aliens or they were declared undesirable;
- d) at the request of the holder.
- e) the employment contract has not been concluded within 15 working days of the alien entering the territory of Romania or, as the case may be, of obtaining the new employment, in case of long-stay visa for employment.

(on 31-03-2024, Paragraph (4) of Article 33, Article II was supplemented by Item 1.

Article II of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

(4<sup>1</sup>) The measure provided for in para. (4) letter e) shall not be ordered if the failure to conclude the employment contract is due to the fault of the employer.

(on 31-03-2024, Article 33, Article II was supplemented by Item 2., Article II of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

(5) The decision to cancel or, as the case may be, to revoke the visa shall be communicated to the alien in writing, together with the reasons on which it is based, by the diplomatic mission or consular office that granted the visa, when the applicant is abroad, by the border police bodies, when he/she is at the state border crossing point, and by the General Inspectorate for Immigration, by the return decision, when the person concerned is in Romania. From the date of communication, the cancellation shall take retroactive effect and the revocation shall take effect only for the future.

(6) The decision of cancellation or, as the case may be, revocation ordered by the diplomatic missions or consular offices of Romania and by the border police bodies may be challenged under Law 554/2004, as subsequently amended and supplemented. The decision of cancellation or revocation ordered by the General Inspectorate for Immigration can be challenged under the conditions provided for in Article 85.

(7) The decision to cancel or, as the case may be, to revoke the visa for airport transit or the short-stay visa shall be communicated to the alien by the authorities referred to in paragraph (5), using the form set out in Annex VI to the Visa Code.

(8) The cancellation or revocation of visas for airport transit, short-stay visas and long-stay visas shall materialise on the visa package by carrying out the operations provided for in Article 34(5) of the Visa Code.

(9) In the event of cancellation or revocation of the visa issued by another Schengen State, the authority which ordered the measure shall communicate this to the Consular Department of the Ministry of Foreign Affairs, in order to inform the issuing State.

(10) If an error is found on an issued visa that has not yet been affixed to the travel document or after the visa

has been affixed to the travel document, it will be cancelled for technical reasons, according to the procedure provided for in para. (8), and another visa will be issued on the basis of the same application.

(on 31-03-2024, Article 33 of Section 3, Chapter III was amended by Article II of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018.)

#### Note

Pursuant to Article III of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018, from the date of full application by Romania of the provisions of the Schengen acquis, pursuant to the Council Decision issued in this regard, items 13 and 15-22 of Article III of Law 157/2011 amending and supplementing several legislative acts regarding the legal status of aliens in Romania, published in the Official Gazette of Romania, Part I, no. 533 of 28 July 2011, as subsequently amended and supplemented, shall be repealed.

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 33<sup>1</sup>

Extension of the validity of the short-stay visa or the right of residence established for the alien through the visa

(1) The duration of the validity and/or the right of residence established by the short-stay visa issued by the Romanian authorities or by another Schengen State may be extended under the conditions of Article 33 of the Visa Code.

(2) The national authority competent to extend the visa provided for in para. (1), affixed to simple passports, shall be the General Inspectorate for Immigration and its territorial units, and for those affixed to service or diplomatic passports shall be the Ministry of Foreign Affairs.

(3) The refusal to extend the duration of validity and/or the right of residence established by the short-stay visa cannot be challenged.

(on 31-03-2024, Article 33<sup>1</sup> of Section 3, Chapter III was amended by Item 6, Article I of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, amending Item 23, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 )

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of

Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Section 4

Special conditions for granting visas for airport transit and short-stay visas

(on 31-03-2024, Title of Section 4, Chapter III was amended by Item 24., Article III of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 34

Conditions for granting the visa for airport transit

(1) The visa for airport transit shall be granted by the diplomatic missions or consular offices of Romania, with the prior approval of the Consular Department within the Ministry of Foreign Affairs, under the conditions established by the Visa Code.

(on 31-03-2024, Paragraph (1) of Article 34, Section 4, Chapter III was amended by Item 25. Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 din 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

(2) This type of visa is not required in the cases provided for in Article 3(5) of the Visa Code.

(on 31-07-2011, Article 34 was amended by item 44 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

#### Article 35

Repealed.

(on March 31, 2024, Article 35, Section 4, Chapter III was repealed by Item 26. ,

Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28



July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Article 36

Documents required to obtain a short-stay visa

Depending on the purpose for which the short-stay visa was requested, it is necessary for the alien to submit supporting documents, in accordance with the provisions of Article 14 and Annex II of the Visa Code.

(on 31-03-2024, Article 36, Section 4, Chapter III was amended by Item 27., Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

#### Section 5 Special Conditions for granting short-stay visas based on an invitation

#### Article 37

#### Scope

(1) Granting short-stay visas to aliens from the states mentioned in the list provided for in Article 27(3), for which the invitation procedure is established, shall be made in compliance with the conditions for granting them and the special provisions herein.

(on 31-03-2024, Paragraph (1) of Article 37, Section 5, Chapter III was amended by Item 28. Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.



(2) The list of states for whose citizens these provisions are applicable shall be established by the Ministry of Foreign Affairs, with the approval of the Ministry of Internal Affairs.

## Article 38

### Invitation procedure

(1) Aliens in the category provided for in Article 37(1), holders of simple passports, may be granted a short-stay visa with one or more trips, if they submit to the diplomatic missions and consular offices a written invitation from an individual or a legal entity, showing that it will ensure the costs for enforcing the removal measures, if the invited alien does not leave Romania until the date on which the right of residence established by the visa ends, for the following purposes:

(on 28-11-2014, the introductory part of para. (1) of Article 38 was amended by Article 42, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, by replacing the phrase "costs for removal" with the phrase "costs for enforcing the removal measures ". )

a) visit - Romanian citizens, citizens of another Member State of the European Union can make invitations of the European Economic Area, citizens of the Swiss Confederation or aliens holding a document certifying their residence or stay on the territory of Romania, with the submission, as the case may be, of the following documents:

(on 31-07-2011, the introductory part of letter a) para. (1) of Article 38 was amended by item 47 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(i) identity card or passport for Romanian citizens, identity card or passport and registration certificate, residence card or permanent residence card for citizens of the Member States of the European Union and the European Economic Area and for the citizens of the Swiss Confederation, as well as for their family members and passport and residence card for aliens, in original and in copy;

(on 31-07-2011, point (i) of letter a) of para. (1) of Article 38 was amended by item 48 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(ii) proof of accommodation;

(iii) proof of the possibilities of ensuring the maintenance of the alien in the amount of at least EUR 30/day for the entire period for which he/she is invited;

(iv) copy of the state border crossing document, belonging to the invited alien;

(v) two 3 x 4 cm photographs of the invited alien;

b) tourism – tourism companies may make invitations, nominally for each invited alien, with the submission of the following documents:

(i) the incorporation documents of the legal entity making the invitation;

(on 31-07-2011, point (i) of letter b) of paragraph (1) of Article 38 was amended by item 49 of Article I of

LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(ii) ascertaining certificate issued by the National Trade Register Office and, as the case may be, the power of attorney from the company for the person designated to invite on behalf thereof;

(on 31-07-2011, point (ii) of letter b) of paragraph (1) of Article 38 was amended by item 49 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(iii) the identity card or residence card, as the case may be, of the authorized person;

(iv) copy of the state border crossing document belonging to the invited alien;

(v) two 3 x 4 cm photographs of the invited alien;

c) business - companies based in Romania may make invitations, usually, for 3 persons at the same time. Only persons who are appointed, under the law, to represent the company or are holders of the majority of the share capital shall make invitations on behalf of the companies. In this case, the following documents are required:

(i) the incorporation documents of the legal entity making the invitation;

(on 31-07-2011, point (i) of letter (c) of para. (1) of Article 38 was amended by item 50 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(ii) ascertaining certificate issued by the National Trade Register Office and, as the case may be, the power of attorney from the company for the person designated to invite on behalf thereof;

(on 31-07-2011, point (ii) of letter c) of para. (1) of Article 38 was amended by item 50 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(iii) the identity card or residence card, as the case may be, of the authorized person;

(iv) copy of the state border crossing document belonging to the invited alien;

(v) two 3 x 4 cm photographs of the invited alien;

(vi) proof of ensuring the accommodation conditions of the invited alien during the stay in Romania.

(2) The invitations shall be filled in in two copies and shall be submitted to the headquarters of the territorial units of the Romanian Immigration Office for approval.

(3) The invitation shall be approved if the invited alien meets the legal conditions to enter Romania, if they do not pose a risk of illegal migration or a risk to national security and if there are sufficient guarantees that he/she will leave the territory of the country when the visa expires. For aliens coming from states known with active terrorist issues, the national authority in the field of counter-terrorism shall be consulted.

(on 28-11-2014, Para. (3) in Article 38 was amended by item 33 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(4) The applications for approval of invitations shall be settled within up to 45 days from the date of submission. In duly justified cases, where further examination of the application is necessary, the time-limit may be extended by 15 days. For aliens who are going to come in Romania for tourism purposes, in organised groups of at least 20 people, at the request of companies regulated under Law 31/1990, republished, as subsequently amended and supplemented, members of the National Association of Travel Agencies in

Romania, the approval of invitations shall be made within 30 days from the date of submission.

(on 10-11-2018, Paragraph (4) of Article 38 , Section 5 , Chapter III was amended by Item 11, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(5) In case of approval, a copy of the invitation shall be handed over to the inviting person for transmission to the invited alien, to be submitted in original at the diplomatic mission or at the consular office where they apply for the Romanian visa.

(6) The alien may apply for a visa within 30 days from the approval of the invitation.

(7) A new invitation submitted by an applicant, regardless of its purpose, shall not be approved if one of the persons previously invited by him/her has not left the territory of the country within the validity term of the visa.

(8) Visas shall be granted with a right of residence of up to 90 days, depending on the period for which the alien is invited.

## Article 39

### Form and contents of the invitation

(1) The form, contents and security elements of the invitation form provided for in this section shall be established by the Ministry of Administration and Interior, with the approval of the Ministry of Foreign Affairs, in compliance with the provisions of Article 14(4) of the Visa Code.

The Ministry of Administration and Interior shall communicate the template of the form to the European Commission and shall ensure, through the Romanian Immigration Office, its production.

(on 31-03-2024, Paragraph (1) in Article 39, Section 5, Chapter III was amended by Item 29. Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

(2) The cost of the forms shall be borne by the inviting individual or legal entity.

## Article 40

### Exceptions to the invitation procedure

(1) The National Visa Centre may approve the granting of visas, with the prior approval of the Romanian Immigration Office, without fulfilling the conditions provided in this section, for the following categories of

aliens:

a) the minor alien whose parent is a beneficiary of refugee status or has subsidiary protection or is in possession of a residence card in Romania, provided that it is valid for at least 90 days from the date of granting the entry visa;

(on 31-07-2011, letter a) of para. (1) in Article 40 was amended by item 51 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

b) the spouse and parents of the alien beneficiary of the refugee status or who has subsidiary protection or who is in possession of a residence card in Romania, provided that it is valid for at least 90 days from the date of granting the entry visa;

(on 31-07-2011, letter b) of para. (1) in Article 40 was amended by item 51 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

c) the adult alien whose parent is a Romanian citizen;

d) the alien, parent of a Romanian citizen.

(2) The National Visa Centre may approve the granting of the visa, without the approval of the Romanian Immigration Office and without fulfilling the conditions provided in this section, for the following categories of aliens:

a) aliens married to Romanian citizens;

b) aliens minor children of Romanian citizens;

c) repealed;

(on 31-03-2024, letter c) of para. (2), Article 40, Section 5, Chapter III was repealed by Item 30. Article III of LAW 157 of 11 July 2011, published in OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

d) aliens holding a valid residence card in states whose citizens are not required to have an entry visa to the Member States of the European Union, the European Economic Area or in the States Parties to the Schengen Agreement;

e) aliens who have visas of the Member States of the European Union, of the European Economic Area, of the States Parties to the Schengen Agreement or of the states whose citizens are not required to have an entry visa to these states affixed on the state border crossing document.

(on 31-03-2024, letter e) of para. (2), Article 40, Section 5, Chapter III was amended by Item 31. Article III of LAW 157 of 11 July 2011, published in the Official Gazette of Romania no. 533 of 28 July 2011)

Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

f) aliens who are to come to Romania for business purposes, at the request of the administrative authorities, as well as of the companies regulated by Law 31/1990, republished, as subsequently amended and supplemented, which are entered on the lists of taxpayers at the state budget, established by order of the President of the National Agency for Fiscal Administration, published in the Official Gazette of Romania, and which assumes, by a letter of guarantee addressed in original to the National Visa Centre, the obligation to bear the expenses regarding the material, medical assistance and those for the enforcement of the removal measures;

(on 28-11-2014, letter f) of para. (2) in Article 40 was amended by item 34 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

g) aliens who are to come to Romania for visit purposes, at the request of foreign diplomatic missions or consular offices accredited in Romania;

h) aliens for whom a visa has been requested, in writing, at diplomatic missions or consular offices, from central public authorities or foreign chambers of commerce;

i) persons for whom a visa was requested at the National Visa Centre from the following institutions in Romania: the Presidential Administration, the Parliament, the Government and other central and local public authorities, the Chamber of Commerce and Industry of Romania and of the Municipality of Bucharest, as well as the territorial and prefectural authorities, which undertake the obligation to bear the expenses for material, medical assistance and for the enforcement of removal measures, by means of a letter of guarantee sent in original;

(on 28-11-2014, letter i) of para. (2) of Article 40 was amended by item 34 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

j) truck drivers;

k) personalities from the Romanian diaspora and their descendants;

l) the parents of foreign pupils or students, accepted for studies in Romania, who arrive for their first installation, subject to the submission of an apostilled or, as the case may be, superlegalized document, issued by the authorities of the State of origin attesting the kinship.

(on 31-07-2011, letter l) of para. (2) of Article 40 was introduced by item 53 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

m) aliens who are to come to Romania at the request of a legal entity of public interest, operating legally and assuming the obligation to bear the expenses on material, medical assistance and enforcement for removal measures, by means of a letter of guarantee addressed in original to the National Visa Centre.

(on 28-11-2014, letter m) of para. (2) in Article 40 was introduced by item 35 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) The visas granted by the Romanian authorities to the aliens referred to in para. (2) letters d) and e) may not exceed the validity of the visas applied in their documents or the validity of the stay of which they are holders.  
(on 31-03-2024, Article 40, Section 5, Chapter III was supplemented by Item 32., Article III of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

### Section 6 Special conditions for granting long-stay visas

#### Article 41

##### Long-stay visa for carrying out economic activities

(1) The long-stay visa for economic activities shall be granted to aliens who are to carry out economic activities on the territory of Romania organised and regulated by special laws and who present the following documents:

- a) proof of fulfilling the conditions provided by the special law;
- b) medical insurance during the validity period of the visa;
- c) criminal record certificate or other document with same legal value.

(2) The provisions of the special legislation on the conduct of economic activities by self-employed persons, individual enterprises and family enterprises shall apply accordingly to aliens.

(on 28-11-2014, Article 41 was amended by item 36 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

#### Article 42

##### Long-stay visa for carrying out professional activities

The long-stay visa for carrying out professional activities is granted to aliens who shall exercise on the territory of Romania liberal professions regulated by special laws, with the submission of the following documents:

- a) proof of compliance with the legal conditions for exercising the respective professions;
- b) proof that in the country of origin he/she practices a profession similar to the one he/she intends to carry out in Romania;

- c) medical insurance during the validity period of the visa;
- d) criminal record certificate or other document with same legal value.

(on 28-11-2014, Article 42 was amended by item 37 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 43

### Long-stay visa for carrying out commercial activities

(1) This type of visa is granted, based on the opinion of the Romanian Centre for the Promotion of Foreign Trade and Investment, to aliens who are stakeholders or shareholders, with management or administration duties, of companies, Romanian legal entities, which are to make an investment, under the terms of this Article.

(2) The opinion of the Romanian Centre for the Promotion of Foreign Trade and Investment shall be granted to the aliens referred to in para. (1) who cumulatively meet the following conditions:

- a) submit a business plan that will include data on: company identification, its object of activity, its object and value of the investment, the estimated number of new jobs and the stages of their creation, the stages of the investment process and the amounts related thereto, the location of the investment, the duration of the investment and its depreciation, the forecast of the financial activity over a period of at least 3 years;
- b) prove, through a single statement of account issued by a bank in Romania in the name of the individual foreign citizen, requesting the opinion, that they have the necessary funds for carrying out the activity, amounting to at least EUR 100,000, for aliens shareholders in a limited liability company and at least EUR 150,000, for aliens stakeholders in a joint stock company,
- c) will make an investment, within a maximum of 12 months from the date of obtaining the residence card, according to the business plan referred to in letter a), bringing a contribution of capital or technology amounting to at least EUR 100,000 for a limited liability company and at least EUR 150,000 for a joint stock company;
- d) through the activity involved in the proposed investment, it will create, within a maximum of 12 months from the date of obtaining the residence card, at least 10 new jobs for a limited liability company and at least 15 new jobs for a joint stock company.

(3) In the case of companies with 2 or more shareholders or stakeholders, requesting the granting of the opinion, the conditions provided for in para. (2) shall be analysed for each applicant separately, the value of the investment to be made and the number of jobs to be created shall be increased accordingly, depending on the number of applicants for the opinion.

(4) Aliens who have previously obtained an opinion from the Romanian Agency for Foreign Investment or the Romanian Centre for the Promotion of Trade and Foreign Investment may request another opinion, under the conditions of this article, in the following situations:

- a) prove the objective impossibility of achieving the previous business plan;
- b) prove that they have carried out the previous business plan.

(5) The request shall be accompanied by the following documents:

- a) the opinion of the Romanian Centre for the Promotion of Foreign Trade and Investment;
- b) criminal record certificate or other document with the same legal value;
- c) medical insurance during the validity period of the visa;
- d) proof of accommodation.

(6) The application accompanied by the documents referred to in para. (5) shall be submitted to the diplomatic missions or consular offices of Romania and shall be submitted, through the Consular Department within the Ministry of Foreign Affairs, to the Romanian Immigration Office, for endorsement according to tasks.

(7) The opinion of the Romanian Centre for the Promotion of Foreign Trade and Investment shall be valid for 6 months from the date of issue and aims to ascertain the fulfilment of the technical conditions, usefulness and economic feasibility of the investment to be implemented by the foreign citizen.

(on 31-07-2011, Article 43 was amended by item 54 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

## Article 44

### Long-stay visa for employment

(1) The long-stay visa for employment shall be granted to aliens for the purpose of employment on the territory of Romania with an employer.

(2) The visa application must be accompanied by the following documents:

- a) copy of the employment opinion issued under the special legislation on the employment and secondment of aliens on the territory of Romania or, as the case may be, documents by which to provide proof that the applicant falls into the categories provided for in para. (3);
- b) proof of means of support at the level of the minimum gross salary per country guaranteed in payment for the entire period entered in the visa;
- c) criminal record certificate or other document with the same legal value, issued by the authorities in the state of domicile or residence;
- d) medical insurance during the validity period of the visa.

(2<sup>1</sup>) The visa application submitted on the basis of a notice of employment for seasonal workers, in the content of which does not mention that the employer provides the applicant with accommodation, must be accompanied, in addition to the documents provided for in para. (2), by proof of providing accommodation conditions likely to ensure an adequate standard of living for the entire duration of the intended stay, in the form of a firm reservation at an accommodation unit, a property deed or rental of a dwelling in Romania in the name of the applicant or an authenticated statement regarding the provision of adequate accommodation conditions for the applicant, given by the holder of a right of ownership or use of a dwelling on the territory of Romania.

(on 03-09-2016, Para. (2<sup>1</sup>) of Article 44 was introduced by item 4 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)



(3) The long-stay visa for employment shall be granted without submitting the copy of the employment card to aliens in the following categories:

- a) aliens whose free access to the Romanian labor market is established by treaties concluded by Romania with other states;
- b) aliens who are to carry out teaching, scientific or other specific categories of activities in specialised institutions accredited or provisionally authorized in Romania, based on bilateral agreements, and specially qualified personnel, based on the order of the Minister of Education, as well as aliens who carry out artistic activities in cultural institutions in Romania, based on the order of the Minister of Culture;  
(on 04-03-2021, the phrase: the Minister of National Education was replaced by Item 9, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021)
- c) aliens who are to carry out on the territory of Romania activities requested by ministries or other bodies of central or local public administration or autonomous administrative authorities;
- d) aliens who are appointed at the head of a subsidiary, representative office or branch in the territory of Romania of a company having its headquarters abroad, and at the date of the request are not shareholders, stakeholders or directors of a Romanian legal entity and, at the subsidiary, representative office or branch, there is no other alien who enjoys a right of residence for this purpose.
- e) citizens of the Republic of Moldova, Ukraine and the Republic of Serbia employed on the territory of Romania with a full-time individual employment contract, for a maximum period of 9 months in a calendar year.

(on 13-09-2020, Paragraph (3) in Article 44, Section 6, Chapter III was supplemented by Article I of Law 200 of 10 September 2020, published in the OFFICIAL GAZETTE OF ROMANIA no. 832 of 10 September 2020)

(4) The alien may apply for the long-stay visa for employment within 180 days from the date of obtaining the employment opinion by the employer. The visa shall be settled by the National Visa Centre, within 20 days from the date of submission of the application for the issuance of the visa, without the need to obtain the approval provided for in Article 30 (7)

(on 05-05-2022, Paragraph (4) in Article 44, Section 6, Chapter III was amended by Article II of the EMERGENCY ORDINANCE no. 59 of 4 May 2022, published in the OFFICIAL GAZETTE OF ROMANIA No. 450 of 5 May 2022)

#### Note

Article III of the EMERGENCY ORDINANCE no. 59 of 4 May 2022, published in the Official Gazette of Romania no. 450 of 5 May 2022, provides for:

#### Article III

If they have not been used to obtain long-stay visas, the employment opinions issued no more than 60 days prior to the entry into force of this Emergency Ordinance may be used to obtain long-stay visas for employment within 180 days from the date of their issuance.

(5) For the aliens referred to in para. (3), it is necessary to obtain the opinion of the General Inspectorate for Immigration, provided for in Article 30 (7)

(6) The long-stay visa for employment also certifies the right of the alien to work on the territory of Romania.

(7) By way of exception to the provisions of Article 24(1), in the case of aliens who submit an employment opinion for seasonal workers, the long-stay visa for employment is granted

for a period equal to the expected duration of the contract plus 5 days, without exceeding 90 days.

(on 03-09-2016, Para. (7) of Article 44 was introduced by item 5 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(8) The "remarks" section of the visa sticker related to the long-stay visa for employment purposes shall include the type of worker according to the employment opinion submitted.

(on 03-09-2016, Para. (8) in Article 44 was introduced by item 5 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(9) The long-stay visa for employment as a seasonal worker shall be accompanied by a written notice, in at least one international language, setting out information on the rights and obligations of the alien holder of the visa, including complaints procedures.

(on 03-09-2016, Para. (9) in Article 44 was introduced by item 5 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(on 28-11-2014, Article 44 was amended by item 38 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 44

### Long-stay visa for secondment

(1) The long-stay visa for secondment shall be granted to aliens for the purpose of carrying out lucrative activities on the territory of Romania at a beneficiary of the provision of services.

(2) The visa application must be accompanied by the following documents:

- a) copy of the secondment opinion issued under the special legislation on the employment and secondment of aliens on the territory of Romania;
- b) proof of means of support at the level of the minimum gross salary per country guaranteed in payment for the entire period entered in the visa;
- c) criminal record certificate or other document with the same legal value, issued by the authorities in the state of domicile or residence;
- d) medical insurance during the validity period of the visa.

(3) The long-stay visa for secondment shall be granted without submitting the copy of the secondment opinion to aliens in the following categories:

- a) aliens employed by legal persons established in one of the Member States of the European Union or the

European Economic Area or in the Swiss Confederation, seconded to Romania, provided that the residence card is submitted from that State;

b) aliens who are to carry out teaching, scientific or other specific temporary activities in accredited or provisionally authorized institutions from Romania, based on bilateral agreements, and specially qualified personnel, based on the order of the Minister of Education, as well as aliens performing artistic activities in cultural institutions in Romania, based on the order of the Minister of Culture;

(on 04-03-2021, the phrase: the Minister of National Education was replaced by Item 9,

SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021 )

c) aliens who are to carry out on the territory of Romania temporary activities requested by ministries or other bodies of central or local public administration or autonomous administration authorities

(4) The visa application referred to in para. (3) must be accompanied by the following documents:

a) copy of the individual employment contract, registered with the competent authorities of the respective Member State, translated and legalized;

b) the valid residence card issued by the State where the employer is established, in original and in copy;

c) copy of the deed of secondment, translated and legalized;

d) proof of means of support at the level of the minimum gross salary per country guaranteed for payment for the entire period entered in the visa;

e) criminal record certificate or other document with the same legal value, issued by the authorities in the state of domicile or residence;

f) medical insurance during the validity period of the visa.

(5) The alien may apply for the long-stay visa for secondment within 180 days from the date of obtaining the secondment opinion by the beneficiary of the provision of services. The visa shall be settled by the National Visa Centre, within 20 days from the date of submission of the application for the issuance of the visa, without the need to obtain the approval provided for in Article 30 (7)

(on 08-03-2024, Paragraph (5), Article 44<sup>1</sup> , Section 6, Chapter III was amended by Item 3. Article I of LAW 28 of 29 February 2024, published in the Official Gazette of Romania no. 176 of 5 March 2024)

(6) For the aliens referred to in para. (3), it is necessary to obtain the opinion of the General Inspectorate for Immigration, provided for in Article 30 (7)

(7) The long-stay visa for secondment also certifies the right to work of the alien on the territory of Romania.

(on 28-11-2014, Article 44<sup>1</sup> was amended by item 39 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 45

### Long-stay visa for studies

(1) The long-stay visa for studies may be granted, upon request, to aliens requesting entry into the territory of Romania as a student, trainee, pupil.

(on 04-03-2021, Paragraph (1) of Article 45, Section 6, Chapter III was amended by Item 2, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the Official Gazette of Romania no. 223 of 4 March 2021 )

(2) The request shall be accompanied by the following documents:

a) in the case of students:

(i) proof of acceptance for studies issued by the Ministry of Education, showing that he/she will attend a form of full-time education at a state or a private higher education institution

accredited or provisionally authorized according to the law;

(on 04-03-2021, the phrase: The Ministry of National Education was replaced by Item 9, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the Official Gazette of Romania no. 223 of 4 March 2021)

(ii) proof of payment of the tuition fee for at least one year of schooling;

(iii) proof of means of support, in the amount of at least the minimum gross salary per country guaranteed in payment, monthly, for the entire period entered in the visa;

(iv) criminal record certificate or other document with the same legal value;

(v) medical insurance during the validity period of the visa;

(vi) the consent of the parents or guardian regarding the stay for study purposes on the territory of Romania, if the alien is a minor;

(vii) proof of knowledge of the language in which the study programme will be carried out, except for the preparatory year of Romanian language for foreign citizens;

b) in the case of aliens participating in a pupil exchange program or educational project:

(i) proof of acceptance for studies issued by the Ministry of Education, showing that he/she will attend a form of full-time education;

(on 04-03-2021, the phrase: The Ministry of National Education was replaced by Item 9, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the Official Gazette of Romania no. 223 of 4 March 2021)

(ii) proof of participation in a pupil exchange program or educational project, carried out by an organization established under the law and recognized for this purpose;

(iii) proof from the organization carrying out the exchange of pupils or the educational project, showing that it will provide the means of support, including the expenses of

schooling, as well as the possible costs of enforcing the removal measures;

(iv) medical insurance during the validity period of the visa;

(v) proof of accommodation with a family selected by the organisation carrying out the pupil exchange or educational project and holding a living quarters considered normal for a family in Romania or in a special

accommodation unit selected by the organisation carrying out the pupil exchange or the educational project;

(vi) the consent of the parents, the parent who exercises parental authority alone, the surviving parent or another person who has the capacity of legal representative, in the form of a notarized, apostilled or superlegalized document, as the case may be, and accompanied by translation into Romanian of the notarized authenticated document to be legalized, with apostille or superlegalization, as the case may be, regarding the stay on the territory of Romania for study purposes, if the alien is a minor;

(on 15-12-2023, Point (vi), letter b), Paragraph (2), Article 45, Section 6, Chapter III was amended by Item 6, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 112 of 14 December 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 1137 of 15 December 2023)

(vii) criminal record certificate or other document with the same object and the same legal value, issued by the authorities in the state of domicile or residence, if the applicant is of age;

(on 15-12-2023, letter b), Paragraph (2), Article 45, Section 6, Chapter III was supplemented by Item 7., SOLE ARTICLE of the EMERGENCY ORDINANCE no. 112 of 14 December 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 1137 of 15 December 2023)

b<sup>1</sup>) in the case of aliens of Romanian origin, beneficiaries of scholarships offered by the Romanian state, those exempt from the payment of tuition fees or those who have the obligation to pay the enrolment fee, enrolled in a state or a private educational unit, authorised to operate provisionally/accredited, high school or post-secondary level of education, including non-university tertiary education, full-time:

(i) proof of acceptance for studies, issued by the Ministry of Education, showing that they will attend a form of full-time education at a state or a private educational unit, authorised to operate provisionally/accredited, high school or post-secondary education, including non-university tertiary education;

(ii) proof of accommodation;

(iii) medical insurance during the validity period of the visa;

(iv) the consent of the parents, the parent who exercises parental authority alone, the surviving parent or another person who has the capacity of legal representative, in the form of a notarized, apostilled or superlegalized document, as the case may be, and accompanied by translation into Romanian of the notarized authenticated document to be legalized, with apostille or superlegalization, as the case may be, regarding the stay on the territory of Romania for study purposes, if the alien is a minor;

(v) proof of payment of the tuition fee for at least one year of study, in the case of those for which there is an obligation to pay the fee;

(vi) criminal record certificate or other document with the same object and same legal value, issued by the authorities in the state of domicile or residence, if the applicant is of age;

(on 15-12-2023, Letter b<sup>1</sup>), Paragraph (2), Article 45, Section 6, Chapter III was amended by Item 8., SOLE ARTICLE of the EMERGENCY ORDINANCE no. 112 of 14 December 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 1137 of 15 December 2023)

c) in the case of trainees participating in an unpaid training program:

- (i) vocational training agreement;
  - (ii) written commitment of the host entity to the effect that in the event that a trainee stays illegally on the territory of Romania, the respective entity shall be responsible for reimbursement of expenses incurred from public funds for the stay and removal of the respective trainee;
  - (iii) proof of holding a higher education diploma in the last two years which precedes the date of application or proof of participation in a course of study leading to the award of such a diploma;
  - (iv) proof of means of support in the amount of at least the level of the minimum gross salary per country guaranteed for payment for the entire period entered in the visa;
  - (v) proof of accommodation;
- (3) The training agreement referred to in paragraph (2) (c) (i) shall include at least the following elements:
- (i) a description of the training programme, including its educational objective or learning components;
  - (ii) duration of the internship;
  - (iii) the placement and monitoring conditions of the internship;
  - (iv) the internship schedule;
  - (v) the legal relationships between the trainee and the host entity.
- (4) Aliens participating in a pupil exchange programme or educational project must be between the ages of 13 and 19.
- (5) Foreign scholars of the Romanian State are not required to submit the documents referred to in paragraph (2) (a) (ii) and (iii), and those of Romanian origin are not required to submit the documents referred to in paragraph (2) (a) (iii).
- (5<sup>1</sup>) Foreign scholars of state university education institutions, accredited or provisionally authorized according to the law, full-time courses, may apply for a long-stay visa for studies, without fulfilling the condition provided for in para. (2) (a) (ii) and (iii).
- (on 04-03-2021, Article 45 of Section 6, Chapter III was supplemented by Item 4, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021 )
- (6) The visa referred to in para. (1) shall also be granted to aliens accepted for studies on the basis of international treaties to which Romania is a party.
- (7) In the «remarks» section of the visa sticker related to the long-stay visa for studies, the mention «student», «pupil» or «trainee» shall be entered, as the case may be.

(on 10-11-2018, Article 45 of Section 6 , Chapter III was amended by Point 12, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

## Article 46

### Long-stay visa for family reunification

(1) The sponsor holder of a temporary residence card valid for one year, an EU Blue Card, an ICT permit, a «mobile ICT » card, a long-term residence card or beneficiary of refugee status or subsidiary protection, as well as the alien applicant for the first EU Blue Card may apply for family reunification for:

(on 08-03-2024, Introductory Part of Paragraph (1), Article 46, Section 6, Chapter III has been amended by Item 4. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

- a) husband/wife;
- b) the unmarried minor children of the sponsor and of the husband/wife, including those adopted;
- c) unmarried minor children of the sponsor, including those adopted, dependent on him/her and over whom the sponsor exercises parental rights. If the parental rights are exercised jointly, the consent of the other holder of parental rights regarding the family reunification requested by the sponsor is also required;
- d) unmarried minor children of the spouse, including adopted children dependent on him/her and over whom the spouse exercises parental rights. If the parental rights are exercised jointly, the consent of the other holder of parental rights regarding the family reunification requested by the sponsor is also required.

(on 31-07-2011, Para. (1) in Article 46 was amended by item 58 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no.533 of 28 July 2011)

(2) The Romanian Immigration Office may approve, if the conditions laid down by law are met, family reunification also for the following categories:

- a) first-degree relatives in the ascending line of the sponsor or the husband/wife, if they are unable to support themselves and do not enjoy adequate family support in the country of origin.
- b) unmarried adult children of the sponsor or their husband/wife if they are unable to support themselves for medical reasons.

(3) Unaccompanied minors, beneficiaries of refugee status or subsidiary protection, may request family reunification for:

- a) first-degree relatives in the ascending line or legal guardian; or
- b) when they do not exist or cannot be identified, any other relative.

(4) Repealed.

(on 31-07-2011, Para (4) in Article 46 was repealed by item 59 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(5) Repealed.

(on 31-07-2011, Para (5) in Article 46 was repealed by item 59 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(6) Aliens referred to in para. (1), holders of a right of residence for carrying out a scientific research activity and aliens holding an EU Blue Card, an ICT permit or a "mobile ICT" card may apply for family reunification even if the validity of the temporary residence card is less than one year.

(on 03-09-2016, Para. (6) in Article 46 was amended by item 6 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)



(6<sup>1</sup>) By way of exception to the provisions of para. (1), family reunification may be requested simultaneously with the submission of the application for the EU Blue Card, with the submission of the documents referred to in para. (7) (a), (b), (d), (e), (g) and (h). The settlement of the application for family reunification shall be done at the same time as the settlement of the application for the issuance of the EU Blue Card.

(on 08-03-2024, Article 46, Section 6 , Chapter III was supplemented by Item 5. Article I of LAW no. 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(7) The standard application shall be submitted to the territorial unit of the Romanian Immigration Office in whose jurisdiction the applicant legally resides and shall be accompanied by the following documents:

- a) marriage certificate or, as the case may be, proof of kinship;
- b) the applicant's statement, in authentic form, stating that the family members will live with him/her;
- c) a copy of the document certifying the right of residence on the territory of Romania, unless the application for family reunification is submitted simultaneously with the application for the issuance of the first EU Blue Card of the sponsor;

(on 08-03-2024, Letter c) , Paragraph (7) , Article 46 , Section 6 , Chapter III was amended by Item 6. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

- d) proof of legal possession of the living quarters for a dwelling considered normal for a similar family in Romania;

(on 31-07-2011, letter d) of paragraph (7) in Article 46 was amended by item 61 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

- e) proof of means of support;
- f) proof of insurance in the health insurance system of the applicant;

(on 31-07-2011, letter f) of paragraph (7) in Article 46 was amended by item 61 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

- g) written statement of the person holding joint custody of the child with the sponsor a minor for whom family reunification is requested, showing his/her consent to live with the sponsor on the territory of Romania;

(on 31-07-2011, letter g) paragraph (7) of Article 46 was introduced by item 62 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

- h) copy of the travel document of the family member for whom family reunification is requested.

(on 31-07-2011, letter h) paragraph (7) of Article 46 was introduced by item 62 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(8) Should there be doubts about the conclusion of the marriage or the kinship, the Romanian Immigration Office may request other evidence to establish them.

(on 31-07-2011, Para. (8) in Article 46 was amended by item 63 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(9) The application shall be approved if the following conditions are met:

- a) there is no situation of bigamy or polygamy;



- b) the applicant holds a living quarters considered normal for a similar family in Romania;
- c) the applicant shall possess means of support, in addition to those necessary for its own support according to the law, in the amount corresponding to the minimum gross salary per country guaranteed in payment for each family member, for a period of 3 months;

(on 08-03-2024, Letter c) , Paragraph (9), Article 46, Section 6, Chapter III was amended by Item 7. Article I of LAW 28 of 29 February 2024, published in the Official Gazette OF ROMANIA no. 176 of 5 March 2024)

- d) the person for whom family reunification is requested meets the entry conditions provided for in Article 6 (1) letters a), e), g) and h);

(on 08-03-2024, Letter d) , Paragraph (9), Article 46, Section 6, Chapter III was amended by Item 7, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(10) For beneficiaries of refugee status or subsidiary protection, who request family reunification, it is not mandatory to submit the documents provided in para. (7) letters d)-f) or to meet the conditions provided in para. (9) letters b) and c).

(11) The application shall be settled within 3 months as of the submission date.

(11^1) If necessary, the sponsor may be called to the interview. Failure to appear for the interview may constitute grounds for rejection of the application, unless the applicant proves that the failure to appear is caused by reasons beyond his/her control.

(on 08-03-2024, Article 46, Section 6, Chapter III was supplemented by Item 8. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(11^2) If the information or documents provided, on which the application is based, are inadequate or incomplete, the General Inspectorate for Immigration shall communicate to the applicant the additional information required and shall set a reasonable time-limit for sending them, but no more than 30 days. The time-limit provided for in para. (11) shall be suspended until the General Inspectorate for Immigration has received the information or additional documents required.

(on 08-03-2024, Article 46, Section 6 , Chapter III was supplemented by Item 8. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(11^3) If the additional information or documents have not been provided within the time-limit provided for in para. (11^2), the application may be rejected.

(on 08-03-2024, Article 46, Section 6, Chapter III was supplemented by Item 8. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(11^4) By way of exception to the provisions of para. (11), the application for family reunification submitted simultaneously with the application for the issuance of the first EU Blue Card of the sponsor shall be settled at the same time as it.

(on 08-03-2024, Article 46, Section 6, Chapter III was supplemented by Point 8. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(12) The approval of the application shall be communicated in writing to the applicant, in order to submit it to

interested family members who present it to the diplomatic mission or consular office within 60 days from the date of issue, together with the application for the long-stay visa for family reunification.

(on 31-07-2011, Para. (12) in Article 46 was amended by item 65 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(13) In case of rejection of the application, the reasons shall be communicated to the alien in writing.

(14) The visa shall be issued by the diplomatic missions or consular offices of Romania in the country where the family members have their residence or domicile.

(15) The visa application must be accompanied by the following documents:

- a) the communication of the Romanian Immigration Office, provided for in para. (12);
- b) proof of medical insurance during the validity of the visa;
- c) criminal record certificate or other document with the same legal value, issued by the authorities of the alien's country of domicile or residence.

(16) The following categories of persons may also apply for visas for family reunification:

- a) aliens married to Romanian citizens;
- b) unmarried aliens living together with unmarried Romanian citizens, if they have at least one child together, hereinafter referred to as partners;
- c) the children of the Romanian citizen, of the husband/wife or partner, including those adopted, who:
  - (i) reached the age of 21 years;
  - (ii) is in further education and has not exceeded the age of 26 years;
  - (iii) although they are adults, they cannot support themselves for medical reasons;

(on 28-11-2014, letter c) of para. (16) in Article 46 was amended by item 40 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

- d) first-degree relatives in the ascending line of the Romanian citizen or his/her wife/husband;
- e) the foreign parent of the minor Romanian citizen, if he/she proves that the minor is dependent on him/her or that there is an obligation to pay child support, an obligation that the alien fulfils regularly;

(on 31-07-2011, letter e) of para. (16) in Article 46 was introduced by item 66 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

- f) aliens, family members of Romanian citizens, who prove that they are registered with the right of residence in another Member State in this capacity.

(on 31-07-2011, letter f) of para. (16) in Article 46 was introduced by item 66 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(17) The visa application submitted by the persons referred to in para. (16) letters a)- e) shall be accompanied by the marriage certificate issued by the Romanian authorities or transcribed in accordance with the law or, as the case may be, by proof of the existence of the kinship or partner status.

(on 31-07-2011, Para. (17) in Article 46 was amended by item 67 of Article I of LAW 157 of 11 July 2011,

published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(17<sup>1</sup>) The visa application submitted by the persons referred to in para. (16) (f) shall be accompanied by documents certifying that they are registered with the right of residence in another Member State, as a family member of the Romanian citizen.

(on 31-07-2011, Para. (17<sup>1</sup>) in Article 46 was introduced by item 68 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(18) The adoption must be ordered by a decision of a competent Romanian authority, under the law, or by a decision of an authority of another state, which produces effects on the territory of Romania.

(19) The granting of the long-stay visa for family reunification may be refused when the application is based on a marriage of convenience previously found, under the conditions of this Emergency Ordinance, or when the existence of a state of bigamy or polygamy is found.

(on 31-07-2011, Para. (19) in Article 46 was amended by item 69 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

## Article 47

### Long-stay visa for religious activities

The long-stay visa for religious activities shall be granted to aliens, upon request, by the diplomatic missions and consular offices of Romania in the country where they have their residence or domicile, under the following conditions:

a) the existence of the approval of the State Secretariat for Religious Affairs. The approval is granted to aliens who carry out similar activities in the country of origin or residence, after consulting the national authority in the field of combating terrorism;

(on 28-11-2014, letter a) of Article 47 was amended by item 41 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

b) proof of the capacity of representative of a religious organization legally established in Romania;

c) proof of living quarters and means of support, at the level of 3 average salaries in the national economy;

d) proof of medical insurance and that they do not suffer from diseases that may endanger public health;

e) submission of the criminal record certificate or other document with the same legal value, issued by the authorities of the alien's country of origin.

(on 31-07-2011, Article 47 was amended by item 70 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011. )

## Article 48

### Long-stay visa for carrying out scientific research activities

(1) The long-stay visa for carrying out scientific research activities shall be granted to aliens based on the approval of the Ministry of Research and Innovation and the General Inspectorate for Immigration.

(2) The opinion of the Ministry of Research and Innovation shall be issued at the request of research and development units and institutions, provided that the following conditions are met:

- a) the research and development units must be certified in accordance with the law;
- b) there is a hosting agreement between the units referred to in letter a) and the researcher who has been accepted to carry out activities within a scientific research project. The form and the conditions under which the hosting agreement is concluded shall be established by order of the Minister of Research and Innovation.

(3) The visa application must be accompanied by the following documents:

- a) the hosting agreement endorsed by the Ministry of Research and Innovation;
- b) criminal record certificate or other document with the same legal value, issued by the authorities of the country of domicile or residence;
- c) medical insurance valid for the period of validity of the visa.

(4) The hosting agreement shall contain at least the following elements:

- a) the title or purpose of the research activity or field of research;
- b) the alien's commitment to make efforts to complete the research activity;
- c) the commitment of a research and development unit regarding the reception of the alien for the purpose of completing the research activity;
- d) the start date and end date or estimated duration of the research activity;
- e) information on mobility intentions in other Member States, where mobility is known at the time of application;
- f) a mention of the automatic termination of the hosting agreement, if the alien is not admitted or if the legal relationship between the researcher and the research and development unit is terminated.

(5) In the «remarks» section of the long-stay visa sticker for carrying out scientific research activities, the mention «researcher-mobility» shall be recorded.

(on 04-03-2021, Paragraph (5) of Article 48, Section 6, Chapter III was amended by Item 5, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021)

(on 10-11-2018, Article 48 of Section 6, Chapter III was amended by Item 14, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

## Article 49

### Long-stay visa for other purposes

(1) The long-stay visa for other purposes shall be granted, upon request, by the diplomatic missions and consular offices of Romania in the country where they have their residence or domicile, to the following categories of aliens:

a) Repealed;

(on 31-07-2011, letter a) of para. (1) in Article 49 was repealed by item 71 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

b) Repealed;

(on 31-07-2011, letter b) of para. (1) in Article 49 was repealed by item 71 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

c) to those appointed as directors of a company, if they prove that they cumulatively meet the following conditions:

(i) they act in the capacity of administrators;

(ii) on the date of request there are no shareholders or stakeholders in the company in question or in another Romanian legal entity and have not had these capacities in the last 2 years;

(iii) at the company in question there is no other alien who has obtained a right of residence for this purpose;

(iv) the company in question has made a capital contribution or technology transfer of at least EUR 50,000;

d) those who apply to enter the territory of Romania for the purpose of vocational training unpaid in an accredited training provider or in a public or private sector enterprises authorized under the law to carry out such activities, if they prove that they cumulatively meet the following conditions:

(i) have concluded a training contract for unpaid participation in a form of training within an accredited vocational training provider or within a public or private sector enterprise authorized under the law to carry out such activities;

(ii) have means of support in the amount of at least the average gross monthly income for the entire period specified in the visa;

(on 28-11-2014, point (ii) of letter d) of para. (1) in Article 4 was amended by Article 42, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, by replacing the phrase "average national gross salary" with the phrase "average gross monthly income".)

(iii) have the consent of the parents or the guardian regarding the stay on the territory of Romania for this purpose, if the alien is a minor.

(on 31-07-2011, letter d) of para. (1) in Article 49 was amended by item 72 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

e) those who carry out activities under volunteering programs, if they prove that they cumulatively meet the following conditions:

(i) have entered into a volunteering agreement with a host entity, stating the activity to be carried out, the conditions under which they are monitored in the performance of their tasks, the working hours, as well as, where appropriate, the professional training in which the alien participates, necessary for the fulfilment of the voluntary service;

(on 10-11-2018, Point (i) of letter e) , Paragraph (1), Article 49, Section 6, Chapter III was amended by Item

15, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(ii) the host entity shall provide accommodation, means of support and medical insurance for the entire period of validity of the visa, expenses and/or pocket money, as well as any costs of enforcing the removal measures; (on 10-11-2018, Point (ii) of letter e) , Paragraph (1), Article 49, Section 6, Chapter III was amended by Item 15, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(iii) they are over 14 years, inclusive;

(iv) have the consent of the parents or the guardian regarding the stay on the territory of Romania for this purpose, if the alien is a minor;

(v) the host entity shall provide proof that it has concluded a civil insurance policy, except for volunteers participating in the European Voluntary Service;

(on 10-11-2018, Letter e) of Paragraph (1), Article 49, Section 6, Chapter III was supplemented by Item 16, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

f) those undergoing long-term medical treatment, in public or private medical institutions, if they submit a letter of acceptance from those institutions, stating the diagnosis and duration of treatment. This visa can also be granted for any accompanying person, who assists the alien who is unable to care for himself/herself, if this is expressly mentioned in the letter of acceptance;

f<sup>1</sup>) digital nomads who wish to travel and stay on the territory of Romania, while continuing to derive income from the performance of their employment contract with a company registered outside Romania or from activities carried out through a company registered by them outside Romania, by using information and communication technology, if they cumulatively meet the following conditions:

(i) have means of support obtained from the activity carried out, in the amount of at least three times the average gross monthly income in Romania for each of the last 6 months prior to the date of submission of the visa application, as well as for the entire period entered in the visa;-

(ii) carry out the activities from which they obtain income, remotely, by using information and communication technology;

(on 17-01-2022, Paragraph (1) in Article 49, Section 6, Chapter III was supplemented by Item 2, Article I of Law 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022 )

g) those who carry out other activities that do not contravene Romanian laws, if they justify their presence on the territory of Romania.

(2) Aliens in the categories referred to in paragraph (1) letters a)-f) and g) may be granted a visa if:

(on 17-01-2022, the introductory part of para. (2) of Article 49, Section 6, Chapter III was amended by Item 3, Article I of Law 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14

January 2022)

- a) submit proof of medical insurance during the validity period of the visa;
- b) submit proof of accommodation;
- c) submit a criminal record certificate or other document with the same legal value, issued by the authorities of the country of origin.

(2<sup>1</sup>) Aliens in the category referred to in para. (1) letter f<sup>1</sup>) shall be granted the visa, as the case may be, if:

- a) submit, in original, together with the authenticated translation into Romanian, the employment contract concluded with a company registered outside Romania, proving the provision of remote services, through the use of information and communication technology, or proof of remote administration and through the use of information and communication technology of a company registered for at least three years at the date of its visa application outside the Romania;
- b) submit an original document, together with an authenticated translation into Romanian, issued by the company registered outside Romania with which he has concluded an employment contract or by the company registered outside Romania that the alien owns, through which to be submitted all identification and contact details of the company, as well as its field of activity, the alien's participation in the company and information on the legal representatives of the company;
- c) submit a letter of intent, in original, together with an authenticated translation into Romanian, by which the alien details the purpose of travel to Romania and the activities that intends to carry out on the territory of Romania;
- d) submit, in original, an apostilled or superlegalized document, as the case may be, together with authenticated translation, into Romanian, issued by the specialized institution of the competent central or local public administration, from the place of tax residence, by which to be attested that, on the date of application for the visa, the foreign employee or, as the case may be, the company he/she owns has paid up-to-date taxes, fees and other mandatory contributions, as well as that he/she is not registered with acts and facts that have or have had the effect of tax evasion and tax fraud;
- e) submit the reservation of a valid travel ticket to the destination or the driver's license, green card, the registration documents of the means of transport and the proof of the itinerary, in the case of drivers;
- f) submit proof of medical insurance for the entire period of validity of the visa, valid on the territory of Romania and with coverage in the amount of at least EUR 30,000;
- g) submit proof of the means of support obtained from the activity carried out, in the amount of at least three times the average gross monthly income in Romania for each of the last 6 months prior to the date of submission of the visa application, as well as for the entire period entered in the visa;
- h) submit proof of accommodation;
- i) submit a criminal record certificate or other document with the same legal value, apostilled or superlegalized, as the case may be, and translated in authentic form, into Romanian, issued by the authorities of the country of origin and, if applicable, of the state in which the alien is legally resident and in which he/she



derives income from the performance of the employment contract with a company registered outside Romania or from activities carried out through a company registered by him/her outside Romania, proving that there are no records of criminal acts;

j) submit to the competent Romanian authorities other supporting documents that they require, in addition to those provided for in letters a)-i).

(on 17-01-2022, Article 49 of Section 6, Chapter III was supplemented by Item 4, Article I of Law 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022)

(3) In the «remarks» section of the sticker of the long-stay visa for other purposes, issued to the liens referred to in para. (1) (e), the mention «voluntary» shall be recorded.

(on 10-11-2018, Article 49 of Section 6, Chapter III was supplemented by Item 17, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

## Chapter IV

Extension of the right to temporary residence.

Granting the right of long-term residence

(on 31-07-2011, Title Chap. IV was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

### Section 1 Extension of the right to temporary residence in Romania Article

50

Conditions for extending the right to temporary residence

(1) Aliens who have entered Romania on a long-stay visa, as well as those who are exempt from the requirement to obtain a long-stay visa, may have their right to temporary residence extended by the Romanian Immigration Office or its territorial units, under the conditions provided for in this section.

(2) The right to temporary residence in Romania may be successively extended for periods of up to one year, only if:

a) the conditions regarding the entry into Romania, provided in Article 6(1) letters c), e) and h);

(on 08-03-2024, letter a) , Paragraph (2) , Article 50 , Section 1 , Chapter IV was amended by Item 9. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

a<sup>1</sup>) repealed;

(on 08-03-2024, Letter a <sup>1</sup>) , Paragraph (2) , Article 50, Section 1 , Chapter IV was repealed by Item 10. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

b) during the stay in Romania, none of the reasons for non-permission of entry provided for in Article 8 (1) letters b)-d) and para. (2) letters b), b<sup>1</sup>) and c);

(on 08-03-2024, Letter b) , Paragraph (2) , Article 50 , Section 1 , Chapter IV was amended by Item 9. Article



I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

c) possess a valid travel document, unless the travel document has expired after entering Romania and, for reasons beyond the control of the alien, the same could not be extended;

d) requests the extension of the right of residence for the same purpose for which he/she was granted the long-stay visa or extended the right of residence on the basis of which he/she is on the territory of Romania, except for the family members of the Romanian citizen or of the alien beneficiary of a long-term right of residence, if he/she requests the extension of the right to temporary residence for family reunification, of aliens applying for the extension of the right to temporary residence for work purposes, as well as aliens requesting the extension of the right to temporary residence with the application of Article 64(5)

(on 03-09-2016, letter d) of para. (2) in Article 50 was amended by item 7 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

e) has previously complied with the purpose for which his/her stay in Romania was approved;

f) proves the legal possession of the living quarters and actually lives at the address where declares that he/she resides on the territory of Romania. In the case of aliens who benefit from a right of residence for family reunification, proof of legal possession of the living quarters can be made by the sponsor or the Romanian citizen whose family members they are and with whom they actually live.

(on 31-07-2011, letter f) of para. (2) in Article 50 was amended by item 73 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

g) submits proof of health insurance. At the first extension of the right of residence, aliens may present health insurance for all the risks normally covered for Romanian citizens;

(on 03-09-2016, letter g) of para. (2) in Article 50 was amended by item 7 of article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

h) submits proof of payment of the fees related to the extension of the right of residence and the cost of the document to be issued for this purpose;

i) the general conditions set out in this section are met, as well as the special conditions for extending the right of residence depending on the purpose for which it is requested.

(2<sup>^</sup>1) If aliens do not meet the conditions set out in para. (2) because they are subject of alerts entered into the Schengen Information System by another Schengen State for the purpose of non-permission to entry, the right of residence may be extended, but only for justified reasons, in particular on humanitarian grounds or due to international obligations and only after consultation with the Schengen State that entered the alert, in accordance with the procedure set out in the Sirene Manual.

(on 31-03-2024, Article 50, Section 1, Chapter IV was supplemented by Item 33., Article III of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of

Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

(3) Aliens shall be obliged, upon the expiry of the validity of the documents provided for in para. (2) letters c), f) and g), to take the necessary steps to extend their validity or renew them.

(4) The extension of the right to temporary residence may also be granted for periods longer than one year under the terms of this Emergency Ordinance or on the basis of reciprocity.

(on 31-07-2011, Para. (4) in Article 50 was amended by item 74 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(5) Aliens whose stay on the territory of Romania is in the interest of the Romanian State shall be extended the right to temporary residence, at the express request of the Parliament, the Presidential Administration, the Government or the specialised central public administration authorities addressed to the General Inspectorate for Immigration, without fulfilling the conditions provided in para. (2), if they do not pose a danger to public order or national security.

(on 28-11-2014, Para. (5) in Article 50 was introduced by item 43 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 51

### Requesting the extension of the right to temporary residence

(1) Applications for the extension of the right to temporary residence shall be submitted in person by applicants, at least 30 days before the expiry of the term for which their stay was approved, to the territorial units of the Romanian Immigration Office at the place of residence.

(1<sup>^</sup>1) The family members of the alien referred to in Article 56<sup>^</sup>4 para. (4) have the obligation to request the extension of the right of residence within a maximum of one month from entering Romania.

(on 08-03-2024, Article 51, Section 1, Chapter IV was supplemented by Item 11, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2) The application shall be accompanied by the state border crossing document, in original and in copy, of a medical certificate issued by a public or a private health institution, showing that it does not suffer from diseases that may endanger public health, proof of legal possession of the living quarters at the address where he/she declares that he/she resides on the territory of Romania, proof of social health insurance, means of support and fees related to the extension of the right of residence and the cost of the document issued for this purpose, as well as the other documents provided for in this chapter, depending on the purpose for which he/she requests approval of stay in Romania.

(3) Proof of means of support can be provided with a salary certificate, pension slip, global income tax return, bank statement or other equivalent documents. At the first extension of the right to temporary residence, if the account statement is issued by a banking institution in the alien's country of origin or residence, the account

currency must be convertible in Romania.

(on 08-03-2024, Paragraph (3), Article 51, Section 1, Chapter IV was amended by Item 12, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(4) The request shall be settled within 30 days from the date of its submission. In cases where, in order to ascertain the fulfilment of the conditions for the extension of the right of residence, additional checks are necessary, the time-limit for settling the request may be extended by a maximum of 15 days.

(4<sup>1</sup>) If the information or documents provided, on which the application for the extension of the right of residence is based, are inadequate or incomplete, the Inspectorate

General for Immigration shall provide the applicant with the additional information requested and shall set a reasonable time-limit for sending it, but not more than 30 days. The time-limit provided for in para. (4) shall be suspended until the General Inspectorate for Immigration has received additional information or documents required. If additional information or documents have not been provided within the time-limit, the application may be rejected.

(on 10-11-2018, Article 51 of Section 1, Chapter IV was supplemented by Item 20, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(4<sup>2</sup>) The alien who is legally residing on the territory of Romania on the date of submission of the application shall retain his/her right of residence until the date of its settlement.

(on 08-03-2024, Article 51, Section 1, Chapter IV was supplemented by Item 13, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(5) When the extension of the right of residence is requested on the basis of marriage and additional checks are required according to Article 63, the term for settling the request may be extended up to a maximum of 90 days, in which case the right of residence is extended by law up to settlement of the application.

(6) If necessary, the applicant can be called to the interview. Failure to attend the interview may constitute grounds for refusing to extend the right of residence, unless the applicant proves that the failure to appear is due to reasons beyond his/her control.

(on 31-07-2011, Para. (6) in Article 51 was amended by item 75 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(7) In the event of requesting the extension of the right of residence for the purpose of family reunification, the interview provided for in para. (6) shall be held by both spouses.

(on 31-07-2011, Para. (7) in Article 51 was introduced by item 76 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 )

(8) Request for an extension of the right of residence by the EU Blue Card holder obtained in another Member State, submitted simultaneously with applications for an extension of the right of residence made by his/her family members, shall be settled at the same time.

(on 08-03-2024, Para. (8) , Article 51, Section 1 , Chapter IV was amended by Item 12, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

## Article 52

Refusal to extend the right to temporary residence in Romania

(1) If on the date of submission of the application the general conditions are not met cumulatively and the special conditions depending on the purpose of the stay, provided for in this section, or the alien is in one of the situations of revocation of the right to temporary residence provided for in Article 77(3), the extension of the right to temporary residence shall be refused.

(on 31-07-2011, Para. (1) in Article 52 was amended by item 77 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(1<sup>^</sup>1) The decision to refuse the extension of the right of residence shall take into account the specific circumstances of each case, respecting the principle of proportionality.

(on 03-09-2016, Para. (1<sup>^</sup>1) in Article 52 was introduced by item 8 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(2) The decision to refuse the extension of the right of residence, as well as the reasons for it, shall be communicated to the applicant by the return decision.

(on 28-11-2014, Para. (2) in Article 52 was amended by item 44 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

1. Extension of the right to temporary residence for carrying out economic, professional and commercial activities

## Article 53

The extension of the right to temporary residence for aliens carrying out economic activities

The alien who entered Romania for the purpose of carrying out economic activities shall be extended the right of temporary residence for this purpose if:

- a) submits the proof of fulfilling the conditions provided by the special law;
- b) proves the means of support at least at the level of the average gross salary, monthly, for the period for which the extension of the right of residence is requested.

(on 28-11-2014, Article 53 was amended by item 45 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 54

Extension of the right to temporary residence for professional activities

The alien who entered Romania for the purpose of exercising a liberal profession regulated by special laws shall be extended the right of temporary residence if he/she meets the following conditions:

- a) proves that he/she effectively carries out the professional activity under the conditions provided by the

special law;

b) proves the means of support at least at the level of the average gross salary, monthly, for the period for which the extension of the right of residence is requested.

(on 28-11-2014, Article 54 was amended by item 46 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 55

### Extension of the right of residence for carrying out commercial activities

(1) The alien who entered Romania for the purpose of carrying out commercial activities may be extended the right of temporary residence, under the following conditions:

- a) has the approval of the Romanian Agency for Foreign Investment;
- b) legally owns the premises for the registered office;
- c) is a stakeholder or a shareholder of the company, with management or administration duties;
- d) owns means of support in the amount of at least EUR 700 per month, if it is a stakeholder, and EUR 500 per month, if a shareholder.

(2) Subsequent extensions of the right to temporary residence may be granted if the alien meets the following conditions:

- a) the company's activity is carried out in accordance with the business plan;
- b) the object of the activity carried out is the initial one or a continuation or a result thereof;
- c) legally owns the premises for the registered office;
- d) is a stakeholder or a shareholder of the company, with management or administration duties;
- e) the investment is materialized in the contribution of capital or technology in the amount of EUR 70,000, in the case of the stakeholder, or EUR 50,000, in the case of the shareholder, and in the creation of at least 15 jobs, in the case of the stakeholder, respectively 10 jobs, in the case of the shareholder. In the case of jobs creation, they must be occupied by full-time employees, in accordance with the law;

(on 31-07-2011, letter e) of para. (2) in Article 55 was amended by item 78 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

- f) owns means of support in the amount of at least EUR 700 per month, if it is a stakeholder, and EUR 500 per month, if a shareholder, obtained from the activity carried out on the territory of Romania.

(3) Proof of compliance with the conditions laid down in this Article shall be provided by the following documents:

- a) the business plan endorsed by the Romanian Agency for Foreign Investments;
- b) document issued by the Romanian Centre for the Promotion of Trade and Foreign Investment, certifying that the activity is carried out in accordance with the business plan;

(on 31-07-2011, letter b) of para. (3) in Article 55 was amended by item 79 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

c) the ascertaining certificate, showing the quality of the applicant, the name, the registered office and the main object of activity of the company, the mentions made upon communication of the courts, the duration of the company's operation, the main economic and financial indicators, i.e. total fixed assets, turnover, net profit or loss, average number of employees.

(on 31-07-2011, letter c) of para. (3) of Article 55 was amended by item 79 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

d) the entries of mentions provided by law, corresponding to the amendments made to the Articles of Incorporation of the Company;

e) repealed;

(on 31-07-2011, letter e) of para. (3) of Article 55 was repealed by item 80 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

f) certificate issued by the Territorial Labour Inspectorate, showing the number of persons employed.

(on 31-07-2011, letter f) of para. (3) in Article 55 was amended by item 81 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(4) In the case of investments of at least EUR 150,000 or if at least 25 jobs have been created, proof of the means of support can also be made with other legal documents.

For investments of at least EUR 200,000 or if at least 50 jobs have been created, proof of means of support is not required.

(on 31-07-2011, Para. (4) in Article 55 was amended by item 82, of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(5) The right to temporary residence for this purpose shall be successively extended for periods of up to one year, and in the case of aliens who prove that they have made investments of at least EUR 500,000 or that they have created more than 50 full-time jobs, the right of residence is extended for periods of 3 years.

(on 31-07-2011, Para. (5) in Article 55 was amended by item 82, of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(6) The amount of the investment and the number of jobs shall be calculated according to the participation share of the shareholder in the company.

## 2. Extension of the right to temporary residence for aliens employed

### Article 56

#### Extension of the right to temporary residence for work purposes

(1) Aliens entering Romania for the purpose of employment shall be extended the right to temporary stay for work purposes if they submit the full-time individual employment contract, concluded within 15 working days of entering the territory of Romania or, as the case may be, of obtaining the new employment opinion, registered in the general register of employees, from which it results that the salary is at least at the level of the minimum gross salary per country guaranteed for payment. In the case of highly skilled workers, the salary must be at least at the level of the average gross income.

(on 22-03-2024, Paragraph (1), Article 56, Item 2, Section 1, Chapter IV was amended by Item 6, Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF

ROMANIA no. 250 of 22 March 2024)

(1<sup>^</sup>1) The provisions of para. (1) regarding the term of conclusion of the individual employment contract shall not apply if the failure to conclude the individual employment contract is due to the fault of the employer.

(on 22-03-2024, Article 56, Item 2, Section 1, Chapter IV was supplemented by Item 7, Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

(2) The provisions of para. (1) regarding the level of the salary included in the individual employment contract shall not apply to aliens employed in the budgetary system, whose salary is established according to the legislation on the remuneration of personnel paid from public funds, with the exception of highly qualified workers.

(on 10-11-2018, Paragraph (2) of Article 56, Item 2, Section I, Chapter IV was amended by Item 21, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(3) Repealed.

(on 10-11-2018, Paragraph (3) of Article 56, Item 2, Section 1, Chapter IV was repealed by Item 22, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(4) Subsequent extensions of the right to temporary residence for work purposes shall be granted if the alien submits the following documents:

a) the full-time individual employment contract, registered in the general register of employees;

(on 22-03-2024, letter a) , paragraph (4), Article 56, item 2, Section 1, Chapter

IV was amended by Item 8. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

b) proof of maintaining the salary at least at the level provided for in para. (1) throughout the stay previously granted.

(5) By way of exception to paragraphs (1) and (4), to aliens who are appointed to manage a subsidiary, representative office or branch in the territory of Romania of a company having its registered office abroad, on the basis of a mandate agreement or other document with the same legal value, their right to temporary residence for work purposes shall be extended without the submission of an employment contract, if they prove the means of support obtained from the activity carried out in this capacity, at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Paragraph (5) of Article 56, Item 2, Section 1, Chapter IV was amended by Item 23, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(6) The right to temporary residence for work purposes shall be extended under the conditions of para. (1) or (4) for a period equal to the period of validity of the employment contract, but not more than 2 years.

(on 08-03-2024, Paragraph (6), Article 56, Item 2, Section 1, Chapter IV was amended by Item 14. Article I of



LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(6<sup>^</sup>1) The right to temporary residence for trainee workers shall be extended under the conditions of para. (1) or (4) for a period equal to the period of validity of the employment contract, without exceeding a total duration of stay of one year on the territory of Romania, in this capacity.

(on 10-11-2018, Article 56 of Item 2. , Section 1 , Chapter IV has been supplemented by Item 24, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(7) Aliens, highly qualified workers, shall be extended the right of temporary residence for work purposes under the conditions of paragraphs (1) or (4) for a period equal to the period of validity of employment contract plus 3 months, but not more than 3 years.

(on 08-03-2024, Paragraph (7), Article 56, Item 2, Section 1, Chapter IV was amended by Item 14. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

(7<sup>^</sup>1) Aliens, seasonal workers, shall be extended the right of temporary residence for work purposes under the conditions of paragraph (1) or (4) for a period equal to the period of validity of the employment contract plus 5 days, not exceeding a total duration of stay in Romania as a seasonal worker of 180 days in any 365-day period prior to each day of the alien's stay on the territory of Romania as a seasonal worker.

(on 03-09-2016, Para. (7<sup>^</sup>1) in Article 56 was introduced by item 100 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(8) The subsequent extension of the right to temporary residence for work purposes shall be granted without fulfilling the conditions set out in para. (4) for the entire period during which the alien benefits from unemployment benefit according to the provisions of Law 76/2002 on the unemployment insurance system and employment stimulation, as subsequently amended and supplemented.

(9) If the alien's employment relationship terminates before the expiry of the period for which the single permit or EU Blue Card was issued, they shall remain valid until the expiry of the period for which they were issued, but no longer than the period during which the alien benefits from unemployment benefit according to the provisions of Law 76/2002, as subsequently amended and supplemented, or no more than 90 days from the date of registration of termination employment relationship if the alien does not receive unemployment benefit.

(on 03-09-2016, Para. (9) in Article 56 was amended by item 9 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(9<sup>^</sup>1) If within the term of validity of the single permit or the EU Blue Card, calculated according to para. (9), an employment opinion is requested for the alien concerned, in the conditions of the special legislation on the employment and secondment of aliens on the territory of Romania, the right to temporary residence for work purposes does not cease earlier than 5 working days from the date of settlement of the application for the issuance of the employment opinion.

(on 03-09-2016, Para. (9<sup>^</sup>1) in Article 56 was introduced by item 11 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016 )



(9^2) If upon submission of the application for the EU Blue Card or during its validity, the General Inspectorate for Immigration finds that the condition mentioned in Article 50(2) letter g) is no longer met for causes not attributable to the alien, the General Inspectorate for Immigration shall inform in writing the alien concerned of his/her obligation that, in 180 days from the date of receipt of the information, to regulate their situation with the current employer or to identify a new employer.

(on 08-03-2024, Article 56, Item 2, Section 1, Chapter IV has been supplemented by Item 15, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(10) Aliens of the following categories may request the extension of the right to temporary residence for work purposes under the conditions set out in para. (1) and with the submission of the copy of the employment opinion issued under the special legislation conditions on the employment and secondment of aliens on the territory of Romania, without the obligation to obtain a long-stay visa for employment:

- a) aliens, holders of a temporary right to residence for studies, who request the extension of the right of residence for work purposes after completing their studies;
- b) aliens, holders of a right to temporary residence for work purposes, as seasonal workers or a temporary right of residence for the purpose of secondment, who request extension of the right to temporary residence for work purposes, as permanent workers;
- c) aliens requesting the extension of the right to temporary residence with the application of Article 64(5).
- d) aliens, beneficiaries of international protection, as well as family members of citizens of the Member States of the European Union, the European Economic Area or of Swiss Confederation exercising their right to free movement, as highly qualified workers.

(on 08-03-2024, Paragraph (10), Article 56, Item 2, Section 1, Chapter IV was supplemented by Item 16. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

(on 03-09-2016, Para. (10) in Article 56 was amended by item 9 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(11) Aliens, holders of a valid temporary residence permit, granted for the purpose of family reunification, who previously benefited from a right of residence on the territory of Romania as family members of a Romanian citizen and who are in one of the situations provided for in Article 64(2), may request the extension of the right of residence for work purposes under the conditions provided for in para. (1), without the obligation to obtain a long-stay visa for employment.

(on 03-09-2016, Para. (11) in Article 56 was amended by item 9 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(11^1) Aliens entering Romania for the purpose of employment as an au pair shall be extended the right of temporary residence for work purposes if they submit the part-time individual employment contract, registered in the general register of employees, from which it results that the duration of the working time does not exceed 25 hours per week, and the amount of the salary is at least at the level of the minimum gross salary per country guaranteed for payment, calculated on the fraction of time worked.

(on 10-11-2018, Article 56 of Item 2, Section 1, Chapter IV has been supplemented by Item 25, Article I of

LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(11<sup>2</sup>) The right of temporary residence for au pairs shall be extended under the conditions the provisions of para. (11<sup>1</sup>) for a period equal to the period of validity of the part-time employment contract, without exceeding a total duration of stay of one year on the territory of Romania, in this capacity.

(on 10-11-2018, Article 56 of Item 2. , Section 1 , Chapter IV has been supplemented by Item 25, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(12) Repealed.

(on 08-03-2024, Paragraph (12), Article 56, Item 2, Section 1, Chapter IV was repealed by Item 17. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

(on 28-11-2014, Article 56 was amended by item 47 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

#### Article 56<sup>1</sup>

Extension of the right to temporary residence for the purpose of secondment

(1) Aliens entering Romania for the purpose of secondment shall be extended the right of temporary residence from the date of submission of the application, if:

- a) the beneficiary of the provision of services has obtained a secondment opinion, in accordance with the law;
- b) submit the secondment decision, translated and notarized;
- c) submit proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter c) of Paragraph (1), Article 56<sup>1</sup>, Item 2, Section 1, Chapter IV was amended by Item 26, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(2) Aliens referred to in Article 44<sup>1</sup> paragraph (3) letters b) and c) shall be extended the right to temporary residence if they submit the following documents:

- a) the order of the relevant minister or, as the case may be, the express request of the central or local public administration bodies or of the autonomous administrative authorities;
- b) address from the beneficiary of the provision of services showing the activity carried out by the alien and its duration;
- c) proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter c) of Paragraph (2), Article 56<sup>1</sup>, Item 2, Section 1, Chapter IV was amended by Item

27, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(3) The right of residence shall be extended for a period of up to one year within a period of 5 years from the date of submission of the application for the extension of the right of residence.

(4) Foreign employees of legal entities established on the territory of one of the States members of the European Union or the European Economic Area or on the territory of the Swiss Confederation, seconded to Romania, shall be extended their right to temporary residence, without being limited to the period provided for in para. (3), if they submit the following documents:

- a) copy of the individual employment contract, registered with the competent authorities of the respective Member State, translated and notarized;
- b) the valid residence card issued by the State where the employer is established, in original and in copy;
- c) copy of the secondment document, translated and notarized;
- d) proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, letter d) in paragraph (4), Article 56<sup>1</sup>, Item 2, Section 1, Chapter IV was amended by Item 28, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(5) Aliens who have obtained a secondment opinion based on the opinion of the Ministry of Labor, Family, Social Protection and the Elderly shall be extended their right of residence if they submit the documents provided for in para. (1), without being limited to the period provided for in para. (3).

(on 28-11-2014, Article 56<sup>1</sup> was introduced by item 48 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 56<sup>2</sup>

Extension of the right to temporary residence for the purpose of secondment as an ICT worker

(1) By exception from the provisions of Article 56<sup>1</sup>, aliens entering Romania for the purpose of secondment as ICT workers shall be extended the right to temporary residence for the purpose of secondment from the date of submission of the application, if:

- a) the beneficiary of the service has obtained a secondment opinion for the ICT worker concerned, under the special legislation conditions on the employment and secondment of aliens on the territory of Romania;
- b) submit proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter b) of Paragraph (1), Article 56<sup>2</sup>, Item 2, Section 1, Chapter IV was amended by item 29, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(2) If the alien's first stay is on the territory of another Member State of the European Union, proof of legal

possession of the living quarters on the territory of Romania provided for in Article 51(2) shall be notified to the General Inspectorate for Immigration at the latest on the date of commencement of the employment activity at the beneficiary of the provision of services in Romania.

(3) Repealed.

(on 10-11-2018, Paragraph (3) in Article 56<sup>2</sup>, Item 2, Section 1, Chapter IV was repealed by item 30, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(4) The right to temporary residence for the purpose of secondment as an ICT worker shall be extended for the entire duration of the intra-corporate transfer, but not more than 3 years for managers and specialists and one year for trainee employees from the date of entry into the territory of Romania for this purpose.

(5) Subsequent extension of the right to temporary residence for the purpose of secondment as ICT worker shall be granted without exceeding a total of 3 years for managers and specialists and one year for trainee employees from the date of entry into the territory of Romania for this purpose, if the initial duration of the intra-corporate transfer has been extended, if the alien submits the following documents:

- a) the copy of the document by which the secondment was extended, translated and notarized, showing the duration for which the transfer within the same company was extended and maintaining the other conditions of secondment;
- b) proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter b) in Paragraph (5), Article 56<sup>2</sup>, Item 2, Section 1, Chapter IV was amended by Item 31, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(6) If, immediately after the extension of the right to temporary residence according to para. (5), the alien is to make a stay on the territory of another Member State of the European Union, the proof of legal possession of the living quarters on the territory of Romania provided for in Article 51 (1) shall be notified to the General Inspectorate for Immigration at the latest on the date of commencement of the employment activity at the beneficiary of the provision of services in Romania.

(on 03-09-2016, Article 56<sup>2</sup> was introduced by item 12 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

### Article 56<sup>3</sup>

Right of temporary residence for the purpose of secondment as an ICT worker in a mobility

- (1) The alien, holder of a valid ICT permit, issued by another Member State of the European Union, may enter and stay on the territory of Romania to carry out work as an ICT worker, without the requirement to obtain a visa, from the date of submission by the beneficiary of the provision of services in Romania, under the conditions of the special legislation on employment and secondment of aliens on the territory of Romania,

of the application for the issuance of the secondment permit for ICT workers from other Member States of the European Union who are to be seconded to the territory of Romania for a period of up to 90 days in any 180-day period, hereinafter referred to as short-term mobility, or secondment opinion for ICT workers from other Member States of the European Union who are to be seconded on the territory of Romania for a period longer than 90 days, a situation hereinafter referred to as long-term mobility, until its settlement.

(2) The alien, holder of a valid ICT permit, issued by another Member State of the European Union, may enter and stay on the territory of Romania, without the requirement of obtaining a visa, to carry out work activities as an ICT worker within a mobility to the beneficiary of the provision of services in Romania who has obtained, under the conditions of the special legislation on the employment and secondment of aliens on the territory of Romania, a secondment opinion in the framework of short-term or long-term mobility.

(3) The periods of stay according to paragraphs (1) and (2), cumulated, may not exceed a period of 90 days in any 180-day period.

(4) The alien, holder of a valid ICT permit issued by another Member State of the European Union, shall be extended the right of temporary residence for the purpose of secondment as ICT worker in long-term mobility if:

a) the beneficiary of the provision of services has obtained a secondment opinion within the long-term mobility for the ICT worker concerned, under the conditions of the special legislation on the employment and secondment of aliens on the territory of Romania;

b) submits proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter b) in Paragraph (4) , Article 56<sup>3</sup>, Item 2, Section 1, Chapter IV was amended by item 32, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(5) Repealed.

(on 10-11-2018, Paragraph (5) in Article 56<sup>3</sup>, Item 2, Section 1, Chapter IV was repealed by item 33, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(6) The right to temporary residence for the purpose of secondment as an ICT worker in a long-term mobility shall be extended for the entire duration of the secondment on the territory of Romania, without exceeding a period equal to the duration of stay intended to be carried out on the territory of the first Member State or the validity of the ICT permit issued by the first Member State.

(7) The subsequent extension of the right to temporary residence for the purpose of secondment as an ICT worker in the framework of long-term mobility shall be granted, with the application of paragraphs (4) and (6), if the initial duration of the secondment on the territory of Romania or the validity of the ICT permit issued by the first Member State has been extended, if the alien submits the following documents:

a) copy of the document by which the secondment on the territory of Romania was extended, translated and notarized, showing the duration for which the secondment was extended on the territory of Romania and the maintenance of the other conditions of secondment, or, as the case may be, the

copy of the new valid ICT permit, issued by the first state;

b) proof of holding the means of support at least at the level of the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter b) in Paragraph (7), Article 56<sup>3</sup>, Item 2, Section 1, Chapter IV was amended by item 34, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(8) Approval of the application for the extension of the right to temporary residence for the purpose of secondment as an ICT worker in the framework of long-term mobility shall be communicated by the General Inspectorate for Immigration to the competent authorities of the first Member State.

(on 03-09-2016, Article 56<sup>3</sup> was introduced by item 12 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

#### Article 56<sup>4</sup>

The right to temporary residence for work purposes as a highly qualified worker in a mobility

(1) The alien holding a valid EU Blue Card, issued by a Member State applying the Schengen acquis in full, may enter and stay in Romania in order to carry out an economic activity, for a period of 90 days in any 180-day period, without the obligation to hold the employment opinion issued under the conditions of the special legislation on employment and secondment of aliens on the territory of Romania.

(2) The alien holding a valid EU Blue Card, issued by a Member State that does not apply the Schengen acquis in full, has the right to enter and stay for the purpose of carrying out an economic activity for a maximum of 90 days in any 180-day period on the basis of the EU Blue Card and a valid travel document, without the need for the obligation holding the employment opinion issued under the conditions of the special legislation on employment and secondment of aliens on the territory of Romania.

(3) Economic activity within the meaning of paragraphs (1) and (2) shall be understood as a temporary activity directly related to the commercial interests of the employer and the professional tasks of the holder of the EU Blue Card on the basis of the employment contract in the first Member State, including participation in internal or external business meetings, participation in conferences or seminars, negotiating trade agreements, conducting sales or marketing activities, exploring business opportunities, or participating in coaching and training activities.

(4) After 12 months of legal residence in the first Member State or after 6 months of legal residence in the second Member State, as an EU Blue Card holder, the alien has the right to enter, establish residence and work in Romania, for the purpose of highly qualified employment, on the basis of the EU Blue Card and a valid travel document, without being necessary the obligation to hold the employment opinion issued under the conditions of the special legislation on employment and secondment of aliens on the territory of Romania. No later than one month after entering Romania, the alien has the obligation to apply for the issuance of an EU Blue Card.

(5) The alien referred to in para. (4) shall be extended the right of temporary residence for work purposes as a highly qualified worker in the framework of long-term mobility, if he/she submits:

- a) a valid EU Blue Card;
- b) the full-time individual employment contract, registered in the General Register of Employees, concluded for a period of at least 6 months, from which it results that the salary is at least at the level of the average gross salary;
- c) the document for the recognition of studies, issued by the Ministry of Education, under the conditions provided by the legislation in the field, or the diploma/certificate of qualification issued by educational units/institutions accredited in Romania, which prove the qualification in higher education, both in the case of regulated professions and in the case of unregulated professions.

(6) Approval or rejection of the application for the issuance of the EU Blue Card shall be communicated by The General Inspectorate for Immigration, in writing, to the first Member State, within 30 days from the date of the decision, when Romania is the second Member State, together with the reasons for rejection of the application, if applicable.

(on 08-03-2024, Item 2, Section 1, Chapter IV was supplemented by item 18, Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

## Article 57

Extension of the right to residence for aliens whose access to the Romanian labor market is regulated by bilateral agreements concluded by Romania with other states

- (1) The conditions regarding the entry and residence of aliens whose access to the Romanian labor market is regulated by bilateral agreements concluded with other states are provided for in these agreements.
- (2) The employer or the beneficiary of the services, as the case may be, has the obligation that, within 5 days after the entry into Romania of the aliens referred to in para. (1), to communicate, in writing, to the unit of the General Inspectorate for Immigration with territorial jurisdiction their nominal situation.

(on 03-09-2016, Para. (2) in Article 57 was amended by item 13 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

3. Extension of the right to temporary residence for aliens arrived for study purposes

## Article 58

Extension of the right to temporary residence for studies

- (1) Aliens entering Romania for studies may request the extension of the right of residence, as follows:

- a) in the case of students, for a period equal to the total duration of studies, plus 3 months, if:

(on 15-12-2023, the Introductory part of letter a) in paragraph (1), Article 58, Item 3, Section 1, Chapter IV was amended by item 9., SOLE ARTICLE of the EMERGENCY ORDINANCE no. 112 of 14 December 2023,



published in the OFFICIAL GAZETTE OF ROMANIA no. 1137 of 15 December 2023)

(i) are enrolled in studies at a state or a private educational institution, accredited or provisionally authorized according to the law, the form of education full-time courses;

(on 10-11-2018, Point (i) in letter a), Paragraph (1), Article 58, item 3, Section 1, Chapter IV was amended by item 35, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(ii) prove the means of support, in the amount of at least the minimum gross salary per country guaranteed for payment for a period of at least 6 months;

(on 28-11-2014, letter a) of paragraph (1) of Article 58 was amended by item 49 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014).

b) in the case of aliens participating in a pupil exchange programme or educational programme, for a period not exceeding one year, if:

(i) are enrolled in a state or private educational unit, accredited or provisionally authorized according to the law, the full-time form of education;

(ii) participate in a pupil exchange programme or an educational programme, carried out by an organisation established under the law and recognized for this purpose;

(iii) the organisation conducting the exchange of pupils or the educational programme shall take responsibility for providing accommodation, means of support and any costs related to the enforcement of the removal measure.

(on 10-11-2018, letter b) in paragraph (1), Article 58, item 3, Section 1, Chapter IV was amended by item 36, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

c) in the case of aliens entering Romania as trainees participating in an unpaid vocational training program, if they submit:

(i) vocational training agreement;

(ii) written commitment of the host entity, in the sense that if a trainee stays illegally on the territory of Romania, that entity shall be responsible for reimbursement of expenditure incurred from public funds for the stay and removal of the respective trainee;

(iii) proof of possession of a higher education diploma in the last 2 years preceding the date of application or proof of participation in a cycle of studies leading to such diplomas;

(iv) proof of means of support in the amount of at least the level of the minimum gross salary per country guaranteed for payment, for a period of at least 6 months;

(on 04-03-2021, Paragraph (1) in Article 58, item 3, Section 1, Chapter IV was supplemented by item 7, SOLE



ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021)

d) in the case of aliens referred to in Article 45(2) letter b<sup>1</sup>), for a period equal to the total duration of studies, if:

- (i) are enrolled in a state or a private educational unit, authorized to operate provisionally/accredited, high school or post-secondary level of education, including non-university tertiary education, full-time;
- (ii) submit the consent of the parents, the parent who exercises parental authority alone, the surviving parent or another person who has the capacity of legal representative, in the form of a notarized document, apostilled or superlegalized, as the case may be, and accompanied by the translation into Romanian of the notarized document that is legalized, with an apostille or superlegalization, as the case may be, regarding the stay on the territory of Romania for the purpose of studies, if the alien is a minor;
- (iii) provide proof of payment of the tuition fee, in the case of those for which there is an obligation to pay the fee;
- (iv) submit a criminal record certificate or other document with the same object and the same legal value, issued by the authorities in the state of domicile or residence, if the applicant is of age;

(on 15-12-2023, letter d), Paragraph (1), Article 58, item 3., Section 1, Chapter IV was amended by item 9., SOLE ARTICLE of the EMERGENCY ORDINANCE no. 112 of 14 December 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 1137 of 15 December 2023)

e) in the case of aliens referred to in Article 45 para. (5<sup>1</sup>), for a period equal to the total duration of the studies, if they prove that:

- (i) are scholarship holders at a state university, accredited or provisionally authorized according to the law, with frequency;
- (ii) have the consent of the parents or the guardian regarding the stay for study purposes on the territory of Romania, in the case of minors.

(on 04-03-2021, Paragraph (1) of Article 58, Point 3, Section 1, Chapter IV was supplemented by Point 7, the SOLE ARTICLE of the EMERGENCY Ordinance no. 14 of March 3, 2021, 44/2008 published in the Official Gazette no. 223 of March 4, 2021)

(1<sup>1</sup>) Aliens who have not completed their studies within the period initially granted may be approved subsequent extension of the right of residence, for the purpose of completing the studies, for a maximum period of one year.

(on 31-07-2011, Para. (1<sup>1</sup>) in Article 58 was introduced by item 85 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(2) Scholars of the Romanian state, aliens of Romanian origin, as well as foreign scholars of state university education institutions, accredited or provisionally authorized according to the law, may be extended the right to temporary residence for studies, without fulfilling the condition referred to in para. (1) (a) (ii).

(on 04-03-2021, Paragraph (2) of Article 58, Item 3, Section 1, Chapter IV was amended by item 8, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021)

(2<sup>^</sup>1) The residence cards for the scholarship holders of the Romanian state shall be granted with exemption from the payment of fees.

(on 28-11-2014, Para. (2<sup>^</sup>1) in Article 58 was introduced by item 51 of Article 41, Title II of ORDINANCE no. 25 of 25 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) The right to temporary residence for studies may be extended for a maximum of 6 months after graduation, in order to complete the school or university records, as well as to authenticate the study documents for this purpose.

(on 10-11-2018, Paragraph (3) in Article 58, item 3, Section 1, Chapter IV was amended by item 37, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(4) The right to temporary residence for studies may be extended for 9 months after graduation, to search for a job and carrying out the formalities of employment or in order to open a business, with the submission of the documents attesting the completion of studies.

(on 10-11-2018, Article 58 in Item 3, Section 1, Chapter IV has been supplemented by item 38, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(5) Subsequent extensions of the right of residence of aliens referred to in para. (4) shall be granted under the conditions provided for in Article 55 or Article 56, as the case may be, without the obligation to obtain a long-stay visa.

(on 10-11-2018, Article 58 in Item 3. , Section 1 , Chapter IV has been supplemented by item 38, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

## Article 58<sup>^</sup>1

### The right to temporary residence for study purposes in a mobility

(1) The alien, holding a valid residence card for study purposes or a long-stay visa for study purposes issued by another Member State of the European Union, may enter and stay on the territory of Romania for a period of up to 360 days, hereinafter referred to as student mobility, without the requirement to obtain a visa, if:

a) participates in the courses of a higher education institution within the framework of the European Union or multilateral programmes comprising mobility measures or an agreement between two or more higher education institutions;

b) a notification has been sent by the higher education institution to the territorial unit of the General Inspectorate for Immigration in whose jurisdiction the alien is to carry out his/her activity.

(2) The notification referred to in para. (1) (b) shall be sent at least 30 days before the start of the courses and shall include at least the following documents:

- a) copy of the valid border crossing document;
- b) copy of the residence card or long-stay visa issued by the first Member State;
- c) proof that the studies are carried out within the framework of a European Union or multilateral programme comprising mobility measures or based on an agreement between two or more higher education institutions;
- d) letter of acceptance for studies issued by the accredited higher education institution;
- e) proof of the duration and dates planned for participation in the studies if they are not specified in the proof of acceptance to the studies;
- f) proof that the student has health insurance for all the risks against which Romanian citizens are normally insured;
- g) proof that during the stay in Romania the student has means of support in the amount of at least the minimum gross salary per country guaranteed for payment, for a period of at least 6 months;
- h) the address at which the student will live on the territory of Romania.

(3) Within a maximum of 30 days of the notification, the competent territorial unit of the General Inspectorate for Immigration may object to the student mobility, when:

- a) the alien is in one of the situations provided for in Article 77(3) letters b) and c) or Article 81(2) letters a)-d) and f);
- b) the notification does not contain the documents provided for in para. (2);
- c) the validity of the documents referred to in para. (2) has expired;
- d) the notification was not sent within the time-limit provided for in para. (2).

(4) Objections to the student's mobility shall be communicated in writing, up to 5 days from the date of their formulation, to the competent authorities of the first Member State and to the higher education institution that sent the notification and have the consequence of prohibiting the participation in the courses of the higher education institution on the territory of Romania.

(on 10-11-2018, item 3. in Section 1, Chapter IV was supplemented by item 39, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

## Article 59

### Changing the study profile

(1) The alien who has been granted or, as the case may be, extended the right to residence for study purposes in Romania may change the profile of study or professional specialization, in accordance with the legislation in force, provided that the total duration of the intended stay for the initial studies is not exceeded.

(2) If, by changing the study profile or professional specialization, the total duration of the intended stay for the initial studies is exceeded, it is necessary to obtain a new long-stay visa for study purposes.

## Article 60

### Professional activity of aliens admitted to studies

(1) Aliens who have been granted the right of residence for study purposes may work to supplement their means of support only on a part-time basis.

(2) Repealed.

(on 28-11-2014, Para. (2) in Article 60 was repealed by item 52 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 61

Repealed.

(on 28-11-2014, Article 61 was repealed by item 53 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014)

## 4. Extension of the right to temporary residence for family reunification

## Article 62

### Extension of the right to temporary residence for family reunification

(1) Aliens entering Romania in accordance with the provisions of Article 46, except for the persons referred to in Article 46(16), may be granted an extension of their right of residence as follows:

a) for the sponsor's husband/wife, if:

(i) submits documents proving the existence of the marriage;

(ii) there is no situation of bigamy or polygamy;

(iii) the spouses live together;

(iv) prove the possession of the means of support at least at the level of the minimum gross salary per country guaranteed for monthly payment, for the period for which the extension is requested or, as the case may be, for a period of at least 12 months, if the sponsor is the holder of a long-term residence right or a temporary residence right granted for a period of more than one year;

(on 08-03-2024, Point (iv), letter (a), Paragraph (1), Article 62, item 4, Section 1, Chapter IV was amended by item 19. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

b) for the other family members of the sponsor, if:

(i) submit documents proving the existence of the kinship relationship;

(ii) reside with the sponsor, in the case of minors;

(iii) prove the possession of the means of support at least at the level of the minimum gross salary per country guaranteed for monthly payment, for the period for which the extension is requested or, as the case may be, for a period of at least 12 months, if the sponsor is the holder of a long-term residence right or a temporary right of residence granted for a period of more than one year;

(on 08-03-2024, Point (iii), letter (b), Paragraph (1), Article 62, item 4, Section 1, Chapter IV was amended by item 20. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(iv) in the case of family members referred to in Article 46(1) letters c) and d), if he/she submits the consent in authentic form of the other parent who exercises parental authority regarding the obtaining of the right to temporary residence on the territory of Romania;

(on 08-03-2024, Letter b), Paragraph (1), Article 62, item 4., Section 1, Chapter IV has been supplemented by item 21. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(v) in the case of family members referred to in Article 46 (2) letter a), if they submit supporting documents that they cannot support themselves and do not enjoy adequate family support in their country of origin;

(on 08-03-2024, Letter b) , Paragraph (1) , Article 62 , item 4. , Section 1 , Chapter IV has been supplemented by item 21. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(vi) in the case of family members referred to in Article 46(2) letter b), if they submit medical certificate of disability, issued in the country of origin, or other equivalent medical documents.

(on 08-03-2024, Letter b) , Paragraph (1) , Article 62 , item 4. , Section 1 , Chapter IV has been supplemented by item 21. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2) For family members of beneficiaries of refugee status or subsidiary protection requesting the extension of the right to temporary residence for family reunification shall not be required to meet the conditions set out in paragraph (1) letter a) point (iv), respectively in paragraph (1) letter b) point (iii).

(3) Aliens family members of a Romanian citizen may have their right of residence extended if the Romanian citizen, according to the law, is domiciled or resident in Romania, as follows:

a) for aliens married to Romanian citizens, if:

(i) submit the marriage certificate, under the conditions provided by law;

(ii) there is no situation of bigamy or polygamy;

b) for partners, if:

(i) submit the child's birth certificate;

(ii) both the alien and the Romanian citizen prove that they are unmarried;

(iii) prove that they live together with the Romanian citizen;

c) for the children of the Romanian citizen, of the husband/wife or partner, including those adopted, who have not reached the age of 21, who are in further education and have not exceeded the age of 26 or who, although they are adults, cannot support themselves for medical reasons, if:

(on 03-09-2016, the Introductory part of letter c) paragraph (3) of Article 62 was amended by item 14 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016. )

- (i) submit documents proving the existence of the kinship relationship;
- (ii) reside with the Romanian citizen;
- (iii) where appropriate, submit documents showing that they cannot support themselves for medical reasons;

(on 28-11-2014, letter c) paragraph (3) of Article 62 was amended by item 54 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014).

d) for first-degree relatives in the ascending line of the Romanian citizen or of the husband/wife if they submit documents proving the existence of the kinship relationship. If the alien is the parent of a minor Romanian citizen, he/she must prove that the minor is dependent on him/her or that there is an obligation to pay child support, an obligation that the alien fulfils regularly.

(on 31-07-2011, letter d) paragraph (3) of Article 62 was amended by item 87 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(3<sup>^</sup>1) If after 12 months of legal residence in the first Member State as an EU Blue Card holder the alien moves to Romania for highly qualified employment, his/her family members applying for reunification may have their right of residence extended according to the provisions of paragraph (1), with the obligation to also submit the residence card issued by the first Member State.

(on 08-03-2024, Paragraph (3<sup>^</sup>1), Article 62, item 4, Section 1, Chapter IV was amended by item 22. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(3<sup>^</sup>2) Aliens family members of Romanian citizens who have been registered with the right of residence in another Member State in this capacity may have their right of residence extended if:

- a) prove that they have been registered with the right of residence in another Member State as a family member of the Romanian citizen with the domicile or residence in Romania;
- b) when submitting the application, submit the following documents:
  - (i) valid passport;
  - (ii) marriage certificate or, as the case may be, proof of the existence of the kinship, registered partnership or cohabitation relationship;
  - (iii) documents certifying that they have been registered with the right of residence in another Member

State, as a family member of the Romanian citizen;

(iv) the identity card of the Romanian citizen whose family member is the alien.

(on 31-07-2011, Para. (3<sup>2</sup>) in Article 62 was introduced by item 88 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(4) No extension of the right of residence shall be granted when it is ascertained:

a) existence of a state of bigamy or polygamy;

b) that the two spouses no longer have a conjugal relationship or an effective family relationship together, on the territory of Romania.

c) following the checks carried out, the fact that the alien has acknowledged the parentage of a Romanian child exclusively for the purpose of obtaining the right of residence.

(on 10-11-2018, Paragraph (4) of Article 62, item 4, Section 1, Chapter IV was supplemented by item 42, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(on 31-07-2011, Para. (4) in Article 62 was amended by item 89 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(5) The right to temporary residence shall be extended individually, for each family member for the same period for which the right of residence was granted to the sponsor. Husband/wife and family members of a Romanian citizen or of the sponsor holding a long-term right of residence may have their right to temporary residence extended for periods of up to 5 years.

(on 31-07-2011, Para. (5) in Article 62 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(5<sup>1</sup>) The family member of the Romanian citizen residing abroad shall be extended the right to temporary residence for a period not exceeding the period of validity of the provisional identity card of the Romanian citizen.

(on 31-07-2011, Para. (5<sup>1</sup>) in Article 62 was introduced by item 91 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(6) The extension of the right to temporary residence for the aliens referred to in paragraphs (3) and (3<sup>2</sup>) shall be carried out with exemption from the payment of consular fees.

(on 31-07-2011, Para. (6) in Article 62 was amended by item 91 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 63

### Marriage of convenience

(1) The Romanian Immigration Office refuses to extend the right of residence obtained on the basis of marriage if, as a result of the checks carried out, it appears that the marriage is of convenience.

(2) The elements on the basis of which it can be ascertained that a marriage is of convenience can be the following:

- a) matrimonial cohabitation does not exist;
- b) the spouses did not know each other before the marriage;
- c) the lack of an effective contribution to the fulfilment of the obligations arising from the marriage;
- d) the spouses do not speak a language understood by both;
- e) there are data that one of the spouses has previously entered into a marriage of convenience;
- f) the spouses are inconsistent or there are inconsistencies in the declaration of personal data, the circumstances in which they met or other relevant information about them;

(on 31-07-2011, letter f) of paragraph (2) of Article 63 was amended by item 92 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

g) the conclusion of the marriage was subject to the payment of a sum of money between the spouses, except for the amounts received as dowry.

(3) The elements provided for in paragraph (2) shall be ascertained by the interview officer. These elements may result from:

- a) the data obtained from the interview;
- b) documentary evidence;
- c) the statements of those concerned or of third parties;
- d) marital home checks or other additional checks.

## Article 64

Temporary right to residence granted to family members independently

(1) The right to temporary residence shall be granted independently, upon request, to the alien who meets the following conditions:

- a) is the holder of a temporary residence card granted for the purpose of family reunification;
- b) had the right to temporary residence for the purpose of family reunification in the last 5 years prior to the filing of the application. In the case of family members of EU Blue Card holders, the period of 5 years can be calculated by aggregating their periods of residence in different Member States.

(2) The alien is exempted, upon request, from fulfilling the condition provided in paragraph (1) letter b), in the following cases:

- a) the dissolution of the marriage has been pronounced;
- b) the partnership relationship terminated;
- c) the sponsor/Romanian citizen has died;



d) has become of age or has reached the age of 21, if he/she is a family member of a Romanian citizen.

(3) In order to be granted the right of residence, the applicant shall additionally submit, as the case may be, the court decision on the dissolution of the marriage, the notarial declaration on honour for the termination of the partnership, the death certificate or the birth certificate.

(4) The right of residence provided for in paragraph (1) shall be granted for a period of up to 6 months, which shall elapse from the date of submission of the application. For aliens in one of the situations referred to in paragraph (2), the time-limit shall elapse from the date on which it occurred.

(on 03-09-2016, Para. (4) in Article 64 was amended by item 15 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(5) Aliens who meet the conditions set out in paragraph (1), including with the application of paragraph (2), as well as aliens who have been granted the right to temporary residence independently according to paragraph (1) may request the extension of the right of temporary residence under the conditions and for any of the purposes provided for in this Emergency Ordinance, without the obligation to obtain a long-stay visa.

(on 03-09-2016, Para. (5) in Article 64 was amended by item 15 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(on 31-07-2011, Article 64 was amended by item 93 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 65

Carrying out economic or professional activities and employment Aliens, holders of a right of residence for family reunification, may carry out economic or professional activities or may be employed, with the proper application of the provisions of special laws governing these areas.

(on 28-11-2014, Article 65 was amended by item 55 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

5. Extension of the right to temporary residence for humanitarian or religious activities. Other situations of extension of the right of residence

## Article 66

Extension of the right of temporary residence for religious activities

(1) Aliens entering Romania on a long-stay visa to carry out religious activities may request the extension of the right to temporary residence for this purpose if they submit the valid opinion granted by the State Secretariat for Religious Affairs under the conditions of Article 47 (a). (on 28-11-2014, Para. (1) in Article 66 was amended by item 56 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(2) The alien requesting the extension of the right of residence for religious activities does not have to prove the means of support.

(3) The right of residence for this purpose shall be extended for a period equal to the duration of the opinion.

(on 31-07-2011, Article 66 was amended by item 94 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 67

### Extension of the right to temporary residence for carrying out scientific research activities

(1) Aliens entering Romania for the purpose of carrying out scientific research activities shall be extended the right of temporary residence if they submit the following documents:

- a) the hosting agreement concluded with the host entity in Romania and endorsed by the Ministry of Research, Innovation and Digitization;
- b) proof of holding the means of support, in the amount of at least the minimum gross salary per country guaranteed for payment, for a period of at least 6 months.

(on 08-03-2024, Paragraph (1), Article 67, item 5, Section 1, Chapter IV was amended by item 23. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2) The right of residence for this purpose shall be extended for a period equal to the duration provided in the hosting agreement, but not more than 5 consecutive years.

(3) The researcher, holder of a residence card for this purpose issued by another Member State, located on the territory of Romania, may apply for the extension of the right to temporary residence for the purpose of carrying out scientific research activities without being necessary to obtain a long-stay visa for this purpose in advance. The residence card shall be granted on the basis of the opinion of the Ministry of Research and Innovation, provided for in Article 48(2), under the conditions of para. (2).

(4) The right to temporary residence for carrying out scientific research activities may be extended by 9 months after the end of the research, in order to look for a job and carry out the formalities of employment or opening a business, with the submission of documents attesting the completion of the scientific research activity.

(5) Subsequent extensions of the right of residence of aliens to whom the right to temporary residence has been extended under the conditions of para. (4) shall be granted under the conditions of Article 55 or Article 56, as the case may be, without the obligation to obtain a long-stay visa.

(on 10-11-2018, Article 67 in item 5. , Section 1 , Chapter IV has been amended by Item 43, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

## The right to temporary residence for scientific research purposes in a mobility

(1) The alien, holder of a valid residence card for scientific research purposes or a long-stay visa for scientific research purposes, issued by another Member State of the European Union, may enter and stay on the territory of Romania to carry out research activities for a period of up to 180 days in any 360-day period, hereinafter referred to as short-term mobility, without the requirement of obtaining a visa, from the date of the notification sent by the research and development unit to the territorial unit of the General Inspectorate for Immigration in whose jurisdiction the alien is to carry out his/her activity.

(2) Family members, holders of residence cards for family reunification purposes or long-stay visas for family reunification purposes, issued by the first Member State and accompanying the aliens referred to in para. (1), may enter and stay on the territory of Romania in the same conditions as them.

(3) The notification referred to in para. (1) shall include at least the following documents:

- a) copy of the researcher's border crossing document, respectively of his/her family members;
- b) copy of the researcher's residence card or long-stay visa, issued by the first Member State, respectively of his/her family members;
- c) the hosting agreement concluded with the host entity in Romania;
- d) proof of the duration and planned dates for the mobility, if they are not specified in the hosting agreement;
- e) copy of the opinion of the Ministry of Research and Innovation, provided for in Article 48(2).

(4) Within a maximum of 30 days of the notification, the competent territorial unit of the General Inspectorate for Immigration may object to the mobility of the researcher and family members, when:

- a) the incidence of one of the situations provided for in Article 77(3) letters a)-c) or Article 81(2) letters a)-d) and f);
- b) the notification does not contain the documents provided for in para. (3);
- c) the validity of the documents referred to in para. (3) has expired.

(5) Objections to the mobility of researchers and family members shall be communicated in writing to the competent authorities of the first Member State and to the notifying research and development unit and shall result in the prohibition of the activity on the territory of Romania.

(6) For the purpose of carrying out scientific research activities for a period longer than 180 days, hereinafter referred to as long-term mobility, the alien holding a residence card for scientific research purposes or a long-stay visa for scientific research purposes, valid, issued by another Member State of the European Union, as well as the accompanying family members, holders of residence cards for family reunification purposes or long-stay visas for family reunification purposes issued by the first Member State, may enter and request the extension of the right of residence on the territory of Romania, without the obligation to obtain a long-stay visa.

(7) The aliens referred to in para. (6) shall be extended the right to temporary residence for scientific research purposes, respectively for family reunification purposes, as the case may be, within the framework of long-term mobility if they submit the following documents:

- a) the residence card or long-stay visa issued by the first Member State;
  - b) the hosting agreement concluded with the research and development unit in Romania;
  - c) proof of the duration and planned dates for the mobility if they are not specified in the hosting agreement;
  - d) the opinion of the Ministry of Research and Innovation, provided for in Article 48 (2);
  - e) proof of holding the means of support, in the amount of at least the minimum gross salary per country guaranteed for payment for a period of at least 6 months.
- (8) The researcher referred to in para. (6) may carry out scientific research activities from the date of submission of the application for the extension of the right of residence.
- (9) The right of residence for research purposes shall be extended for a period equal to the duration provided for in the hosting agreement.
- (10) Extension, revocation or cancellation of the right of residence for aliens referred to in para. (6) shall be notified by the General Inspectorate for Immigration to the competent authorities of the first Member State within 30 days of the date of taking the measure.

(on 10-11-2018, item 5. in Section 1 , Chapter IV was supplemented by item 44, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

## Article 68

### Teaching activity

Aliens holding a right of residence for carrying out scientific research activities may carry out teaching activities under the law.

## Article 69

### Other situations of extension of the right to temporary residence

(1) Aliens entering Romania on a long-stay visa, for other purposes, may apply for the extension of the right to temporary residence, as follows:

a) Repealed;

(on 31-07-2011, letter a) of para. (1) of Article 69 was repealed by item 95 of article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

b) Repealed;

(on 31-07-2011, letter b) of para. (1) of Article 69 was repealed by item 95 of article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

c) aliens undergoing a form of long-term medical treatment - with the submission of the letter of acceptance of a public or private medical institution, stating the diagnosis and duration of treatment. This residence card may also be granted for any accompanying person who assists the alien who is unable to care for himself/herself,

if this is expressly mentioned in the letter of acceptance;

d) aliens appointed as directors of a company, provided that the following conditions are cumulatively met:

- (i) they prove their capacity as director;
- (ii) prove that, at the date of the request, there are no shareholders or stakeholders in the company concerned or in another Romanian legal entity and that they have not acted in such capacities in the last 2 years;
- (iii) at the company concerned there is no other alien who has obtained a right of residence for this purpose;
- (iv) the company concerned has made a capital contribution or technology transfer of at least EUR 50,000. In subsequent extensions, they must prove that the capital contribution has materialized in the construction or purchase of constructions intended for the activities provided by the Classification of Activities in the National Economy or in technology transfer;

e) aliens who entered the territory of Romania for the purpose of unpaid vocational training within an accredited vocational training provider or within an enterprise in the public or private sector authorized under the law to carry out such activities - with the submission of the training contract for unpaid participation in a professional form of training;

(on 31-07-2011, letter e) of para. (1) of Article 69 was amended by item 96, of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

f) aliens who carry out activities under volunteering programs - with the submission of the civil insurance policy and the volunteering contract concluded with the host organisation, in the contents of which mentions are made regarding the activity to be carried out, the conditions under which they are monitored in the performance of the tasks, as well as the working hours.

Aliens participating in the European Voluntary Service shall be exempted from the obligation to submit the civil insurance policy;

(on 10-11-2018, Letter f) of Paragraph (1), Article 69, item 5, Section 1, Chapter IV was amended by item 45, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

g) aliens who carry out other activities that do not contravene Romanian laws - with the approval of the competent authorities, when necessary, or if they submit documents justifying the need to stay in Romania;

h) stateless persons of Romanian origin - without fulfilling the general conditions for granting the right to temporary residence.

(on 28-11-2014, letter h) of para. (1) of Article 69 was amended by item 57 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014).

i) digital nomads - with the cumulative fulfilment of the following conditions:

- (i) submit, in original, accompanied by an authenticated translation, in Romanian, the employment contract concluded with a company registered outside Romania, proving the provision of remote services, by using information and communication technology, or the proof of holding for at least three years prior to the date of

application for the visa of a company registered by him/her outside Romania, which he/she manages remotely using information and communication technologies;

- (ii) submit an original document, together with the authenticated translation, in Romanian, issued by the company registered outside Romania with which he/she has concluded an employment contract or by the company registered outside Romania that the alien owns, showing all the identification and contact details of the company, its field of activity, the capacity of the alien within the company, as well as information on the legal representatives of the company.

(on 17-01-2022, Paragraph (1) of Article 69, item 5, Section 1, Chapter IV was supplemented by item 5, Article I of Law 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022)

(2) Repealed.

(on 28-11-2014, Para. (2) in Article 69 was repealed by item 58 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) When granting or extending the right to temporary residence, the aliens referred to in para. (1) letters c), e), f) and g) must prove the means of support, at least at the level of the average gross income, per month, for the period for which the extension is requested

the right of residence, those referred to in para. (1) (d), in the amount of at least EUR 500 per month, arising from the activity carried out as director, and those referred to in paragraph (1) (i) must prove they obtain an income of at least three times the average gross income, per month, for the period for which the extension of the right of residence is requested.

(on 17-01-2022, Paragraph (3) of Article 69, item 5, Section 1, Chapter IV was amended by item 6, Article I of LAW 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022 )

(4) Aliens referred to in para. (1) (h) shall be exempt from the obligation to provide proof of means of support and shall be exempt from the payment of consular fees. The right of residence for this category is extended for periods of 4 years.

(5) The right of residence for aliens referred to in para. (1) (e) shall be granted for a maximum period of one year, without the possibility of extension.

(on 10-11-2018, Paragraph (5) of Article 69, item 5, Section 1, Chapter IV was amended by item 46, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(6) The right to temporary residence for aliens referred to in para. (1) (f) shall be extended for a period equal to the period of validity of the volunteering contract, without exceeding a total duration of stay of one year on the territory of Romania, in this capacity.

(on 10-11-2018, Article 69 of Item 5, Section 1, Chapter IV has been supplemented by item 47, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(7) The first extension of the right to temporary residence for the aliens referred to in para. (1) (i) is granted for a period of 6 months. Subsequent extensions of the right to temporary residence may be granted if the alien still meets the conditions set out in para. (3) and submits an income certificate issued by the competent tax authority.

(on 17-01-2022, Article 69 of Item 5, Section 1, Chapter IV has been supplemented by Item 7, Article I of LAW 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022)

## Section 2

### Granting of the right of long-term residence

(on 31-07-2011, Title of Section 2 of Chapter IV was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011 replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

## Article 70

### Right of long-term residence

(on 26-12-2013, the Title of Article 70 was amended by item 2 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(1) The right of long-term residence shall be granted, upon request, under the terms of this Emergency Ordinance, for an indefinite period, to aliens who, on the date of settlement of the application, are holders of a right of temporary residence or beneficiaries of international protection in Romania.

(on 26-12-2013, Para. (1) of Article 70 was amended by item 2 of art. of Law no. 376 of December 19, 2013, published in the OFFICIAL GAZETTE no. of 23 December 2013)

(2) The right of long-term residence shall not be granted to the following categories of aliens:

- a) holders of the right to temporary residence for studies;
- b) applicants for or beneficiaries of temporary protection;
- c) applicants for or beneficiaries of protection in Romania other than international protection;
- d) applicants for international protection;
- e) holders of the right of temporary residence conferred by the short-stay visa, diplomatic or service visa.
- f) holders of a right of residence obtained for carrying out activities as a seasonal worker or au pair.

(on 10-11-2018, Paragraph (2) of Article 70, Section 2, Chapter IV was supplemented by Item 48, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(on 26-12-2013, Para. (2) of Article 70 was amended by item 2 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(3) The right of long-term residence shall cease in the following situations:



(on 31-07-2011, the Introductory part of para. (3) of Article 70 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

a) in the event of cancellation or revocation;

b) in the event of obtaining a long-term right of residence on the territory of another State;

(on 31-07-2011, letter b) of para. (3) of Article 70 was amended by item 172 of article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, replacing the phrase "right to permanent residence" with the phrase "right of long-term residence". )

c) in the event of absence from the territory of the Romanian State for a period of more than 12 consecutive months, unless, during this period, the alien has benefited from a right to temporary residence in a Member State of the European Union or where the holder of the long-term right of residence is a minor and one of the parents is a Romanian citizen or holder of a right of residence on the territory of Romania;

(on 28-11-2014, letter c) of para. (3) of Article 70 was amended by item 60 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014).

d) in case of absence from the territory of the Romanian State for a period of more than 6 consecutive years, even if during this period he/she benefited from a right of temporary residence in a Member State of the European Union;

e) on request or upon acquiring Romanian citizenship;

(on 31-07-2011, letter e) of para. (3) of Article 70 was introduced by item 99 of Article 41 of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

f) in case of absence from the territory of the Member States of the European Union, of the European Economic Area or the Swiss Confederation, for a period of more than two consecutive years, of the long-term resident, holder of a long-term residence permit with the mention «Former EU Blue Card holder», or their family members who have been granted long-term resident status.

(on 31-07-2011, letter f) of para. (3) of Article 70 was introduced by item 99 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

g) in case of cancellation of international protection under the terms of Law 122/2006 on asylum in Romania, as subsequently amended and supplemented, when the right of long-term residence was obtained as a beneficiary of international protection in Romania.

(on 26-12-2013, letter g) of para. (3) of Article 70 was introduced by item 3 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(4) If, upon termination of the right of long-term residence in the cases referred to in para. (3) letters (b)- (d), the alien is on the territory of Romania, within 30 days from the date of communication, he/she may request the issuance of a temporary residence card for the purposes and under the conditions provided for in this Emergency Ordinance.



(on 31-07-2011, Para. (4) in Article 70 was amended by item 100, of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(5) The alien whose long-term right of residence has ceased under the conditions of para. (3) letters (b)-(d) may be granted a new long-term right of residence, under the conditions of this Emergency Ordinance, after a new continuous stay on the territory of Romania of at least 12 months.

(on 10-11-2018, Paragraph (5) of Article 70, Section 2, Chapter IV was amended by Item 49, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(6) The long-term right of residence of a former EU Blue Card holder does not cease if the alien can prove that he/she was absent from the territory of the Member States of the European Union, the European Economic Area or the Swiss Confederation, in order to exercise an economic activity as a paid employee or self-employed person, to exercise a voluntary activity or to study in the country of origin.

(on 31-07-2011, Para. (6) in Article 70 was introduced by item 101 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 71

### Conditions for granting the right of long-term residence

(on 31-07-2011, the Title of Article 71 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(1) The right of long-term residence shall be granted to aliens referred to in Article 70(1), if they cumulatively meet the following conditions:

(on 31-07-2011, the Introductory part of para.(1) of Article 71 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

a) have had the right to temporary residence or have benefited from international protection on the territory of Romania, continuously in the last 5 years prior to the submission of the application, as follows:

(on 26-12-2013, the Introductory part of letter a) of para. (1) of Article 71 was amended by item 4 of Article I of LAW 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(i) during this period they have not been absent from the territory of Romania for more than 6 consecutive months and do not exceed 10 months of absence in total. It is not considered absence from the territory of Romania if by the nature of the service the alien has gone abroad to carry out international transport activities

and presents supporting documents in this regard."

(on 28-11-2014, point (i) of letter(a) of para. (1) of Article 71 was amended by item 62 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(ii) during this period, no removal measure from the national territory was ordered against the alien;

(iii) in determining this period, half of the period of stay for study purposes shall be taken into account;

(iv) in determining this period, the right of residence conferred by the short-stay visa, the diplomatic or service visa or the right of residence obtained for carrying out activities as a seasonal worker or au pair;

(on 10-11-2018, Point (iv) in Article 71, Section 2, Chapter IV has been amended by item 50, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(v) this period shall be reduced to 4 years, in the case of beneficiaries of international protection in Romania who actively participate in the economic, social and cultural life of Romanian society, including as a result of the integration programs provided by Government Ordinance no. 44/2004 on the social integration of aliens who have acquired a form of protection or a right of residence in Romania, as well as citizens of the Member States of the European Union and the European Economic Area, approved with amendments by Law 185/2004, as subsequently amended and supplemented.

(on 26-12-2013, point (v) of letter a) of para. (1) of Article 71 was amended by item 4 of Article I of LAW 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(vi) this period is reduced to half in the case of beneficiaries of international protection in Romania married for at least 5 years to a Romanian citizen;

(on 26-12-2013, point (vi) of letter a) of para. (1) of Article 71 was amended by item 4 of Article I of LAW 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(vii) this period is calculated from the date of submission of the application on the basis of which it was granted international protection in Romania, in the case of beneficiaries of international protection.

(on 26-12-2013, point (vii) of letter a) of para. (1) of Article 71 was introduced by item 5 of Article I of LAW 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(on 31-07-2011, letter a) of para. (1) of Article 71 was amended by item 102 of article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

b) prove the possession of the means of support at the level of the minimum gross basic salary per country guaranteed in payment, for a period of at least 12 months, except for aliens family members of Romanian citizens;

(on 08-03-2024, Letter b), Article 71, Section 2 , Chapter IV was amended by Item 24, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

c) submit proof of health insurance;

d) submit proof of the legal ownership of the living quarters, under the law;

e) know Romanian at least to a satisfactory level;

f) does not pose a threat to national security;

(on 12-03-2018, Letter f) of Paragraph (1), Article 71, Section 2, Chapter IV was amended by Item 1, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 7 March 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 218 of 12 March 2018)

g) are not a threat to public order. The condition is considered fulfilled if the alien did not intentionally commit crimes on the territory of Romania for which he/she was sentenced to deprivation of liberty for more than 5 years.

(on 12-03-2018, Paragraph (1) of Article 71, Section 2, Chapter IV was supplemented by Item 2, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 7 March 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 218 of 12 March 2018)

(1<sup>^</sup>1) Where aliens meet the conditions set out in paragraph (1), but are subject to alerts entered into the Schengen Information System by another Schengen State for the purpose of non-permission to entry, the right to permanent residence is granted only for justified reasons, in particular on humanitarian grounds or due to international obligations and only after consultation with the Schengen State that entered the alert, in accordance with the procedure set out in the Sirene Manual.

(on 31-03-2024, Article 71, Section 2, Chapter IV was supplemented by Item 34, Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

(2) Aliens of Romanian origin, aliens in the situations provided for in Article 131(6) holders of a residence card issued according to the provisions of Article 131(4), as well as those whose stay is in the interest of the Romanian State may be granted the right of long-term residence without fulfilling the conditions set out in paragraph (1) letters (a) - (e).

(on 10-11-2018, Paragraph (2) of Article 71, Section 2, Chapter IV was amended by Item 51, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(3) Minors can only obtain a long-term right of residence if one or both parents are holders of a long-term right of residence. These minors may be granted the right of long-term residence without fulfilling the conditions provided for in para. (1). If only one of the parents has a long-term right of residence, it is necessary the consent of the other parent, in authentic form.

(on 10-11-2018, Paragraph (3) of Article 71, Section 2, Chapter IV was amended by Item 51, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

2018)

(4) Aliens who prove that they have made, according to their own participation share, investments of at least EUR 1,000,000 or have created over 100 full-time jobs may be granted the right to long-term residence without fulfilling the conditions provided for in para. (1) letters

a) and (b).

(on 03-09-2016, Para. (4) in Article 71 was amended by item 16 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(5) The right of long-term residence is granted to EU Blue Card holders who had a legal and continuous right of residence on the territory of the Member States of the European Union, of the European Economic Area or the Swiss Confederation, in the last 5 years prior to the submission of the application, as an EU Blue Card holder, of a right of residence as a researcher, as a student or as a beneficiary of international protection in the territory of the Member States, of which the right of residence continues for the last 2 years prior to the date of submission of the application in question, as holder of the EU Blue Card, on the territory of Romania, if they cumulatively meet the following conditions:

(on 08-03-2024, the Introductory Part of Paragraph (5) , Article 71 , Section 2, Chapter IV has been amended by Item 25. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

a) during this period they have not been absent from the territory of the Member States of the European Union, the European Economic Area or the Swiss Confederation for more than 12 consecutive months and do not exceed 18 months of absence in total;

b) during this period, no measure of removal from the territory of the Member States of the European Union, the European Economic Area or the Swiss Confederation was ordered against the alien;

c) prove the possession of the means of support at the level of the minimum gross salary guaranteed for payment, for a period of at least 12 months, except for foreign family members of Romanian citizens;

(on 08-03-2024, Letter c) , Paragraph (5) , Article 71 , Section 2 , Chapter IV was amended by Item 25. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

d) provide proof of insurance in the health insurance system;

e) prove the legal ownership of the living quarters, under the law;

f) know Romanian at least to a satisfactory level;

g) does not pose a threat to national security;

(on 08-03-2024, Letter g) , Paragraph (5) , Article 71 , Section 2 , Chapter IV was amended by Item 25. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

h) is not a threat to public order. The condition is considered fulfilled if the alien did not intentionally commit crimes on the territory of Romania for which he/she was sentenced to deprivation of liberty for more than 5 years.

(on 08-03-2024, Paragraph (5) , Article 71 , Section 2 , Chapter IV was supplemented by Item 26. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

(on 31-07-2011, Para. (5) in Article 71 was introduced by item 103 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 72

### Requesting the right of long-term residence

(on 31-07-2011, the Title of Article 72 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(1) The aliens referred to in Article 70 para. (1) must personally submit to the territorial units of the Romanian Immigration Office a standard application accompanied by the following documents:

- a) document for crossing the state border;
- b) supporting documents regarding the legal possession of the living quarters;
- c) supporting documents regarding the means of support;
- d) proof of social health insurance;
- e) criminal record certificate issued by the Romanian authorities.

(2) On the occasion of submitting the application, the applicants will hold an interview in order to establish the level of knowledge of the Romanian language.

(3) The aliens referred to in Article 131 (3) shall be exempted from the submission of the documents provided for in para. (1) letters a), c)-e).

(on 03-09-2016, Para. (3) in Article 72 was introduced by item 17, of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 73

### Approval of the right of long-term residence

(on 31-07-2011, the Title of Article 73 was amended by item 172 of art. of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(1) The right of long-term residence is approved by the head of the Romanian Immigration Office.

(on 31-07-2011, Para. (1) in Article 73 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right

to permanent residence" with the phrase "right of long-term residence". )

(2) Applications shall be considered by a specially constituted commission, by order of the head The Romanian Immigration Office, a commission that formulates reasoned proposals for each case.

(3) The time-limit for settlement of the applications is of maximum 6 months from the registration date thereof. For objective reasons, the head of the Romanian Immigration Office may extend this deadline by another 3 months, upon notice to the applicant.

(4) The approval shall be communicated in writing to the applicant within 15 working days of the settlement of the application.

(5) Within 30 days of receipt of the communication, the alien who has been granted the right of long-term residence in Romania is obliged to report to the territorial formation of The Romanian Immigration Office where the application was registered, in order to issue the long-term residence card.

(on 31-07-2011, Para. (5) of Article 73 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence" and the phrase "permanent residence card" with the phrase "long-term residence card". )

(6) The granting of the right of long-term residence for aliens who are family members of Romanian citizens is made free of consular fees.

(on 31-07-2011, Para. (6) of Article 73 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

## Article 74

### Refusal to grant the right of long-term residence

(on 31-07-2011, the Title of Article 74 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(1) If it is found that the conditions provided for in this section are not met, the committee set up according to Article 73 (2) proposes to the head of the Romanian Immigration Office the refusal to grant the right of long-term residence.

(on 31-07-2011, Para (1) of article 74 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence". )

(2) The refusal, as well as the reasons for it, shall be communicated in writing to the a applicant within 15 working days of the settlement of the request.

(3) The refusal to grant the right of long-term residence may be appealed within 30 days from the date of communication, to the Bucharest Court of Appeal.

(on 31-07-2011, Para. (3) of Article 74 was amended by item 172 of Article I of LAW 157 of 11 July 2011,

published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(4) The refusal to grant the right of long-term residence does not produce legal effects on the right of residence of the holder of the application.

(on 31-07-2011, Sect. (4) of article 74 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(5) The decision to refuse the right of long-term residence is taken taking into account the specific circumstances of each case, such as the length of stay and the existence of links with the Romanian State, respecting the principle of proportionality. Refusal is not based on economic considerations.

(on 12-03-2018, Article 74 of Section 2, Chapter IV was supplemented by Item 3, SOLE ARTICLE of the EMERGENCY Ordinance no. 14 of 7 March 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 218 of 12 March 2018 )

## Article 75

Repealed.

(on 28-11-2014, Article 75 was repealed by item 64 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 76

Establishing the residence of aliens in Romania

Aliens holding a long-term right of residence have the right to establish or change their domicile on the territory of Romania under the same conditions as Romanian citizens.

(on 31-07-2011, Article 76 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

## Section 3 Cancellation and revocation of the right of residence in Romania

### Article 77

Cancellation and revocation cases

(1) The Romanian Immigration Office cancels, by reasoned decision, the right of long-term or temporary residence in Romania, if it is subsequently found that:

(on 31-07-2011, the Introductory part of para. (1) of Article 77 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)



a) on the date of granting the right of long-term residence or the extension of the right of temporary residence, the alien did not meet the conditions provided by law in this regard;

(on 31-07-2011, Letter a) of para. (1) of Article 77 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

b) the right of long-term residence or the extension of the right of temporary residence was obtained/obtained by using false information, false or falsified documents or other illegal means;

(on 31-07-2011, Letter b) of para. (1) of Article 77 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

c) the right of residence was obtained on the basis of a marriage of convenience, ascertained under the conditions of Article 63;

d) the alien was previously returned or expelled from the territory of Romania and re-entered, under a different identity, during the period of the entry ban.

(on 08-04-2023, the phrase: the entry ban in Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(2) The General Inspectorate for Immigration revokes, by reasoned decision, the right of long-term residence when it is found that:

a) the permanent resident constitutes a threat to public order. The condition is considered fulfilled if he/she intentionally committed crimes on the territory of Romania for which he/she was imposed a deprivation of liberty sentence of more than 5 years;

b) permanent resident poses a threat to national security.

(on 10-11-2018, Paragraph (2) of Article 77, Section 3, Chapter IV was amended by Item 52, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(3) The Romanian Immigration Office revokes, by reasoned decision, the right of temporary residence when:

a) following the verifications carried out by the Romanian Immigration Office or the notifications received from other competent authorities, according to the law, it is found that the alien no longer fulfils the conditions under which the right of residence was extended or no longer complies with the purpose for which it was granted;

a<sup>1</sup>) it is found that, after granting the right of temporary residence, the alien married to a Romanian citizen had an absence from the territory of Romania for more than 6 months within one year, with the following exceptions:

(i) absence from the territory of Romania for compulsory military service, regardless of the period;

(ii) absence from the territory of Romania motivated by the state of pregnancy and birth;

(iii) absence from the territory of Romania due to serious illness;

(iv) absence from the territory of Romania as a consequence of an exceptional circumstance that made voluntary return impossible;

(v) absence from the territory of Romania as an employee or seconded to a legal entity abroad.



(on 28-11-2014, point (v) of letter a<sup>1</sup>) of para. (3) of Article 77 was introduced by item 66 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(on 31-07-2011, letter a<sup>1</sup>) of para. (3) of Article 77 was introduced by item 104 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. no. 640 of 30 August 2014)

a<sup>2</sup>) it is found that, after granting the right of temporary residence for studies, the alien has suspended his/her studies for reasons other than medical ones;

(on 28-11-2014, Let. a<sup>2</sup>) of para. (3) of Article 77 was introduced by item 67 of Article 41 of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

b) it is found that the alien has crossed or attempted to cross the state border illegally or has violated the regulations regarding the employment of aliens;

(on 31-07-2011, letter b) of para. (3) of Article 77 was amended by item 105 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

c) it is found that the alien suffers from a disease endangering public health and does not comply with the medical treatment measures established by the competent authorities. If the illness occurred after obtaining the temporary residence permit, the revocation will be ordered if the alien does not submit to the medical treatment measures established by the competent authorities, and the illness is likely to prevent the alien from fulfilling the obligations imposed on him/her by the provisions of this Emergency Ordinance;

(on 31-07-2011, letter c) of para. (3) of Article 77 was amended by item 105 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

d) the holder of an EU Blue Card, an ICT permit or a single permit for seasonal workers applies for social assistance, provided that the alien is informed of this in advance in writing;

(on 03-09-2016, letter d) of para. (3) of Article 77 was amended by item 18 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

e) it is found that the holder of an EU Blue Card or ICT permit has no sufficient resources for supporting himself/herself and his/her family at the level of the minimum gross salary guaranteed for payment.

(on 03-09-2016, letter e) of para. (3) of Article 77 was amended by item 18 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

f) on request or upon acquiring Romanian citizenship;

(on 03-09-2016, letter f) of para. (3) of Article 77 was introduced by item 19 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

g) the host entity is subject to liquidation proceedings or does not carry out any economic activity.

(on 10-11-2018, Paragraph (3) of Article 77 , Section 3 , Chapter IV was supplemented by Item 53, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(3<sup>1</sup>) The beneficiary of the right of residence for family reunification purposes constitutes a threat to public order if he/she intentionally committed crimes on the territory of Romania for which was sentenced to

imprisonment for more than 3 years.

(on 08-03-2024, Article 77, Section 3, Chapter IV was supplemented by Item 27. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(4) Unemployment is grounds for revoking an EU Blue Card in the following situations:

- a) the EU Blue Card holder cumulates a period of unemployment of more than 3 months if he/she has held an EU Blue Card for less than 2 years;
- b) the holder of the EU Blue Card cumulates a period of unemployment of more than 6 months, if he holds an EU Blue Card of at least 2 years.

(on 08-03-2024, Paragraph (4), Article 77, Section 3, Chapter IV was amended by Item 28. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(4<sup>1</sup>) The situation provided for in Article 56 para. (9<sup>2</sup>) does not constitute a reason for revoking the EU Blue Card during the 180-day period.

(on 08-03- 2024, Article 77, Section 3 , Chapter IV was supplemented by Item 29. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(5) Unemployment does not constitute a reason for revoking the right of temporary residence for work purposes during the period when the alien receives unemployment benefit according to the provisions of Law 334/2002, with subsequent amendments and completions.

(on 28-11-2014, Para. (5) of Article 77 was introduced by item 68 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(5<sup>1</sup>) The EU Blue Card holder's right of residence cannot be cancelled or revoked if the alien moves, within the same mobility, to another Member State of the European Union, before the second Member State of the European Union takes a decision on its request for long-term mobility.

(on 08-03-2024, Article 77, Section 3, Chapter IV was supplemented by Item 30. Article I of LAW no. 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(6) Decisions to cancel or revoke the right of residence shall be taken taking into account the specific circumstances of each case, in compliance with the principle of proportionality.

(on 03-09-2016, Para. (6) of Article 77 was introduced by item 20 of art. II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 78

### Communication of the decision to cancel or revoke

The decision to cancel or revoke the right of residence shall be communicated:

- a) by the General Inspectorate for Immigration, to the alien who is on the territory of Romania, by the return decision;

(on 28-11-2014, letter a) of Article 78 was amended by item 69 of Article 41, Title II of ORDINANCE no. 25

of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

b) by the Romanian Border Police, to the alien who arrives at the border in order to enter Romania, by handing over the decision of cancelation or revocation issued by the Romanian Immigration Office.

(on 31-07-2011, letter b) of Article 78 was amended by item 108 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Section 4 Integration into the economic, cultural and social life of aliens

### Article 79

#### Assistance for the integration of aliens

(1) The Romanian state ensures the conditions for the integration of aliens who have been granted a right of residence in Romania, in the economic, social and cultural life of the country, as well as the access of the same to the education system.

(on 31-07-2011, Para. (1) of Article 79 was amended by item 109 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(2) In order to integrate aliens, the following activities may be organized and carried out:

- a) Romanian language courses;
- b) courses and other forms of professional development and training;
- c) ensuring information on the rights and obligations of aliens, as well as on the opportunities for integration into Romanian society;
- d) courses on the knowledge of the history, culture, civilization and the legal system in Romania;
- e) meetings occasioned by various events, attended by Romanian citizens, in order to promote mutual knowledge and understanding.

### Article 80

#### Institutions and organizations involved

(1) Public institutions will cooperate, according to their competences, with non-governmental organizations and international organizations, in order to promote and carry out programs for the integration of aliens in society, as well as to identify the necessary financial resources for this purpose.

(2) In all the activities it carries out, public institutions and organizations non-governmental organizations shall ensure the protection of aliens against any form of discrimination.

### Article 80<sup>1</sup>

#### Equal treatment

(1) Aliens, holders of the right of long-term residence, benefit, under the law, from equal treatment with

Romanian citizens regarding:

- a) access to the labor market, including employment and working conditions, independent economic activities and professional activities, with the appropriate application of the provisions of the special legislation on the performance of economic activities by self-employed persons, individual enterprises and family enterprises, provided that the activity carried out does not involve, even occasionally, the exercise of prerogatives of the public authority;
- b) access to all educational forms and levels and professional training, including the award of scholarships;
- c) the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- d) social security, social assistance and social protection;
- e) public health care;
- f) tax deductions on global income and tax exemptions;
- g) access to public goods and services, including housing;
- h) freedom of association, affiliation and membership of a trade union or professional organization.

(2) The rights of beneficiaries of international protection in Romania provided by Law no. 122/2006, as subsequently amended and supplemented, may not be limited as a result of obtaining the right of long-term residence by them.

(3) Aliens holding a right to temporary residence, employed, registered unemployed or researchers, benefit, under the law, from equal treatment with Romanian citizens regarding:

(on 10-11-2018, the Introductory part of paragraph (3) of Article 80<sup>1</sup>, Section 4, Chapter IV was amended by Item 54, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

- a) working conditions, including pay and safeguards against dismissal or other adverse treatment by the employer, pay outstanding payments to be made by employers, relating to any outstanding remuneration, as well as occupational safety and health requirements;
- b) access to all educational forms and levels and professional training, including the award of scholarships;
- c) the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- d) social security
- e) social assistance and protection;
- f) public health care;
- g) tax deductions on global income and tax exemptions;
- h) access to public goods and services, including housing;
- i) freedom of association, affiliation and membership of a trade union or professional organization, including with regard to the rights and advantages conferred by such organizations;
- j) services provided by employment agencies.

(on 03-09-2016, Para. (3) of Article 80<sup>1</sup> was amended by item 21 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(4) The provisions of para. (3) letter e) shall not apply to aliens holding the right to temporary stay for work purposes obtained on the basis of the employment permit for seasonal workers or the right of temporary residence for posting purposes.

(on 03-09-2016, Para. (4) in Article 80<sup>1</sup> was amended by item 21 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(5) Aliens who were employed in Romania or their descendants benefit from the right to an old-age, invalidity or death pension, even if they no longer live in Romania, under the same conditions as Romanian citizens or their descendants who no longer live in Romania.

(6) Aliens holding the right of temporary residence for secondment purposes as ICT workers benefit from the treatment applied to employees posted to the territory of Romania in the framework of the provision of transnational services in terms of working conditions and employment, provided by Law 344/2006 on the secondment of employees in the framework of the transnational provision of services, as subsequently amended and supplemented.

(on 03-09-2016, Para. (6) of Article 80<sup>1</sup> was introduced by item 41 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(on 28-11-2014, Article 80<sup>1</sup> was introduced by item 70 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Chapter V Illegal stay regime

### Section 1 Determining the obligation to return aliens

#### Article 81

##### Situations in which return is ordered

(1) The General Inspectorate for Immigration orders the return against aliens for whom it finds the illegal stay, by issuing the return decision.

(2) The General Inspectorate for Immigration finds the illegal stay of aliens in any of the following situations:

a) the alien has crossed or attempted to cross illegally the state border of Romania;

b) the alien entered Romania during the period of the previously ordered entry ban;

(on 08-04-2023, the phrase: the entry ban in Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

c) the alien does not meet or no longer meets the entry conditions provided for in Article 6 of the Schengen Borders Code or the conditions of entry and/or stay provided for in this Emergency Ordinance

(on 22-03-2024, Letter c) , Paragraph (2) , Article 81 , Section 1 , Chapter V was amended by Item 9. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

d) the alien's right of residence, established by visa, in accordance with Article 11 paragraphs (2)-(4) or on the basis of international conventions or legislative acts abolishing visas or, as the case may be, by the residence permit or local border traffic, has ceased, has been cancelled or revoked;

(on 22-03-2024, Letter d) , Paragraph (2), Article 81, Section 1, Chapter V was amended by Item 9. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

e) repealed;

(on 18-05-2023, Letter e) of Paragraph (2), Article 81, Section 1, Chapter V was repealed by Item 1, Article II of the EMERGENCY ORDINANCE no. 35 of 17 May 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 436 of 18 May 2023)

f) the alien was declared undesirable.

g) the alien whose temporary protection granted by the decision of the Council of the European Union has ceased;

(on 08-03-2022, Paragraph (2) of Article 81, Section 1, Chapter V was supplemented by Article XVII of the EMERGENCY ORDINANCE no. 20 of 7 March 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 231 of 8 March 2022 )

g) the alien whose temporary protection granted by the decision of the Council of the European Union has ceased, if he/she does not have a right of residence regulated according to this Emergency Ordinance.

(on 18-03-2023, Paragraph (2) of Article 81, Section 1, Chapter V was supplemented by Item 2, Article II of the EMERGENCY ORDINANCE no. 35 of 17 May 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 436 of 18 May 2023)

h) the alien whose application for international protection in Romania was rejected in the administrative stage, if he/she does not have a regulated right of residence according to this Emergency Ordinance.

(on 18-03-2023, Paragraph (2) of Article 81, Section 1, Chapter V was supplemented by Item 3, Article II of the EMERGENCY ORDINANCE no. 35 of 17 May 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 436 of 18 May 2023)

(3) Aliens in any of the situations referred to in para. (2) letters a)- e) and who have a right of residence in the territory of another Member State and are requested in writing by the General Inspectorate for Immigration to leave the territory within 3 days Romania. If they do not leave the territory of Romania, the measure provided for in para. (1) shall be ordered against them.

(4) In the case of aliens in any of the situations referred to in para. (2), but who are in a takeover procedure by another Member State of the European Union on the basis of a bilateral agreement, no return decision shall be issued. If at the end of the procedure aliens are not taken over by the other Member State, the measure provided for in para. (1) shall be ordered.

(5) In the case of aliens in any of the situations referred to in para. (2), but also in a procedure to extend the

right to temporary residence or to grant the right of long-term residence, depending on the specific circumstances of each case, respecting the principle of proportionality, the General Inspectorate for Immigration decides on the issuance of the return decision or the postponement of its issuance until the completion of the respective procedure.

(on 10-11-2018, Paragraph (5) of Article 81, Section 1, Chapter V was amended by Item 56, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018

(6) If the period of legal residence on the territory of Romania cannot be established on the basis of the entries in the travel document of the alien, the General Inspectorate for Immigration or the General Inspectorate of the Border Police shall proceed according to the provisions of Article 11 of the Schengen Borders Code.

## Article 82

### Prohibition of return

(1) The measure of return cannot be ordered against aliens in any of the following situations:

- a) the alien is a minor, and one of his/her parents has the right to stay in Romania;
- b) the alien is the parent of a minor who has Romanian citizenship, if the minor is in his/her support or if there is an obligation to pay child support, an obligation that the alien fulfils regularly;
- c) the alien is married to a Romanian citizen or to an alien who has the right of long-term residence on the territory of Romania;
- d) the alien has passed the age of 65 years.

(on 03-09-2016, letter d) of para.(1) of Article 82 was amended by item 23 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016. )

(2) If the situations referred to in para. (1) are found after the return measure has been ordered, but before the return obligation has been fulfilled, the General Inspectorate for Immigration shall revoke the return decision.

(3) The provisions of paragraphs (1) and (2) shall not apply to aliens in the situation referred to in para. (1)

(c) if it is found that there is a marriage of convenience or that the spouses no longer have a conjugal relationship or an effective family relationship on the territory of Romania.

(4) The provisions of paragraphs (1) and (2) shall not apply to aliens who constitute a danger for public order, national security or suffering from a disease that threatens public health and refuses to comply with the measures established by the medical authorities.

(5) Aliens to whom the provisions of paragraph (1) or (2) apply may request the granting or, as the case may be, the extension of the right of temporary residence for any of the purposes and under the conditions provided for in Chapter IV of this Emergency Ordinance, without the need to obtain a long-stay visa in advance.



### Return decision

(1) The return decision is the administrative act by which the General Inspectorate for Immigration establishes the illegal stay on the territory of Romania of the alien and establishes his/her obligation to return, as well as the time-limit for voluntary departure.

(2) By way of exception from para. (1), in the case of the alien declared undesirable or at risk of absconding from the voluntary execution of the return obligation, by the return decision, the illegal stay on the territory of Romania is found and the obligation to return and the removal under escort is established.

(3) There is a risk of absconding from the voluntary execution of the return obligation:

- a) the alien who crossed or attempted to cross illegally the state border of Romania;
- b) the alien who entered Romania during the previously ordered interdiction period;
- c) the alien whose identity could not be established;
- d) repealed;

(on 18-05-2023, letter d) of para. (3), Article 83, Section 1, Chapter V was repealed by item 4, Article II of the EMERGENCY ORDINANCE no. 35 of 17 May 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 436 of 18 May 2023)

e) the alien whose conduct leads to a reasonable suspicion that he/she intends to circumvent the voluntary execution of the return obligation.

(4) The return decision shall be drawn up in writing in two copies, each in Romanian and in a language of international circulation, and shall contain the reasons *de facto* and *de jure*, as well as information on possible remedies.

(5) The General Inspectorate for Immigration shall provide, at the request of the alien, a written or verbal translation of the main elements of the return decision, including information on possible remedies, in a language that the alien understands or is reasonably supposed to understand.

(6) The provisions of para. (5) shall not apply to aliens who have illegally crossed the state border of Romania or another Member State of the European Union, the European Economic Area or the Swiss Confederation. In this case, along with the return decision, a sheet is also communicated, written in 5 of the most commonly used or understood languages by aliens on the territory of Romania, containing information explaining the main elements of the standard form of the return decision.

### Article 83<sup>1</sup>

#### Technical measures

Aliens against whom return decisions are issued shall be fingerprinted and photographed under the conditions and for the purposes provided by Regulation (EU) 2018/1860 of the Parliament European and Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals and Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks,



and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, as subsequently amended and supplemented;

(on 08-04-2023, Section 1 of Chapter V was supplemented by Item 3, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

## Article 84

### Communication of return decision

- (1) The return decision shall be communicated by the General Inspectorate for Immigration by submitting a copy of it to the alien against whom it was issued.
- (2) Remittance can be made by handing over the copy, under signature, when the alien is present, or by sending it by post, with acknowledgment of receipt, to the address to which the alien has declared to live, when the alien is not present.
- (3) If remission is not possible, the return decision shall be communicated by posting a copy thereof at the headquarters of the General Inspectorate for Immigration structure that issued the return decision.
- (4) It is presumed that remission is not possible in the following situations:
  - a) the alien refuses to receive the copy handed over or sent by post;
  - b) the alien no longer lives at the declared address;
  - c) the alien has not made known the address where he/she lives.

## Article 85

### Appealing the return decision

- (1) The return decision provided for in Article 83 para. (1) may be appealed within 10 days from the date of service at the Court of Appeal in whose jurisdiction the structure of the General Inspectorate for Immigration that issued the return decision is located. The court shall settle the appeal within 30 days from the date of its receipt. The decision of the court shall be final.
- (2) The return decision provided for in Article 83(2) may be appealed within 10 days from the date of service with the court provided for in para. (1), if the alien is not taken into public custody, or at the Court of Appeal in whose jurisdiction the territorial jurisdiction of accommodation centre is located, if the alien is taken into public custody. The court shall settle the appeal within 5 days from the date of its receipt. The decision of the court shall be final.

(on 22-03-2024, Paragraph (2), Article 85, Section 1, Chapter V was amended by Item 10. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(3) The appeals provided for in paragraphs (1) and (2) shall suspend the execution of the return obligation. In the case of aliens applying for a return decision before being found illegally staying or aliens declared undesirable, the appeals provided for in paragraphs (1) and (2) do not suspend the performance of the obligation to return.

(4) Appealing the return decision made by the alien taken into public custody does not suspend the measure of taking into public custody.

(5) The alien appealing the return decision has the right to obtain legal advice, representation and linguistic assistance at his/her own expense.

(6) The provisions of the Government Emergency Ordinance no. 51/2008 on judicial public aid in civil matters, approved with amendments and supplements by Law no. 193/2008, with subsequent amendments and supplements, without fulfilling the conditions provided for in Article 2, 2<sup>1</sup> and 8<sup>1</sup> of the respective Emergency Ordinance shall apply to the alien appealing the return decision.

## Section 2 Undesirable aliens

### Article 86

#### The measure of declaring as undesirable

(1) The declaration as undesirable is the measure ordered against an alien who has carried out, carries out or there are serious indications that he/she intends to carry out activities likely to endanger national security or public order.

(2) The measure provided for in para. (1) shall be ordered by the Bucharest Court of Appeal, upon referral the prosecutor appointed from the Prosecutor's Office attached to the Bucharest Court of Appeal. The prosecutor shall notify the court at the proposal of the institutions with responsibilities in the field of order public and national security holding solid data or indications in the sense of those provided in para. (1).

(3) The data and information on the basis of which it is proposed to be declared undesirable for reasons of national security shall be made available to the court under the conditions established by the normative acts governing the regime of activities relating to national security and protection of classified information

(4) The referral provided for in para. (2) shall be judged in the Council Chamber, by summoning the parties. The court shall inform the alien of the facts underlying the referral, with compliance with the provisions of the normative acts regulating the regime of activities regarding national security and the protection of classified information.

(5) The Bucharest Court of Appeal shall rule, by reasoned decision, within 10 days of the referral made under the conditions of paragraph 2 The court decision is enforceable. When declaring the alien as undesirable is based on national security reasons, the contents of the decision shall not mention the data and information underlying its motivation.

(6) The decision shall be communicated to the alien, as well as, if the court orders the declaration as undesirable, to the General Inspectorate for Immigration, in order to be enforced.

- (7) The right of residence of the alien ceases from the date of delivery of the decision by which he/she was declared undesirable.
- (8) The period for which an alien may be declared undesirable is from 5 to 15 years, with the possibility of extending the period for a new period between these limits, if it is found that the reasons for taking this measure have not ceased. The extension of the term shall be made under the conditions provided for in para. (2).
- (9) The termination of the measure of declaring as undesirable is ordered by the Bucharest Court of Appeal, at the notification of the prosecutor specifically appointed from the Prosecutor's Office attached to the Bucharest Court of Appeal, if the presence of the alien on the territory of Romania is necessary in the interest of the state and the danger caused by the reasons underlying the declaration as undesirable no longer exists. The prosecutor notifies the court at the proposal of the institution with duties in the field of public order and national security that proposed the referral to the court according to para. (2) final sentence.
- (10) The referral provided for in para. (9) shall be judged in the Council Chamber. The Bucharest Court of Appeal shall rule, by reasoned decision, within 10 days of the referral.
- The decision of the court shall be final. The decision shall be notified to the General Inspectorate for Immigration, in order to be enforced.
- (11) Decisions declaring aliens undesirable or ordering the termination of the measure of declaring as undesirable shall be enforced by the General Inspectorate for Immigration according to the provisions of this Emergency Ordinance.
- (12) The identification data of the persons declared undesirable or in respect of whom the measure of declaring undesirable has been terminated shall be communicated to the Consular Department within the Ministry of Foreign Affairs by the General Inspectorate for Immigration.

## Article 87

### Appeal against the decision provided for in Article 86 para. (5)

- (1) The decision provided for in Article 86 para. (5) may be appealed, within 10 days from the date of communication, to the High Court of Cassation and Justice. The court shall rule within 5 days from the date of receipt of the request.
- (2) The exercise of the remedy provided for in paragraph (1) shall not have the suspensive effect of enforcing the decision by which the alien was declared undesirable. In duly justified cases and in order to prevent imminent damage, the alien may ask the court to order suspension of the execution of the decision by which he was declared undesirable until the settlement of the appeal. The court is adjudicating the application for an emergency stay, the decision given in this decision enforceable *de jure*.

## Section 3 Execution of the obligation to return

## Article 88

### Voluntary departure

(1) The alien against whom the return decision provided for in Article 83 para. (1) has the possibility to voluntarily execute the return obligation at any time within the time-limit for voluntary departure.

(2) The time-limit for voluntary departure is 15 days from the communication of the return decision for:

- a) the alien who has been detected without the right to stay or who has exceeded the period of stay or the border area established by the agreement governing the legal regime on local traffic at the common border;
- b) the alien whose local border traffic permit or visa has been cancelled or revoked.
- c) The alien provided for in Article 81 para. (2) letters g) and h).

(on 18-05-2023, Paragraph (2) of Article 88, Section 3, Chapter V was supplemented by Item 5, Article II of the EMERGENCY ORDINANCE no. 35 of 17 May 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 436 of 18 May 2023)

d) the alien whose right of residence has ceased under the conditions of Article 11 para. (5) letter f).

(on 22-03-2024, Letter d) , Paragraph (2), Article 88, Section 3, Chapter V was amended by Item 11, Article III of the EMERGENCY ORDINANCE no. 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(3) The time-limit for voluntary departure is 30 days from the communication of the return decision for:

- a) the alien applying for a return decision before being found illegally staying;
- b) the alien whose right to temporary residence has been cancelled or revoked or has been denied extension of this right;
- c) the alien whose right of long-term residence has ceased and who has not requested the extension of the right of temporary residence according to Article 70 para. (4).

(4) In duly justified situations, taking into account the specific circumstances of each individual case, such as the duration of the legal stay, the existence of children attending school and the existence of other family ties, the General Inspectorate for Immigration shall extend the time-limits provided for in paragraphs (2) and (3), at the request of the alien against whom the return decision has been issued, by no more than 30 days. The extension shall be communicated in writing to the alien.

(5) Repealed.

(on 08-04-2023, Paragraph (5) of Article 88, Section 3, Chapter V was repealed by Item 4, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

## Article 89

### Removal under escort

(1) The alien against whom the return decision provided for in Article 83 para. (2) shall be removed under escort.

(2) The alien against whom the return decision provided for in Article 83 para. (1) shall be removed under escort:

- a) if he/she has not voluntarily performed the return obligation, after the time-limit for voluntary departure;
- b) if the alien is found to be at risk of absconding from the voluntary execution of the obligation to return according to Article 83 para. (3), even before the time-limit for voluntary departure.

(3) Escorted removal shall be carried out, under the conditions of this Emergency Ordinance, by the specialized personnel of the General Inspectorate for Immigration by accompanying the alien to the border or to a third country, namely the country of origin, transit or destination.

(4) By way of exception to the provisions of para. (3), the alien, in whose EU Blue Card or in whose long-term residence permit the mention of granting protection was written by another Member State, is removed under escort to the Member State indicated in that statement, if, as a result of the checks carried out by the General Inspectorate for Immigration in the Member State concerned, it appears that he continues to benefit from international protection. In order to comply with the obligations assumed by Romania under the Treaties, in the case of the alien declared undesirable or subject to expulsion as a result of conviction for any of the offenses provided for in Chapter IV of Law 535/2004 on preventing and combating terrorism, as subsequently amended and supplemented, or for an offence against national security provided for by the Criminal Code, it is also possible to remove them under escort to a State other than the one in which they enjoy international protection.

(on 08-03-2024, Paragraph (4), Article 89, Section 3, Chapter V was amended by Item 32. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(5) As an exception to para. (3), the alien who had a temporary right of residence according to Article 128, in whose long-term residence card issued by another Member State is written the mention regarding the granting of international protection, can be removed under escort to a third country if, as a result of the checks carried out by the General Inspectorate for Immigration in the Member State concerned, it appears that international protection has been withdrawn or if he/she has been declared undesirable or is subject to expulsion as a result of conviction for any of the offenses provided for in Chapter IV of Law no. 535/2004, as subsequently amended and supplemented, or for a crime against national security provided for by the Criminal Code.

(6) As part of the escorted removal procedure, the Romanian authorities are analysing the situation of the alien to ensure that the provisions of Article 82 para. (2) or Article 96 para. (1) do not apply, but also that he/she is not a vulnerable person. The escorting of vulnerable persons is carried out taking into account the special needs of such.

## Article 90

### Removal under escort procedure

(1) The removal under escort of aliens who possess valid state border crossing documents and financial means

shall be carried out within 24 hours of their detection, unless other formalities are required.

(2) If there are serious indications that the removal under escort cannot be carried out within the time-limit provided for in para. (1), the General Inspectorate for Immigration shall examine the situation of the alien and apply the provisions of this Emergency Ordinance regarding the tolerance of staying on the territory of Romania or regarding public custody, as the case may be.

(3) Aliens who do not have state border crossing documents will be brought before diplomatic missions or consular offices accredited in Romania of the states of which they are citizens, for the issuance of documents.

(4) The procedures applicable in the event of non-cooperation of diplomatic representation offices in connection with the issuance of travel documents for the escorted removal of aliens from the territory of Romania shall be established by order of the Minister of Foreign Affairs and the Minister of Internal Affairs.

(5) For aliens coming from states that do not have diplomatic missions or consular offices in Romania, state border crossing documents are required from the country of origin through Consular Department within the Ministry of Foreign Affairs.

(6) If the state border crossing documents could not be obtained under the conditions of paragraphs (3) or (5), the General Inspectorate for Immigration issues certificates of travel for aliens, according to the provisions of this Emergency Ordinance.

(7) During escorted removal, force may only be used in cases where it is necessary to protect the life or physical integrity of the escort personnel, the alien or other persons, to prevent damage to property or to fulfil of the objective of removal under escort. The measures shall be applied with respect for the dignity of the alien, gradually and in proportion to the state of danger to be removed.

(8) When escorted by air, the provisions of the Common Guidelines on safety provisions to be taken for joint operations of expulsion by air, listed in the Annex to Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for expulsion from the territory of two or more Member States of third-country nationals subject to individual expulsion measures shall be complied with.

## Article 91

### Removal under escort under readmission agreements

(1) Aliens may be removed under escort and in accordance with the procedure established by the readmission agreements concluded by the European Union or Romania with third countries, only to the extent that their provisions are more favourable to them than the provisions of this Emergency Ordinance.

(2) At the request of one of the states that have concluded readmission agreements with Romania, the transit of the Romanian territory by the alien subject to a readmission procedure to a third state may be allowed, provided that he/she is escorted and provided with the guarantees that he/she can continue his/her journey and enter the state of destination.

Measures of assistance between the Member States of the European Union in case of removal under escort by air

- (1) If the execution of the removal measure is not possible by using direct flights to the country of destination, the General Inspectorate for Immigration may request airport transit from other states.
- (2) In order to execute the measure of removal of the alien by air, the General Inspectorate for Immigration orders his/her escort to the country of transit or destination in the following cases:
  - a) the country of transit or destination requires that the alien be escorted;
  - b) it is necessary to provide medical assistance to the alien during removal under escort;
  - c) the alien must be supervised to prevent criminal acts from being committed during removal under escort;
  - d) there are serious indications that the alien will not comply with the removal measure or that he intends to stay in the transit country;
  - e) the Romanian authorities with responsibilities in the field of public order and national security request that the alien be escorted.
- (3) During the execution of the removal measures, the escort members are unarmed and wear civilian attire. They are obliged to comply with the legislation of the transit state, to use force, in compliance with the provisions of Article 90 para. (7), only when the representatives of the transit State are not present or it is necessary to provide support to them.
- (4) The General Inspectorate for Immigration takes the necessary steps to return the aliens in the country if, during the execution of the removal measure by air, one of the following situations occurred:
  - a) the airport transit authorization has been refused or revoked;
  - b) the alien entered the territory of the Requested State during the transit;
  - c) removal of the alien to another country of transit or to the country of destination or boarding on the connecting flight has not been carried out;
  - d) airport transit is no longer possible.
- (5) The General Inspectorate of Border Police may approve transit requests for aliens subject to removal measures, addressed by the competent authorities of the Member States of the European Union.
- (6) The transit request referred to in para. (5) may be refused if:
  - a) the alien is a suspect or accused in a criminal case or has to serve a custodial sentence as a result of committing a crime on the territory of Romania;
  - b) transit to other states or entry into the country of destination is not permitted;
  - c) during transit it is necessary to transport to another airport located on the territory of Romania;
  - d) the alien poses a threat to the national security, public order and health or international relations of the Romanian State;
  - e) the requested assistance is impossible at that time for objective reasons; in this case, the General Inspectorate

of Border Police informs, as soon as possible,

the requesting authorities on a date as close as possible to the one originally requested, when transit assistance can be provided.

(7) If, after the approval of the transit, the situations referred to in para. (6), the authorizations already issued may be revoked, by informing the requesting authorities of the reasons for the revocation.

(8) The transit request must be submitted in writing at least two days before the transit. This time-limit may be shortened in urgent and justified cases.

(9) The form and content of the transit request shall be established by order of the Minister of Internal Affairs, which shall be published in the Official Gazette of Romania, Part I.

(10) The decision shall be communicated to the requesting Member State within two days. The time-limit may be extended, in justified cases, by a maximum of 48 hours.

(11) The General Inspectorate of Border Police establishes contact points in all major transit areas.

(12) The transit operation must not exceed 24 hours. If, for objective reasons, additional assistance measures are required to continue the transit operation, this period may be extended by a maximum of 48 hours.

(13) Within available means and in accordance with relevant international standards, the General Inspectorate of Border Police provides the necessary assistance measures from landing until leaving the airport to the country of destination, regarding:

- a) meeting the alien to the aircraft and escorting him/her to the airport perimeter, especially to the connecting flight;
- b) providing emergency medical treatment to the alien and, if applicable, to the persons in his/her escort;
- c) providing food for the alien and, if applicable, for the persons in his/her escort;
- d) receiving, keeping and handing over travel documents, especially in the case of unescorted aliens;
- e) in the case of unescorted aliens, informing the requested State of the place and time of departure of the alien from the territory of the Romanian State;
- f) informing the requested State of any serious incidents that occur during transit;
- g) during the stay in the transit airport, the head of the border crossing point may order the alien's accommodation in specially arranged areas and the use of legal means for preventing or hindering any attempt by the alien to resist transit.

(14) The costs of the services provided in accordance with para. (13) shall be borne by the requested State.

## Article 93

Organizing joint flights with the Member States of the European Union for the escorted removal of aliens

(1) The General Inspectorate for Immigration may organize or participate in joint actions with the competent authorities of one or more Member States of the European Union, for removal of aliens under escort.

(2) When the General Inspectorate for Immigration decides to organise a flight for the removal under escort of aliens, in which other Member States of the European Union may participate, shall inform the competent



authorities of these States.

- (3) In view of the smooth running of the flight, the General Inspectorate for Immigration shall take measures to select the carrier, according to the legal provisions, obtaining the necessary authorizations from the States of transit and destination, establishing jointly with the competent authorities of the other participating States the number of escorts required, concluding the necessary financial arrangements, as well as other necessary measures.
- (4) If the General Inspectorate for Immigration decides to participate in a flight for the escorted removal of aliens organized by a Member State of the European Union, it shall inform the competent authorities of the organizing State of its intention to participate, specifying the number of persons subject to escorted removal, and provide a sufficient number of persons for the escort. If the escort is performed only by the organizer State, the General Inspectorate for Immigration ensures the presence of at least 2 representatives on board the aircraft, who are responsible for handing over the aliens for whom they are responsible to the authorities of the receiving States.
- (5) The General Inspectorate for Immigration provides both aliens subject to escorted removal and its own escorts with valid travel documents, visas and other necessary documents and, through the Consular Department within the Ministry of Foreign Affairs, requests the necessary assistance from Romania's diplomatic representation offices.

#### Article 94

##### Recognition of decisions on the removal of aliens issued by other Member States of the European Union

- (1) Decisions to remove aliens issued by other Member States of the European Union are recognized by the Romanian State and are enforced by the General Inspectorate for Immigration, under the terms of this Emergency Ordinance, in the following cases:
  - a) the decision to remove is taken on grounds of public policy or national security, as follows:
    - (i) when the alien has been convicted of an offence for which the law provides the penalty of imprisonment of more than one year;
    - (ii) as a result of the conduct by aliens or the existence of serious indications that the alien is to carry out activities likely to endanger public order or national security;
  - b) the removal decision is taken as a result of the alien's failure to comply with the conditions relating to the entry and stay of aliens on the territory of the Member State concerned.
- (2) The criteria and practical arrangements for offsetting financial imbalances resulting from the recognition of removal decisions referred to in para. (1) shall be established by Government Decision.
- (3) In order to be enforced, the removal decisions referred to in para. (1) must not have been revoked or suspended by the issuing authorities.

- (4) Aliens who are family members of Romanian citizens, as well as family members of citizens of Member States of the European Union, are exempted from the provisions of para. (1).
- (5) In order to apply this Article, the General Inspectorate for Immigration shall cooperate and exchange information with the competent authorities of the Member States of the European Union.
- (6) The expenditure incurred by the General Inspectorate for Immigration for the purpose of enforcing the decisions referred to in para. (1) shall be borne by the revenue and expenditure budget approved by the Ministry of Internal Affairs for the General Inspectorate for Immigration for this purpose.
- (7) Amounts representing the expenditure referred to in para. (6), recovered from the Member State of The European Union that issued the decision to remove represent budget appropriations made available again, if the expenditure was incurred for the current year, or income is made to the state budget, if the expenditure incurred in previous years.
- (8) The General Inspectorate for Immigration settles the expenditure incurred by other Member States of the European Union that enforce the removal measures until the fulfilment of a periods of 4 years from the date of their issuance by the Romanian authorities, within the limits of the revenue and expenditure budget approved by the Ministry of Internal Affairs for the General Inspectorate for Immigration with this destination.
- (9) Requests for reimbursement of expenditure made by the Member State of the European Union may be rejected by the Inspectorate General for Immigration when made after a period of more than one year from the enforcement of the removal measure.
- (10) In the case of removal decisions subject to para. (1), the alien may appeal against the measures relating to enforcement, in accordance with the provisions of this Emergency Ordinance.

## Article 95

### Assisted voluntary humanitarian repatriation

- (1) Aliens on Romanian territory may request the support of the General Inspectorate for Immigration, as well as international or non-governmental organizations with responsibilities in field, for assisted voluntary humanitarian repatriation, if they do not have financial means.
- (2) General Inspectorate for Immigration, in cooperation with international organizations with duties in the field, as well as with specialized non-governmental organizations, carry out joint programmes to identify concrete ways of supporting the aliens referred to in para. (1), with a view to their assisted voluntary humanitarian repatriation, as well as the resources necessary for this purpose.
- (3) Aliens included in the assisted humanitarian voluntary repatriation programmes shall be issued certificates of repatriation by the General Inspectorate for Immigration.
- (4) The aliens referred to in para. (1) may benefit, individually, only once from the support provided by the General Inspectorate for Immigration, through the programmes referred to in para. (2), for assisted voluntary humanitarian repatriation.

## Article 96

### Suspension of the execution of the return obligation

(1) The enforcement of the return obligation is suspended during the period in which the General Inspectorate for Immigration finds the incidence of the following situations:

a) return can only be made to a state for which there are justified fears that the alien's life is endangered or that he/she will be subjected to torture, inhuman or degrading treatment;

(on 03-09-2016, letter a) of para. (1) of Article 96 was amended by item 24 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

b) the alien's health condition makes it impossible to carry out the return;

(on 03-09-2016, letter b) of para.(1) of Article 96 was amended by item 24 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

c) the alien is the parent of a minor who attends the courses of a state or a private educational institution, accredited or provisionally authorized according to the law, and the school year is in progress;

d) the alien is married to another alien who has the right of temporary residence or permission to remain on the territory of Romania, and the marriage is not for convenience;

e) the alien is in one of the situations provided in Article 15 para. (1).

(2) The provisions of para. (1) letters(c) and (d) shall not apply to aliens who constitute a danger to public order, national security or suffering from a disease that threatens public health and refuses to comply with the measures established by the medical authorities.

(3) The time-limit for voluntary departure or removal under escort, as the case may be, shall resume its course from the date on which the General Inspectorate for Immigration finds the termination of the situations provided for in para. (1).

(4) The General Inspectorate for Immigration shall inform the alien in writing of the finding of the incidence or termination of the situations referred to in para. (1).

## Article 97

### Warranties pending return

Measures taken by the competent Romanian authorities in respect of aliens on the territory of Romania within the time-limit for voluntary departure or during the period of suspension of the execution of the return obligation complies with the following principles:

a) maintaining the family unit with the family members present on the territory of Romania;

b) providing emergency medical care and basic treatment of the disease;

c) granting minors access to the education system;

- d) taking into account the special needs of vulnerable people.

## Article 98

### Monitoring of removal under escort

- (1) The monitoring of the escorted removal activity is carried out by the organizations and national, international and non-governmental bodies with responsibilities in the field of migration, which carry out the activity of supervising the escorting of aliens.
- (2) At the request of national, international and non-governmental organizations and bodies with responsibilities in the field of migration, the General Inspectorate for Immigration shall provide information on the organization of escort missions, ensuring the possibility for their representatives to supervise the way in which they are carried out.
- (3) The assessment reports drawn up during the monitoring shall be submitted for capitalization to the Ombudsman.

## Section 4 Expulsion

### Article 99

#### Carrying out the expulsion

- (1) The expulsion shall be carried out by the General Inspectorate for Immigration by removing the alien under escort. The provisions set forth by Article 3 shall apply accordingly.
- (2) The alien's right of residence terminates *de jure* on the date of commencement of the ancillary punishment, respectively complementary, applied according to the provisions of Article 65 para. (2) or Article 66 para. (1) letter c) of the Criminal Code.
- (3) Aliens covered by this article shall be fingerprinted and photographed under the conditions and for the purposes set out in Regulation (EU) 2018/1860 of the European Parliament and of the Council and Regulation (EU) 2018/1861 of the European Parliament and of the Council.

(on 08-04-2023, Article 99 of Section 4, Chapter V was supplemented by Item 5, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

## Article 100

### Suspension of expulsion

- (1) The expulsion shall be suspended during the period in which the General Inspectorate for Immigration finds the incidence of the following situations:
  - a) the alien may be removed under escort only to a State of which there are justified fears that his/her life is

- endangered or that he/she will be subjected to torture, inhuman or degrading treatment;
- b) the alien's health condition makes it impossible to carry out the removal under escort;
- c) the alien is in one of the situations provided in Article 15 para. (1).
- (2) Removal under escort resumes its course from the date on which the General Inspectorate for Immigration finds the termination of the situations provided for in para. (1).
- (3) The General Inspectorate for Immigration informs the alien and the competent court in writing regarding the finding of the incidence or termination of the situations provided for in para. (1).
- (4) Appeal against enforcement filed according to Article 598 para. (1) section c) of the Code of Criminal Procedure, which invokes the existence of good reasons to believe that the life of the person expelled, as a result of the enforcement of the complementary sentence provided for in Article 66, para.(1) letter c) of the Criminal Code, is endangered or that the person will be subjected to torture or other inhuman or degrading treatment in the state to which he/she is to be expelled, entails the *ipso jure* suspension of the expulsion procedure from the date of submission of the application until delivering a final solution. The court seized shall immediately notify the General Inspectorate for Immigration of the lodging of the appeal against the enforcement.
- (on 26-09-2022, Article 100 of Section 4, Chapter V was supplemented by Item 1, Article VI of Law 247 of 20 July 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 746 of 25 July 2022 )
- (5) The suspension of the expulsion under the conditions of paragraphs (1) and (4) shall have no effect on the public custody measure
- (on 26-09-2022, Article 100 of Section 4, Chapter V was supplemented by Item 1, Article VI of Law 247 of 20 July 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 746 of 25 July 2022)

## Section 5 Public custody

### Article 101

#### Taking the aliens into public custody

- (1) Taking into public custody is the measure of temporary restriction of the freedom of movement on the territory of Romania, ordered against aliens in order to carry out all the necessary steps for removal under escort.
- (2) Taking into public custody shall be ordered in writing by reasoned ordinance *de jure* and *de facto* by the specifically designated prosecutor within the Prosecutor's Office attached to the Bucharest Court of Appeal, for a period of 30 days, at the reasoned request of the General Inspectorate for Immigration, against the alien who cannot be removed under escort within 24 hours and who is in one of the following situations:
- a) presents a risk of absconding from escorted removal;
- b) avoids or hinders the preparation of the return or the removal process under escort;
- c) is subject to expulsion.
- (3) There is a risk of absconding from escorted removal:
- a) the alien who is at risk of absconding from the voluntary execution of the return obligation according to Article 83 para. (3);

- b) the alien declared undesirable;
- c) the alien who did not comply with the voluntary departure time-limit;
- d) the alien whose tolerance has been revoked.

(4) The extension of the detention period provided for in para. (2) for aliens who cannot be removed from the territory of Romania within 30 days shall be ordered by the Court of Appeal in whose jurisdiction the place of accommodation is located, at the reasoned request of the General Inspectorate for Immigration. The court must adjudicate before the expiry of the term of detention previously ordered, and the decision of the court shall be final.

(5) As soon as it finds that the General Inspectorate for Immigration's reasoned request, provided for in para. (4), meets the conditions provided by law for the sue petition, the judge shall set the first trial date and order the summoning of the parties.

The statement of defence is not mandatory, and when the alien submits a statement of defence, it shall not be communicated to the General Inspectorate for Immigration, which takes note of its content in the case file. Applications for an extension of the period of detention shall be exempt from payment of stamp duty.

(6) The period of detention of aliens against whom the return measure has been ordered may not exceed 6 months.

(7) The period provided for in para. (6) may exceptionally be extended, under the conditions provided for in para. (4), for an additional period not exceeding 12 months, in cases where The General Inspectorate for Immigration was unable to perform the escort removal of the alien due to:

- a) actions that prevent the removal process under escort;
- b) delays in obtaining the documentation necessary for third country escorted removal.

(8) Where, following the taking into public custody of an alien, it is found that the provisions of Article 82 para. (1) or Article 96 para. (1), the measure of taking into public custody shall be terminated by operation of law. If the alien makes an application for international protection for the first time, detention ceases on the date of granting access to the ordinary asylum procedure. When making a request for access to a new procedure of asylum, the measure of taking into public custody terminates on the date of granting access to the new procedure.

(on 24-12-2015, Para. (8) in Article 101 was amended by item 2 of Article II of Law 331 of 16 December 2015, published in the OFFICIAL GAZETTE OF ROMANIA no. 944 of 21 December 2015)

(9) Exceptions to the provisions of para. (8) are situations where, for reasons of national security or public order, it is necessary to remove the alien under escort or to keep him/her in public custody until the completion of the procedure for granting a form of protection.

(10) Aliens against whom taking into public custody has been ordered, under the conditions provided for in para. (2), may file, within 5 days, a complaint with the Court of Appeal in whose territorial jurisdiction the place of accommodation is, which is obliged to settle it within 3 days from the date of receipt. The decision of the court shall be final. The complaint made does not suspend the removal under escort.

(on 03-09-2016, Para. (10) in Article 101 was amended by item 25 of Article II of ORDINANCE no. 25 of 24

August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(11) Aliens taken into public custody as well as those removed under escort within 24 hours shall be fingerprinted and photographed.

(12) If the General Inspectorate for Immigration, *ex officio* or at the request of the alien, finds that there is no longer the possibility of removal under escort during the period for which the measure of public custody was instituted, shall order the termination of the measure of taking into public custody and granting of tolerance. The decision to reject the alien's application may be appealed within 5 days at the court of appeal in whose jurisdiction the place of accommodation is located, which is obliged to settle it within 3 days from the date of receipt. The decision of the court shall be final.

(13) The General Inspectorate for Immigration considers the advisability of maintaining the measure of taking into public custody, at intervals of maximum 3 months. In the case of families with minors taken into public custody, the analysis shall be carried out at intervals of not more than one month.

## Article 102

### Provision of derogatory measures in exceptional circumstances

(1) In situations where a large number of aliens must be returned, which is an unforeseen and difficult task for the capacity of the accommodation centres or the General Inspectorate for Immigration personnel, with the approval of the Minister of Internal Affairs, accommodation of aliens can be carried out in other premises under the administration of the Ministry, separately from other persons against whom custodial measures have been ordered, as long as the exceptional situation lasts.

(2) During the application of the derogatory measures provided for in para. (1), the time-limits provided for in Article 101 para. (10) may be exceeded by a maximum of 30 days.

(3) The General Inspectorate for Immigration shall inform the European Commission of the measures ordered according to para. (1), as well as of the termination of their application.

## Article 103

### Accommodation centres

(1) Aliens taken into public custody will be placed in accommodation centres, hereinafter referred to as centres.

(2) The centres are closed places, specially arranged and intended for temporary accommodation of aliens who have been taken into public custody, managed by the General Inspectorate for Immigration.

(3) The centres are established, organized, authorized, furnished and equipped so as to provide adequate conditions for accommodation, food, health care and personal hygiene.

(4) National, international and non-governmental organizations and bodies with responsibilities in the field

of migration, authorized and accredited under the law, are provided with the opportunity to visit the centres, based on the protocols concluded with the General Inspectorate for Immigration or a prior authorization. In exceptional and duly motivated situations, the possibility to visit the centres within 48 hours may be provided.

## Article 104

### Rights and obligations of aliens accommodated in centres

- (1) Aliens accommodated in centres benefit from the rights provided by law, as well as those provided in the international treaties and agreements in the matter to which Romania is a party.
- (2) Aliens accommodated in centres are entitled to legal, medical and social assistance and to observance of one's own opinion and specificity, in religious, philosophical and cultural matters.
- (3) Aliens accommodated in centres have the right to be informed immediately after their arrival in these places, in the language in which they speak or in a language understood by them, of the main reasons that led to the measure, the rights and obligations they have during their stay in these centres. The reason for the taking into public custody, as well as the rights and obligations of the aliens accommodated in the centres, shall be communicated to them in writing by the persons designated to manage these centres.
- (4) During their stay in the centres, aliens are provided with the possibility of communicating with the diplomatic and consular representative offices of the state of origin, with their family members, as well as with the legal representative.
- (5) The staff of the centres shall treat aliens accommodated in a non-discriminatory manner on the grounds of race, sex, age, culture, nationality, religion or membership of a particular social group.
- (6) Minors brought into centres accompanying at least one of the parents or the legal representative, taken into public custody, have free access to the compulsory education system.
- (7) Vulnerable persons accommodated in centres have the right to medical care and treatment appropriate to the special situations in which they find themselves.
- (8) When entering the centres, aliens are required to undergo body, medical control, fingerprinting and photography, as well as to hand over dangerous or prohibited objects by law, valuables, amounts of money held and electronic means of remote communication.
- (9) During their stay in the centres, aliens are obliged to observe the daily schedule, the rules of individual and collective hygiene, not to destroy the goods provided by the centres, to comply with the provisions of the staff of the centres given in the exercise of their professional duties and to undergo medical investigations and treatments in the event of medical conditions likely to endanger the health of the other persons in the centre.
- (10) During the stay in the centres, aliens are forbidden to carry out actions that may harm the security and internal order of the centre or to incite to commit such actions, to consume alcoholic beverages or substances prohibited by law, to sell food, equipment or other goods inside the centres.
- (11) In the event of non-observance by aliens of the obligations imposed on them, the necessary measures,



including the use of force, may be taken to protect life or integrity of the personnel in the centres, aliens or other persons, preventing the occurrence of material damage, unauthorized leaving of the centre or for restoring internal order. The measures shall be applied gradually and proportionally to the state of danger to be removed.

(12) The rules of internal order that aliens accommodated in centres are obliged to comply with, as well as the way of organizing the access, guarding, supervision and accompaniment of aliens in and from the centres are provided for in the regulation approved by order of the Minister of Internal Affairs, which is published in the Official Gazette of Romania, Part I.

## Article 105

### The medical care of aliens taken into custody

(1) Aliens taken into public custody and accommodated in centres have the right to free medical assistance, medicines and sanitary materials.

(2) The medical services, medicines and sanitary materials referred to in para. (1) shall be provided, as appropriate, through the medical service of the accommodation centres or through the sanitary units of the Ministry of Internal Affairs or Ministry of Health. The settlement of the expenditure related to para. (1) shall be ensured by the Ministry of Internal Affairs, through the budget allocated to the General Inspectorate for Immigration, specially provided for this purpose.

## Article 106

### Other measures during public custody

(1) Aliens declared undesirable or subject to expulsion, taken into public custody, shall be accommodated separately from the other categories of aliens.

(2) During the entire period when the aliens are in public custody, the travel outside the centres shall be carried out under escort.

(3) Families taken into public custody are accommodated separately, ensuring an appropriate level of privacy.

## Section 6 Tolerance of staying on the territory of Romania

### Article 106<sup>1</sup>

#### Granting tolerance

(1) The General Inspectorate for Immigration grants, *ex officio* or upon request, the tolerance of staying on the territory of Romania, hereinafter referred to as tolerance, to aliens who do not have the right to stay and who, for objective reasons, do not leave the territory of Romania.

(2) The following situations are objective reasons within the meaning of para. (1):

- a) the alien is subject to the provisions of Article 15 para. (1) on not allowing the exit from Romania and does not meet the conditions provided by this Emergency Ordinance for granting a right of residence;
  - b) the measure of public custody ordered against the alien ceased without the alien being removed under escort;
  - c) the temporary presence on the territory of Romania of the alien is required by public interests important. In this case, tolerance is granted at the request of public authorities or institutions;
  - d) the alien is subject to the provisions of Article 82 para. (1) on the prohibition of return, but does not meet the conditions for granting or extending the right to temporary residence;
  - e) the alien is subject to the provisions of Article 96 para. (1) regarding the suspension of the execution of the return obligation;
  - f) removal under escort cannot be executed within 24 hours of detection of the alien and there are serious indications that he/she does not need to be taken into public custody;
  - g) The General Inspectorate for Immigration finds that the temporary impossibility to leave Romania is determined by other circumstances, independent of the will of the alien, unpredictable and which cannot be removed.
- (3) Failure to grant tolerance by the General Inspectorate for Immigration may be appealed within 5 days of communication to the competent territorial court of appeal. The court shall rule within 30 days, the decision of the court being final.
- (4) The prosecutor, by order, or, as the case may be, the court, by conclusion, grants tolerance when there are serious reasons to consider that an alien who does not have a right to stay is a victim of trafficking in human beings and his/her presence on the territory of Romania is necessary for the proper conduct of the criminal proceedings.

## Article 106<sup>2</sup>

### Tolerance regime

- (1) Tolerance is granted for a period of up to 6 months, which may be extended for further periods of up to 6 months, until the causes disappear.
- (2) In the case provided for in 106<sup>1</sup> para. (4) the tolerance is successively extended by prosecutor, by ordinance, or by the court, by conclusion, under the conditions provided in para. (1), until the end of the criminal proceedings.
- (3) During the period when they have been granted the tolerance of staying on the territory of Romania, aliens have access to the labor market, under the conditions provided by law for Romanian citizens.
- (4) The right to work granted to aliens who have been granted the tolerance of staying on the territory of Romania ceases de jure in all cases in which the tolerance ceases.
- (5) The alien is obliged to appear periodically, at intervals of two months or whenever summoned, at the structure of the General Inspectorate for Immigration that issued them the document to be tolerated and to notify

any change of address where he/she lives.

(6) Tolerance has territorial validity limited to the area of competence of the structure The General Inspectorate for Immigration that issued the document to be tolerated, and any travel outside of it is allowed only with prior approval.

(7) In the situation provided for in Article 106<sup>1</sup> para. (2) letter b), if the reasons for which the alien could not be removed under escort during the previous period of public custody have disappeared, may order again detention, under the conditions of Article 101 para. (2).

(8) Granting tolerance does not cancel the alien's obligation to leave the territory of Romania.

The period of voluntary departure or removal under escort, as the case may be, resumes its course from the date on which the General Inspectorate for Immigration, the prosecutor or the court, as the case may be, ascertains the termination of the reasons underlying the granting of tolerance and informs the alien in this regard.

(9) Tolerance ceases in the following situations:

a) by granting or extending a right of residence under this Emergency Ordinance;

b) in case of granting permission to remain on the territory of Romania according to Law 122/2006, as subsequently amended and supplemented

c) at the time of leaving the territory of Romania by the alien.

(10) The General Inspectorate for Immigration may revoke the tolerance granted according to Article 106<sup>1</sup> para. (1), by reasoned decision, when it finds that the alien has not complied, for reasons attributable to him/her, the obligations provided in para. (5) or (6).

## Section 7

### Entry ban

(on 08-04-2023, the Title of Section 7, Chapter V was amended by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

### Article 106<sup>3</sup>

#### Ordering the measure of entry ban

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(1) The entry ban shall be ordered, under the terms of this Emergency Ordinance, by the General Inspectorate for Immigration, at the same time as the return decision is issued.

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(2) The entry ban is ordered, under the conditions of this Emergency Ordinance, by the General Inspectorate for Immigration or border police bodies and in the event that the alien has not been subject to a removal measure, as well as against aliens referred to in Article 113 para. (1) letters b)-d) and Article 8 para. (2) letters a)-b<sup>1</sup>) or who do not meet the conditions provided for in Article 6 para. (1) letter h).

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(2<sup>1</sup>) The measures provided for in paragraphs (1) and (2) shall prohibit the entry and stay on the territory of the Member States of the European Union, the European Economic Area and the territory of the Swiss Confederation, when the conditions laid down in Article 24 of Regulation (EU)2018/1861 of the European Parliament and of the Council.

(on 08-04-2023, Article 106<sup>3</sup>, Section 7, Chapter V was supplemented by Point 6, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(2<sup>2</sup>) If the alien against whom the prohibition of entry into Romania is intended is in possession of a residence permit issued by another Schengen State, it shall be triggered consultation with the issuing State of the permit, in accordance with the procedure set out in the Sirene Manual.

(on 31-03-2024, Article 106<sup>3</sup>, Section 7, Chapter V was supplemented by Item 8., Article 43 of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, amending Item 35, Article III of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

#### Note

According to the recitals of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024, as of 31 March 2024, as it is stipulated in the Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, the provisions of Article III of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, shall have legal effects.

(3) The entry ban shall not be imposed if the illegally staying alien proves that he/she was unable to leave the territory of Romania for humanitarian or other objective reasons independent of his will.

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(4) The order of the entry ban measure shall be communicated to aliens, in writing, by the body that took the measure and shall contain the reasoning in fact and in law, as well as the information on possible remedies.

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(5) The measure of the entry ban may be challenged by the alien within 10 days of communication at the Court

of Appeal in whose jurisdiction the party that ordered the measure, The appeal does not suspend the execution of the removal measures. The decision of the court shall be final.

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

## Article 106<sup>4</sup>

### Determining the duration of the entry ban

(1) In the case of aliens who have entered Romania legally but whose stay has become illegal, the duration of the entry ban is established as follows:

a) from 6 months to 1 year, in the case of:

(i) an illegal stay from 30 days to one year, for aliens who have not left the territory of Romania at the expiry of the right of residence conferred by visa or in accordance with Article 11 para. (2)-(4) or under international conventions or normative acts that unilaterally abolish the visa regime;

(on 22-03-2024, Point (i), letter (a), Paragraph (1), Article 106<sup>4</sup>, Section 7, Chapter V has been amended by Item 12. , Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(ii) an illegal stay from 90 days to 1 year, for aliens who were holders of a temporary residence card;

(iii) an illegal stay of up to 90 days, for aliens who are at risk of absconding from the voluntary execution of the return obligation according to Article 83 para. (3) letter e);

(on 22-03-2024, Point (iii), Letter a) , Paragraph (1), Article 106<sup>4</sup>, Section 7, Chapter V was amended by Item 12. , Article III of the EMERGENCY Ordinance no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024)

b) from 1 year to 2 years - in the case of an illegal stay from 1 year to 2 years;

c) from 2 years to 3 years - in case of illegal stay from 2 years to 3 years;

d) from 3 years to 4 years - in case of an illegal stay of more than 3 years.

(2) The duration of the entry ban in the cases referred to in paragraph (1) shall be established in calendar years and months, within the limits laid down, taking into account the conduct of the alien and the circumstances that led to his/her unlawful stay.

(3) In the case of aliens who do not comply with the voluntary departure time-limit provided for in the return decision, the duration of the entry ban shall be recalculated according to paragraph (1), depending on the period of illegal stay and is increased by 1 year. In the case of aliens who do not comply with the voluntary departure time-limit provided for in the return decision, and the illegal stay is less than 30 days, the duration of the entry ban is 1 year.

(on 08-04-2023, the phrase: Ordering the measure of entry ban into Romania was replaced by Item 11, Article

68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(4) The duration of the entry ban provided for in paragraphs (1) and (3) shall be reduced by half, by calendar years and months, half a month being considered 15 days, if the alien:

a) requests assisted voluntary humanitarian repatriation, under the conditions provided for in Article 95

b) bears the expenditure incurred by the international transport necessary for the execution of the removal measures from the territory of Romania;

(on 03-09-2016, letter b) paragraph (4) of Article 106<sup>4</sup> was amended by item 28 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

c) subsequently reimburses the General Inspectorate for Immigration the expenses incurred in international transport necessary for the execution of the removal measures from the territory Romania;

(on 03-09-2016, letter c) paragraph (4) of Article 106<sup>4</sup> was amended by item 28 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

d) requires no international transportation expenses for escorted removal.

(5) In the case of aliens who have had their visa or right of residence revoked or annulled for non-compliance with the purpose declared before the authorities, the duration of the entry ban is 6 months.

(5<sup>1</sup>) In the case of aliens whose right of residence has ceased in the situation provided for in Article 11 para. (3) section f), the duration of the entry ban is 6 months.

(on 10-11-2018, Article 106<sup>4</sup> of Section 7 , Chapter V was supplemented by Item 57, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(6) In the case of aliens who have applied for or obtained a visa or a right to temporary residence or a right of long-term residence by using false information, false or forged documents or by other illegal means, the duration of the entry ban is 2 years.

(6<sup>1</sup>) In the case of aliens whose right of residence has ceased in the situation provided for in Article 11 para. (3) section b), the duration of the entry ban is 2 years.

(on 10-11-2018, Article 106<sup>4</sup> of Section 7 , Chapter V was supplemented by Item 58, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(7) In the case of aliens who entered Romania during the period of prohibition, the duration of the entry ban is the one previously ordered, but not less than 5 years.

(8) In the case of aliens who have illegally crossed or attempted to cross the state border fraudulently, the duration of the entry ban is 5 years.

(9) In the case of aliens declared undesirable, the duration of the entry ban shall be equal to the period for which they were declared undesirable.

(10) In the case of aliens referred to in Article 8 para. (1) letters b)-d), the duration of the entry ban is 15 years.

(11) In the case of aliens referred to in Article 8 para. (2) lit. a)-b<sup>1</sup>) or who do not meet provided in Article 6

para. (1) letter h), the duration of the entry ban is 5 years.

(11<sup>1</sup>) In the case of aliens who refuse fingerprinting and photography according to this Emergency Ordinance, the duration of the entry ban is 2 years.

(on 08-04-2023, Article 106<sup>4</sup> of Section 7 , Chapter V was supplemented by Item 7, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023 )

(11<sup>2</sup>) In the case of aliens referred to in paragraph (11<sup>1</sup>), who are in the situations referred to in paragraphs (1), (5)-(8), (10) and (11), the duration of the entry ban shall be increased by 2 years.

(on 08-04-2023, Article 106<sup>4</sup> of Section 7, Chapter V was supplemented by Item 7, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(11<sup>3</sup>) Repeated refusal, in the same or different circumstances, prior to leaving the territory of Romania, does not increase the duration of the entry ban.

(on 08-04-2023, Article 106<sup>4</sup> of Section 7 , Chapter V was supplemented by Item 7, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(11<sup>4</sup>) The duration of the entry ban established according to para. (11<sup>2</sup>) may not exceed 5 years, unless the alien poses a serious threat to public order, public security or national security.

(on 08-04-2023, Article 106<sup>4</sup> of Section 7, Chapter V was supplemented by Item 7, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(12) The duration of the entry ban is calculated from the date of exit of the alien from the territory of the Member States of the European Union, the European Economic Area or the territory of the Swiss Confederation, and if ordered at the national level, from the date the alien's exit from the country or, if the alien is not in Romania, from the date of the measure.

(on 08-04-2023, Paragraph (12) of Article 106<sup>4</sup>, Section 7, Chapter V was amended by Item 8, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

## Article 106<sup>5</sup>

### Termination of the entry ban measures

(on 08-04-2023, the phrase: Termination of the entry ban measures into Romania was replaced by Item 11, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(1) The institution that ordered an entry ban measure with the application of the provisions of Article 106<sup>4</sup> paragraphs (1)-(8) and (11) may order its termination, based on a written request, in duly justified situations, taking into account the specific circumstances of each case in party, such as the incidence of one of the situations provided for in Article 82 para. (1) letters b) -d), humanitarian reasons or when the presence of the alien on the territory of Romania is necessary in the interest of the Romanian State. When analysing the situation, it will be

taken into account whether the alien has left the territory in full compliance with the return decision.

(on 08-04-2023, the phrase: prohibiting entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(2) The institution that ordered an entry ban measure with the application of the provisions of Article 106<sup>4</sup> para. (9) orders its termination if the competent court has decided termination of the measure of declaration as undesirable.

(on 08-04-2023, the phrase: prohibiting entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(3) The institution that ordered an entry ban measure with the application of the provisions of Article 106<sup>4</sup> para. (10) may order its termination, based on a written request, if the presence of the alien on the territory of Romania is necessary in the interest of the Romanian State, and the danger caused by the reasons behind it no longer exists.

(on 08-04-2023, the phrase: prohibiting entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(4) If, on the occasion of subsequent checks, it is found that the termination of the entry ban measure was based on the presentation of false information, false or falsified documents or other illegal means, the alien's right of residence shall be revoked. The provisions of this Emergency Ordinance on the establishment and enforcement of the obligation to return shall apply accordingly.

(on 08-04-2023, the phrase: prohibiting entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(5) In the situation referred to in para. (4), an entry ban shall be imposed against the alien for a period consisting of the period of prohibition previously ordered and not carried out and the period provided for in Article 4 para. (6).

(on 08-04-2023, the phrase: prohibiting entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

## Article 106<sup>6</sup>

### Technical measures

(1) Aliens against whom the entry ban measure is imposed are fingerprinted and photographed under the conditions and for the purposes laid down in Regulation (EU) 2018/1860 of the European Parliament and of the Council and Regulation (EU) 2018/1861 of the European Parliament and of the Council.

(on 08-04-2023, Paragraph (1) of Article 106<sup>6</sup>, Section 7, Chapter V was amended by Item 9, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(2) Repealed.

(on 08-04-2023, Paragraph (2) of Article 106<sup>6</sup>, Section 7, Chapter V was repealed by Item 10, Article 68, Chapter V of Law 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)



(3) Where possible, the General Inspectorate for Immigration or, as the case may be, the border police bodies shall enter/record in the state border crossing document of the alien concerned mentions regarding the duration of the entry ban established according to Article 106<sup>4</sup> or regarding the period for which it was ordered to prohibit the exercise of the alien's right to be on the territory of Romania according to Article 65 para. (2) or Article 287 para. (1) of the Criminal Code.

(at 28-11-2014, Chap. V, comprising art. 81 – art. 106<sup>6</sup>, was amended by item 71 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Chapter VI Documents to be issued to aliens

### Section 1 Residence cards

#### Article 107

##### Issue of residence cards

(1) The alien who has been granted or, as the case may be, extended the right of residence in Romania shall be issued by the General Inspectorate for Immigration a residence card, as follows:

- a) temporary residence card, to the alien to whom the right of temporary residence has been extended granted by long-stay visa, with the exception of the right of temporary residence for the purpose of work or secondment, or, as the case may be, has been granted this right without the obligation to obtain a visa;
- b) single permit, to the alien to whom the right of temporary residence for work purposes has been extended or, as the case may be, has been granted this right without the obligation to obtain a visa;
- c) EU Blue Card, the alien to whom the right of temporary residence for work purposes as a highly qualified worker has been extended or, as the case may be, has been granted this right without the requirement to obtain a visa;
- d) residence card for secondment purposes, to the alien to whom the right of temporary residence for secondment purposes has been extended or, as the case may be, has been granted this right without the obligation to obtain a visa;
- d<sup>1</sup>) ICT permit, to the alien to whom the right of temporary residence for secondment purposes as an ICT worker has been extended or, as the case may be, has been granted this right without the requirement to obtain a visa;

(on 03-09-2016, letter d<sup>1</sup>) of para. (1) of Article 107 was introduced by item 29 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

d<sup>2</sup>) «mobile ICT» permit, to the alien to whom the right of temporary residence for secondment purposes as an ICT worker in the framework of long-term mobility has been extended;

(on 03-09-2016, letter d<sup>2</sup>) of para. (1) of Article 107 was introduced by item 29 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

e) long-term residence card, to the alien who has been granted the right of long-term residence.

(2) The residence cards issued to aliens who have the right to work in Romania shall include the mention «Right to work».

(2<sup>1</sup>) In the single permit issued to aliens employed on the basis of the employment opinion for seasonal workers, in addition to the mention provided in paragraph (2), the mention «Seasonal»

(on 03-09-2016, Para. (2<sup>1</sup>) in art. 107 was introduced by item 30 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(2<sup>2</sup>) The permit issued to aliens seconded to Romania as ICT workers shall be recorded, in addition to the mention provided in para. (2), the mention «ICT» or «mobile ICT», as the case may be.

(on 03-09-2016, Para. (2<sup>2</sup>) in art. 107 was introduced by item 30 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016. )

(2<sup>3</sup>) The single permit issued to aliens employed on the basis of the employment opinion for seasonal workers shall be accompanied by a written notice, drawn up in at least one international language, in which information is presented about the rights and obligations incumbent on the alien holder of the right of temporary residence for work purposes, including procedures relating to complaints.

(on 03-09-2016, Para. (2<sup>3</sup>) in art. 107 was introduced by item 30 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(2<sup>4</sup>) The single permit issued to aliens employed under the employment permit for au pairs or trainee workers shall be entered, in addition to the mention referred to in para. (2), the mention «au pair worker» or «trainee», as the case may be.

(on 10-11-2018, Article 107 of Section 1, Chapter VI was supplemented by Item 8, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(2<sup>5</sup>) In the temporary residence permit granted to the digital nomad, the mention «digital nomad» shall be entered.

(on 17-01-2022, Article 107 of Section 1, Chapter VI was supplemented by Item 8, Article I of Law 22 of 14 January 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 45 of 14 January 2022)

(2<sup>6</sup>) In the EU Blue Card issued to an alien who is a beneficiary of international protection in Romania, in addition to the mention provided for in para. (2), the mention «International protection granted by RO on [date]» shall be entered.

(on 08-03-2024, Article 107, Section 1, Chapter VI was supplemented by Item 33, Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2<sup>7</sup>) In the EU Blue Card issued to an alien beneficiary of international protection granted by another Member State is included, in addition to the mention provided in para. (2), the mention «International protection granted by [name of Member State] on [date]», unless, following the checks carried out by the General Inspectorate for Immigration in the Member State indicated as having granted international protection, it follows that it has been withdrawn by a final decision.

(on 08-03-2024, Article 107, Section 1 , Chapter VI was supplemented by Point 33. , Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

(2<sup>8</sup>) If another Member State of the European Union submits to Romania a request for information on the status of beneficiary of international protection in order to issue the EU Blue Card, the answer shall be sent by the General Inspectorate for Immigration to the competent authority of the respective Member State of the European Union, no later than one month after receiving the request for information.

(on 08-03-2024, Article 107, Section 1, Chapter VI was supplemented by item 33. , Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2<sup>9</sup>) If, after the issuance of the EU Blue Card, responsibility for the alien's international protection has been transferred to the Romanian State, the General Inspectorate for Immigration issues, no later than 3 months from the date of the transfer, a new EU Blue Card, containing the mention provided for in paragraph (2<sup>6</sup>).

(on 08-03-2024, Article 107, Section 1, Chapter VI was supplemented by Point 33, Article I of Law no. 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2<sup>10</sup>) In the EU Blue Card issued to a alien on the basis of professional skills higher for occupations other than those belonging to the minor group 133 «Leaders in information and communication technology services» and to the major subgroup 25 «Specialists in information and communication technology», as set out in the Classification of Occupations in Romania, hereinafter referred to as COR, the mention «Excl. grmin.133/sbgr. maj. 25 COR».

(on 08-03-2024, Article 107, Section 1, Chapter VI was supplemented by item 33, Article I of Law no. 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2<sup>11</sup>) Higher professional skills within the meaning of para. (2<sup>10</sup>) means the possession of knowledge, skills and competences attested by at least 5 years of professional experience of a level comparable to the qualifications acquired in higher education and which are relevant to the profession or sector specified in the employment contract or firm offer of employment.

(on 08-03-2024, Article 107, Section 1, Chapter VI was supplemented by Item 33, Article I of Law no. 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(3) The provisions relating to the temporary residence card shall also apply to the single permit, the EU Blue Card, the residence permit for secondment purposes, the ICT permit and the «mobile ICT» permit accordingly.

(on 03-09-2016, Para. (3) in Article 107 was amended by item 31 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(4) The temporary residence card shall include, as the case may be, the mention «researcher», «student», «pupil» or «volunteer».

(on 10-11-2018, Article 107 of Section 1 , Chapter VI was supplemented by Item 60, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(5) The temporary residence cards issued to researchers exercising their mobility within the European Union include the mention «researcher-mobility», as well as mentions relating to the programme or agreement under which the mobility is carried out.

(on 10-11-2018, Article 107 of Section 1 , Chapter VI was supplemented by Item 60, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(6) Depending on the option of the applicants, the residence permit is collected from the of the General

Inspectorate for Immigration where the application was submitted or can be dispatched, by courier services, to the holder's domicile or residence in Romania, with the holder bearing the shipping costs.

(on 26-09-2022, Article 107 of Section 1 , Chapter VI was supplemented by Item 2, Article VI of LAW 247 of 20 July 2022, published in the OFFICIAL GAZETTE OF ROMANIA no. 746 of 25 July 2022)

(on 28-11-2014, Article 107 was amended by item 72 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 108

### Residence card regime

(1) The residence card issued to the alien under this Emergency Ordinance proves the identity, address of residence or domicile on the territory of Romania and attests the existence of the right of residence in Romania, as well as the duration and purpose for which this right was granted.

(2) The holder of the residence card has the obligation to carry the document with him/her at all times, not to alienate it and to submit it to the competent authorities whenever he/she is Requested to do so.

(3) As an exception to the provisions of para. (1), the ICT permit does not prove the residence address on the territory of Romania if the alien's first stay is on the territory of another Member State of the European Union.

(on 03-09-2016, Para. (3) in Article 108 was introduced by item 32 of art. II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 109

### Temporary residence cards

(1) The temporary residence card is issued to aliens when granting or extending the right of temporary residence. The temporary residence card shall include the address at which the alien declares that he/she resides on the territory of Romania.

(2) The temporary residence card has a validity limited to the period for which the right to temporary residence has been granted or, as the case may be, extended. The temporary residence card shall be renewed each time on the occasion of the extension of the right to temporary residence.

(3) By way of exception to the provisions of para. (1), the ICT permit issued if the alien's first stay is on the territory of another Member State of the European Union shall not be enter a residence address of the alien on the territory of Romania.

(on 03-09-2016, Para. (3) in Article 109 was introduced by item 33 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

Long-term residence card

(on 31-07-2011, the Title of Article 110 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "permanent residence card" with the phrase "long-term residence card".)

(1) The long-term residence card is issued on the basis of obtaining the long-term residence right:

a) to aliens family members of Romanian citizens, for a period of 10 years, and is successively renewed for the same period;

b) other categories of aliens, for a period of 5 years, and is successively renewed for the same period.

(on 31-07-2011, Para. (1) in Article 110 was amended by item 156 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011.)

(2) The long-term residence card shall include the address where the alien declares that he/she has his/her domicile on the territory of Romania.

(on 31-07-2011, Para. (2) in Article 110 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "permanent residence card" with the phrase "long-term residence card".)

(2<sup>1</sup>) Long-term residence cards issued to holders of a long-term right of residence, obtained as a result of holding an EU Blue Card, shall bear the mention «Former EU Blue Card holder».

(on 31-07-2011, Para. (2<sup>1</sup>) of Article 110 was introduced by item 157 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

(2<sup>2</sup>) The long-term residence cards issued to beneficiaries of international protection in Romania shall include the mention «International protection granted by RO on [date]». Inspectorate General for Immigration submits, no later than one month after receiving the request of the Member State concerned, information on the status of international protection granted by Long-term residence card.

(on 26-12-2013, Para. (2<sup>2</sup>) of Article 110 was introduced by item 8 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(2<sup>3</sup>) In the case of the alien who already has a long-term residence card issued by another Member State with the mention of granting international protection, the same entry shall also be entered in the long-term residence permit issued under this Emergency Ordinance, unless, following the checks carried out by the General Inspectorate for Immigration in the Member State indicated in the entry, it results that international protection has been withdrawn by a final decision.

(on 26-12-2013, Para. (2<sup>3</sup>) of Article 110 was introduced by item 8 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(2<sup>4</sup>) If, after the issuance of the long-term residence card, with the application of the provisions of para. (2<sup>3</sup>), the responsibility for the international protection of the resident on long-term has been transferred to the Romanian State, the General Inspectorate for Immigration issues, within a maximum of 3 months from the date of the transfer, a new long-term residence card, applying the provisions of para. (2<sup>2</sup>).

(on 26-12-2013, Para. (2<sup>4</sup>) of Article 110 was introduced by item 8 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(2<sup>5</sup>) If, after the issuance of the long-term residence permit, with the application of the provisions of para. (2<sup>2</sup>), the responsibility for the international protection of the long-term resident has been transferred to another Member State, the General Inspectorate for Immigration issues, no later than 3 months from the date of receipt of the request of the Member State that took over the responsibility, a new long-term residence card, in which the mention

«International protection granted by [name of Member State] on [date]» shall be entered.

(on 26-12-2013, Para. (2<sup>5</sup>) of Article 110 was introduced by item 8 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(2<sup>6</sup>) If, after the issuance of the long-term residence card, another Member State grants the alien international protection, the General Inspectorate for Immigration shall, no later than 3 months from the date of receipt of the request of the Member State that granted the

international protection, a new long-term residence card, with the mention

«International protection granted by [name of Member State] on [date]».

(on 26-12-2013, Para. (2<sup>6</sup>) of Article 110 was introduced by item 8 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(3) The application for the long-term residence card shall be submitted by the holder of the long-term residence right to the territorial unit of the Romanian Immigration Office in whose jurisdiction the applicant resides lawfully and must be accompanied by the following documents:

(on 31-07-2011, the Introductory part of para. (3) of Article 110 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "permanent residence card" with the phrase "long-term residence card" and the phrase "right to permanent residence " with the phrase "right of long-term residence".)

- a) the document for crossing the state border, in original and copy;
- b) the documents proving the legal possession of the living space at the address where the alien declares that he/she has his/her domicile on the territory of Romania, in original and in copy.

(3<sup>1</sup>) For the issuance of the new long-term residence card, in the situations provided for in paragraphs (2<sup>4</sup>)-(2<sup>6</sup>), the alien must submit, to the territorial formation of the General Inspectorate for Immigration in whose jurisdiction he/she resides, an application accompanied by documents which prove the legal possession of the living quarters at the address where they declare that they have their domicile on the territory of Romania, no later than 30 days from the date on which they became aware about transferring responsibility or granting international protection.

(on 26-12-2013, Para. (3<sup>1</sup>) of Article 110 was introduced by item 9 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(4) For renewal of the long-term residence card, the applicant must submit, at least 30 days before the expiry

of the validity of the document, an application accompanied by the documents proving the legal possession of the living quarters at the address where the alien declares that he/she has his/her domicile on the territory of Romania.

(on 31-07-2011, Para. (4) of Article 110 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "permanent residence card" with the phrase "long-term residence card".)

## Article 111

### Cancellation of the residence card

(1) If the alien, holder of a document issued according to Article 107 para. (1), the right of residence is revoked, cancelled or terminated, the related document is cancelled on the date of the decision and withdrawn at the latest on the date on which this decision is brought to the attention of the alien.

(on 10-11-2018, Paragraph (1) of Article 111, Section 1, Chapter VI was amended by Item 61, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(2) The cancellation of the ICT permit shall be communicated within 5 days to the Member States on whose territory the alien is or is to be seconded.

(3) The cancellation of residence cards issued to aliens for study or research purposes, as well as to their family members, shall be communicated within 5 days to the Member States on the territory of which aliens exercise their mobility.

(on 10-11-2018, Article 111 of Section 1 , Chapter VI was supplemented by Item 62, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(on 03-09-2016, Article 111 was amended by item 34 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 112

### Theft, loss, damage or destruction of the residence card

(1) The holder of the residence card is obliged to notify the territorial unit of the General Inspectorate for Immigration of the place of residence or domicile about its theft, loss, damage or destruction, no later than 10 days after the finding of any of these situations.

(on 08-03-2024, Paragraph (1), Article 112, Section 1, Chapter VI was amended by Item 34, Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2) The alien is issued by the territorial unit of the competent Romanian Immigration Office a new residence



card instead of the one declared stolen, lost, damaged or destroyed one.

(3) Residence cards whose validity has expired, as well as those damaged, shall be cancelled by the territorial competent unit of the Romanian Immigration Office.

## Article 113

Form and contents of residence cards

The form and contents of residence cards shall be established by decision of the Romanian Government. Section 2

Repealed.

(on 31-07-2011, Section 2 of Chapter VI was repealed by item 158 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Article 114

Repealed.

(on 31-07-2011, Article 114 was repealed by item 158 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Article 115

Repealed.

(on 31-07-2011, Article 115 was repealed by item 158 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Article 116

Repealed.

(on 31-07-2011, Article 116 was repealed by item 158 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Article 117

Repealed.

(on 31-07-2011, Article 117 was repealed by item 158 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Section 2<sup>1</sup> Documents to be issued to aliens tolerated on the territory of Romania

(on 31-07-2011, Section 2<sup>1</sup> of Chapter VI was introduced by item 159 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

Article 117<sup>1</sup>



## Toleration document regime

(1) The General Inspectorate for Immigration issues, free of charge, to aliens who have been granted tolerance a toleration document certifying the existence of permission to remain on the territory of Romania and the period for which it benefits and which proves the residence address on the territory of Romania.

(on 28-11-2014, Para. (1) of Article 117<sup>1</sup> was amended by item 73 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014. )

(2) During the period of validity of the document, its holder has access to the labor market under the same conditions as Romanian citizens.

(3) The toleration document is valid only for the period for which it was granted permission to remain on the territory of Romania and is renewed each time on the occasion of the extension of this permission.

(4) The holder of the toleration document has the obligation to keep the document with him/her at all times, not to alienate it and to submit it to the competent authorities whenever he/she is requested to do so.

(5) The holder of the toleration document is obliged to notify the Romanian Immigration Office of its theft, loss, damage or destruction, within a maximum of 5 days from finding any of these situations.

(6) The alien is issued by the territorial unit of the competent Romanian Immigration Office a new toleration document instead of the one declared stolen, lost, damaged or destroyed.

(7) The form and content of the toleration document shall be established by Government Decision.

(on 31-07-2011, Article 117<sup>1</sup> was introduced by item 159 of Article of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Section 3 Travel documents to be issued to aliens

### Article 118

#### Types of travel documents to be issued to aliens

(1) The Romanian Immigration Office, through its territorial units, or, as the case may be, the Ministry of Foreign Affairs, through the diplomatic representation offices and consular offices of Romania abroad, may issue, upon request, the following types of travel documents:

a) travel document for aliens - to the following categories of aliens:

(on 31-07-2011, the Introductory part of letter a) of para. (1) of Article 118 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "travel document" with the phrase "travel document for aliens".)

(i) stateless persons residing abroad, temporarily on the territory of Romania, who are no longer in possession of a state border crossing document and, for objective reasons, cannot obtain such a document from the diplomatic representation office of the country of residence;

(ii) foreign citizens on the territory of Romania, who are no longer in possession of a national passport and, for objective reasons, cannot obtain a travel document from the diplomatic missions of their state;

(iii) stateless persons with permanent residence in Romania temporarily abroad, who are no longer in

possession of Romanian state border crossing documents;

b) passport for stateless persons - stateless persons with long-term residence in Romania, as well as stateless persons of Romanian origin.

(on 10-11-2018, letter (b) of Point (iii), Paragraph (1), Article 118, Section 3, Chapter VI was amended by Item 63, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(2) In the case of pupils who are resident on the territory of Romania, who wish to travel or transit the territory of a Member State within a school trip, in accordance with Council Decision No. 94/795/JHA on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union, regarding the travel facilities for pupils from third countries residing in a Member State, published in the Official Journal of the European Communities no. 327 of 19 December 1994, the Romanian Immigration Office confirms the residence status of the aliens included in the list of participants and authenticity of the data presented in this document.

(3) The notification of the Member States regarding the use of the list of participants as a travel document by pupils who are resident on the territory of Romania is made by the Ministry for Foreign Affairs

## Article 119

### Issuance of travel document for aliens

(on 31-07-2011, the Title of Article 119 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "travel document" with the phrase "travel document for aliens".)

(1) For the persons referred to in Article 118 para. (1) letter (a) points (i) and (ii) the travel document for aliens is issued by the Romanian Immigration Office through its territorial units and is valid for a single trip, for a period of 30 days, with the possibility of extending the validity for another 30 days.

(on 31-07-2011, Para. (1) of Article 119 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "travel document" with the phrase "travel document for aliens". )

(2) For the persons referred to in Article 118 para. (1) letter (a) point(iii) the travel document for aliens is issued by the diplomatic missions or consular offices of Romania abroad, with the approval of the Romanian Immigration Office, in order to return these persons in Romania. Upon returning to the country, the travel document for aliens is handed over by the holder of the territorial unit of the Romanian Immigration Office in whose territorial jurisdiction the stateless person resides.

(on 31-07-2011, Para. (2) of Article 119 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "travel

document" with the phrase "travel document for aliens".)

## Article 120

### Passport regime for a stateless persons

- (1) The passport for the stateless person proves the identity and the status of stateless person with the right to stay in Romania and entitles the holder to exit and enter the country through any of the state border crossing points open to international traffic.
- (2) Abroad, the passport for stateless persons entitles the holder to assistance and protection from the diplomatic missions and consular offices of Romania.
- (3) The passport for a stateless person is the property of the Romanian state.

## Article 121

### Issuance of passport to a stateless persons

The passport for stateless persons is issued by the General Inspectorate for Immigration, upon request, for a period of 5 years.

(on 28-11-2014, Article 121 was amended by item 74 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 122

### Conditions regarding for the issuance of the passport for a stateless person

- (1) The application for the issuance of the passport for a stateless person shall be submitted by the persons referred to in Article 118 para. (1) letter (b) to the territorial units of the Romanian Office for Immigration and shall be accompanied by the following documents:

a) the valid long-term residence card, in the case of stateless persons with long-term residence in Romania;

(on 31-07-2011, letter a) of para. (1) of Article 122 was amended by item 172 of Article I of Law no. 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. of 28 July 2011 replacing the phrase "permanent residence card" with the phrase "long-term residence card" and the phrase "right to permanent residence" with the phrase "right of long-term residence".)

b) the valid temporary residence permit, in the case of stateless persons of Romanian origin.

(on 28-11-2014, letter b) of para. (1) of Article 122 was amended by item 75 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

- (2) Passports are issued up to 30 days from the date of application.

## Article 123

### Passport cancellation for a stateless person

If the holder of the stateless person passport loses the status of stateless person with permanent residence in Romania or obtains the citizenship of a state, has the obligation to submit the document to the territorial unit of the competent Romanian Immigration Office, which withdraws and cancels it.

## Article 124

### Theft, loss, damage or destruction of passport for stateless persons

(1) The holder of the passport for stateless persons is obliged to notify the territorial unit of the General Inspectorate for Immigration of the place of residence or domicile

about its theft, loss, damage or destruction, within 5 days of finding in any of these situations.

(on 08-03-2024, Paragraph (1), Article 124, Section 3, Chapter VI was amended by Item 35. Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2) The alien shall be issued, upon request, under the conditions provided for in Article 120, a new document instead of the one declared stolen, lost, damaged or destroyed, within a maximum of 30 days.

(3) Passports for stateless persons, damaged, shall be withdrawn and cancelled by the territorial unit of the Romanian Immigration Office.

## Article 125

### Form and contents of travel documents

The form and contents of the travel documents provided for in this section shall be established by decision of the Romanian Government.

## Chapter VII

Repealed.

(on 31-07-2011, Chap. VII was repealed by item 160 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 126

Repealed.

(on 31-07-2011, Article 126 was repealed by item 160 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 127

Repealed.

(on 31-07-2011, Article 127 was repealed by item 160 of Article I of Law 157 of 11 July 2011, published in the

Chapter VIII Legal regime applicable to special categories of aliens

Article 128

Aliens with rights of long-term residence in the Member States of the European Union

(on 31-07-2011, the Title of Article 128 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(1) aliens, third-country nationals or stateless persons, with a right of long-term residence in the Member States of the European Union or countries which fully apply the provisions of the Schengen acquis, may enter and stay on the territory of the Romanian State for a period of 90 days during any 180-day period preceding each day of stay on the territory of Romania, without the obligation to obtain an entry visa.

(on 28-11-2014, Para. (1) of Article 128 was amended by item 76 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014. )

(2) Persons referred to in para. (1) may be extended the right to temporary residence, without fulfilling the prerequisite for obtaining a long-stay visa, under the conditions provided by this Emergency Ordinance.

(3) The persons referred to in para. (1) shall enjoy equal treatment in the fields and under the conditions provided for in Article 80<sup>1</sup>.

(on 03-09-2016, Para. (3) of Article 128 was amended by item 35 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016. )

(4) By way of derogation from the provisions of para. (3), access to the labor market for aliens with a right of long-term residence in a Member State of the European Union shall be granted in relation to labor legislation in the field and the need to occupy the jobs that fall into the deficient employment register on the territory of Romania, established by the specialized structure within the Ministry of Labor, Family, Social Protection and the Elderly.

(on 31-07-2011, Para. (4) of Article 128 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence". )

Article 128<sup>1</sup>

Readmission of aliens holders of the EU Blue Card or ICT permit

(1) EU Blue Card holder whose application to move to the second Member State was rejected shall be readmitted immediately, without formalities, to the territory of Romania. The readmission is accepted immediately, without formalities, also for his/her family members.

(1<sup>1</sup>) In case of rejection of the application for the issuance of an EU Blue Card within a long-term mobility, simultaneously with the notification provided for in Article 4 para. (6), the General Inspectorate for Immigration requests the first Member State to readmit the holder of the EU Blue Card and, where applicable, the members of his/her family, without formalities and without delay. These provisions shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the examination of the application.

(on 08-03-2024, Article 128<sup>1</sup>, Chapter VIII was supplemented by Item 36, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(2) The holder of an ICT permit, a temporary residence card for research purposes of study purposes issued by the General Inspectorate for Immigration is readmitted immediately, without formalities, at the request of the Member State of the European Union on the territory of which it is in the framework of a mobility. Readmission is accepted immediately, without formalities, also with regard to his/her family members.

(on 10-11-2018, Paragraph (2) of Article 128<sup>1</sup>, Chapter VIII was amended by Item 64, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

(3) The provisions of paragraphs (1) and (2) shall also apply if the alien, being in a mobility on the territory of the Member State of the European Union requesting readmission, has terminated the right to temporary residence on the territory of Romania, upon the expiry of the period for which he/she was granted or as a result of cancellation or revocation.

(on 08-03-2024, Paragraph (3) , Article 128<sup>1</sup> , Chapter VIII was amended by Item 37. Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(on 03-09-2016, Article 128<sup>1</sup> was amended by item 36 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

Article 128<sup>2</sup>

Repealed.

(on 22-03-2024, Article 128<sup>2</sup>, Chapter VIII was repealed by Item 13, Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024

Article 129

Family members of aliens with right of long-term residence in the Member States of the European Union

(on 31-07-2011, the Title of Article 129 was amended by item 172 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence".)

(1) Family members of aliens referred to in Article 128, who have a right to temporary residence for the family reunification purpose in a Member State of the European Union, may enter Romania on the basis of a long-stay visa granted for the same purpose by diplomatic missions or consular offices of Romania, fulfilling the general conditions for granting visas, as well as submitting evidence of the right to stay on the territory of the Member State of the European Union in this capacity.

(2) For family members of aliens referred to in Article 128, who do not have a right to temporary residence for family reunification purposes in a Member State of the European Union, the provisions of Article 46 shall apply.

(3) The aliens referred to in para. (1) may be extended the right of residence with the fulfilment of the general conditions provided by law, if:

a) submit the residence card in a Member State of the European Union;

b) prove that they have resided as family members of the alien with a right of long-term residence in a Member State of the European Union;

(on 31-07-2011, letter b) of apar. (3) of Article 129 was amended by item 172 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011, by replacing the phrase "right to permanent residence" with the phrase "right of long-term residence". )

c) prove the possession of the means of support in the amount of at least the minimum gross salary per country guaranteed for payment.

(on 10-11-2018, Letter c) of Paragraph (3), Article 129, Chapter VIII was amended by Item 65, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(4) The aliens referred to in para. (2) may have their right of residence extended, according to the provisions of Article 62.

## Article 129<sup>1</sup>

Family members of beneficiaries of international protection readmitted on the territory of Romania

(1) Family members of beneficiaries of international protection readmitted on the territory of Romania, according to Article 16 para. (1) of Law 122/2006 as subsequently amended and supplemented are aliens who had a right to temporary residence for the purpose of reuniting the family of the beneficiaries of international protection in the Member State that ordered the removal.

(2) The family members referred to in para. (1) may enter the territory of Romania without fulfilling the conditions provided for in Article 6 para. (1) letters b) and c), shall enjoy a right to temporary residence for 90 days, starting with the date of entry into Romania, and may request the extension of this right for any of the purposes and under the conditions provided for in Chapter IV, without the need to obtain a long-stay visa in advance.

(3) The provisions of para. (2) are without prejudice to the more favourable situation acquired by the aliens

concerned on the territory of Romania under other legal provisions.

(on 26-12-2013, Article 129<sup>1</sup> was introduced by item 10 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

#### Article 129<sup>2</sup>

Facilities upon the entry into the territory of Romania of family members of Romanian citizens

Aliens, family members of Romanian citizens may enter the territory of Romania for an uninterrupted stay or for several stays not exceeding 90 days in any 180-day period preceding each day of stay on the territory of Romania, without a short-stay visa, if they meet, cumulatively, the following conditions:

- a) accompany the Romanian citizen or join him/her on the territory of Romania;
- b) submit a valid document attesting residence in the territory of another Member State of The European Union as family members of the Romanian citizen whom they accompany or join on the territory of Romania."

(on 28-11-2014, Article 129<sup>2</sup> was introduced by item 77 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, as amended by CORRIGENDUM No. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 846 of 20 November 2014. )

#### Article 130

Right to temporary residence for victims of crime

(1) The right to temporary residence for victims of crimes is granted by the General Inspectorate for Immigration, under the conditions provided for in para. (2), to aliens victims of:

- a) crimes provided for in Articles 210, 211, 263 or 264 of the Criminal Code;
- b) crimes provided for in Article 264 para. (4) or Article 265 of Law 53/2003 of the Labor Code, republished, as subsequently amended and supplemented.

(2) The right to temporary residence for victims of crimes is granted for a period of 6 months, without the requirement to obtain a visa and even if the aliens entered illegally in Romania, at the request of the prosecutor or the court, if the following conditions are cumulatively met:

- a) aliens have a clear intention to cooperate or cooperate with the competent authorities to facilitate the identification and imputation of criminal liability of the participants in the commission of the crimes of which they are victims;
- b) aliens have terminated relations with persons suspected of committing crimes of which they are victims;
- c) granting the right of residence is appropriate for conducting judicial investigations;
- d) the stay of aliens in Romania does not pose a danger to public order or national security.

(3) The right to temporary residence for victims of crimes is extended by the General Inspectorate for



Immigration successively, for new periods of 6 months, upon the request of the prosecutor or the court, if the conditions provided in para. (2) are cumulatively met.

(4) If the extension of the right of temporary residence is not requested according to para. (3), upon the request of aliens victims of the offenses referred to in para. (1) letter (b), the right to temporary residence granted according to para. (2) shall be extended by the General Inspectorate for Immigration successively, for new periods of 6 months, if the following conditions are cumulatively fulfilled:

- a) the presence of aliens on the territory of Romania is necessary in order to carry out the legal procedures for the recovery of outstanding remuneration from the employer who committed the crimes provided for in Article 264 para. (4) or Article 265 of Law 53/2003, republished, with subsequent amendments and supplements;
- b) aliens do not pose a danger to public order or national security.

(5) The temporary residence card is issued free of charge.

(6) The right to temporary residence granted according to para. (2) or extended according to para. (3) shall be revoked by the General Inspectorate for Immigration, by reasoned decision, upon the request of the prosecutor or the court, in any of the following situations:

- a) the aliens have intentionally renewed contacts with the persons suspected of committing the offenses referred to in paragraph (1);
- b) the aliens misled the competent authorities regarding the quality of the victim or regarding the data and information provided;
- c) aliens refuse to cooperate with the competent authorities;
- d) aliens pose a danger to public order or national security;
- e) the competent authorities find the existence of any of the cases provided for in Article 8 from the Code of Criminal Procedure.

(7) The right to temporary residence extended according to para. (4) shall be revoked by the General Inspectorate for Immigration, by reasoned decision, in any of the situations provided for in para. (6) letters a)-d) or if the aliens have received the outstanding remunerations.

(8) Decisions to revoke the right to temporary residence for victims of crimes shall be communicated to aliens according to Article 78.

(9) Aliens, victims of the crimes referred to in para. (1), who have not been granted the right to temporary residence, cannot be subject to the entry ban measure unless when they pose a threat to public order or national security or have not complied with the return decision.

(on 08-04-2023, the phrase: prohibiting entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(on 28-11-2014, Article 130 was amended by item 78 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

Legal regime applicable to unaccompanied minor aliens

(1) In the case of minor aliens who enter unaccompanied or who remain unaccompanied on the territory of Romania, when there are no serious doubts regarding their minority, the General Inspectorate for Immigration and its territorial units shall proceed as follows:

(on 10-11-2018, the introductory part of paragraph (1) of Article 131, Chapter VIII was amended by Item 66, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018 )

- a) their identity and the manner of entry into the country are established;
- b) regardless of how they enter Romania, they are represented by a competent institution according to the law, which will also provide them with the necessary protection and care, including accommodation in special centres for the protection of minors under the same conditions as for Romanian minors;
- c) measures are taken to identify the parents, regardless of their place of residence, for the purpose of family reunification;
- d) until the parents are identified, minors of school age have access to the education system;
- e) the execution of measures to remove an unaccompanied minor can be done, following a prior assessments by the competent authorities, only if the minor is sent to the parents, when they have been identified and do not reside on the territory of Romania, to the members the family, with their consent, to the designated guardian or appropriate reception facilities in the State of return;

(on 28-11-2014, letter e) of para. (1) of Article 131 was amended by item 79 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014. )

- f) repealed.

(on 03-09-2016, letter f) of para. (1) of Article 131 was repealed by item 38 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(2) In order to find appropriate solutions, the Romanian Immigration Office cooperates with other institutions, as well as with national and international organizations specialized in the field of minors protection.

(3) The procedure provided for in para. (1) shall be considered completed in the following situations:

- a) the family reunification of the minor was achieved;
- b) the minor was handed over to the competent authorities of the country of origin;
- c) if the minor's parents or other family members are not identified;
- d) the child is not accepted in the State of origin.

(on 03-09-2016, Para. (3) of Article 131 was introduced by item 39 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(4) During the procedure provided for in para. (1), the right of residence of minors shall be extended for the

purpose provided for in Article 69 para. (1) letter g), without the need to fulfil the general and special conditions provided for in this Ordinance.

(on 03-09-2016, Para. (4) of Article 131 was introduced by item 39 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(5) Residence cards for unaccompanied minors are granted free of fees.

(on 03-09-2016, Para. (5) of Article 131 was introduced by item 39 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(6) In the situations referred to in para. (3) letters c) and d), the minor may be granted the right of long-term residence on the territory of Romania.

(on 03-09-2016, Para. (6) of Article 131 was introduced by item 39 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 131<sup>1</sup>

### Determining the age of the unaccompanied minor

(1) If the alien declares that he/she is a minor and cannot prove his/her age, but there are serious doubts about his/her minority, he/she will be considered a major.

(2) In the situation provided for in para. (1) the General Inspectorate for Immigration requests the performance of a forensic expertise to assess the age of the applicant, with the prior written consent of the applicant.

(3) If the alien refuses to carry out the forensic age assessment and no conclusive evidence of his/her age is provided, he/she will be considered of age.

(4) In the situation referred to in para. (3), the person concerned shall be deemed to have reached the age of 18 years at the time of finding his/her illegal stay.

(5) The provisions of para. (3) shall not apply if the refusal to carry out the forensic expertise to establish the age is based on substantiated reasons, ascertained following the assessment of a psychologist at the General Inspectorate for Immigration.

(6) The interpretation of the result of the forensic expertise to assess the age of the alien shall be carried out taking into account the principle of the best interests of the minor.

(on 10-11-2018, Chapter VIII was supplemented by Item 67, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

## Article 132

### Access of minor aliens to education

(1) Minor aliens residing in Romania have access to compulsory school education under the same conditions

as minors who are Romanian citizens.

(2) The Ministry of Education establishes, according to the law, the limits and conditions for the recognition and equivalence of studies carried out in the country of origin, for the enrolment of foreign pupils in the national education system.

(on 04-03-2021, the phrase: The Ministry of National Education was replaced by Item 9, SOLE ARTICLE of the EMERGENCY ORDINANCE no. 14 of 3 March 2021, published in the OFFICIAL GAZETTE OF ROMANIA no. 223 of 4 March 2021)

## Chapter IX Civil offences and crimes

### Article 133

Legal liability for breach of the provisions of this Emergency Ordinance Violation of the provisions of this Emergency Ordinance entails, as the case may be, the criminal, civil, contraventional or administrative liability of the guilty person.

### Article 134

#### Civil offences

The following shall be considered civil offences:

1. failure by the carrier to comply with the prohibitions provided for in Article 7 para. (1), as well as the obligation provided for in Article 9 para. (4<sup>1</sup>) regarding the insurance/bearing of the round trip transport of border guards escorting persons who have been refused the entry on the territory of the Romanian State;

(on 21-04-2024, Item 1. , Article 134, Chapter IX was amended by Item 14. ,Article III of the Emergency Ordinance no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

2. failure by the alien to comply with to leave the territory of Romania after the date on which the right to stay in Romania provided for in Article 11 terminates;

3. failure by the alien or the person hosting the same to comply with the obligation to notify his/her stay to the competent territorial police body, no later than 3 days after the expiry of the term provided for in Article 12, para. (1);

(on 28-11-2014, Item 3 of Article 134 was amended by item 80 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

4. failure by the alien to comply with the obligation provided for in Article 13 paragraph 2

5. failure to declare the information provided for in Article 13 paragraphs (1) and (3), within the time-limits provided for in Article 13 para. (4);

5<sup>1</sup>. failure of the host entity to comply with the obligation provided for in Article 13 para. (6);

(on 10-11-2018, Article 134 of Chapter IX was supplemented by Item 68, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

6. allowing the exit from the country of aliens who are in one of the situations of non-permission to exit provided for in Article 15 para. (1);
7. failure to comply with the time-limit for submitting the application for the extension of the right to temporary residence, provided for in Article 51 para. (1);
8. failure by aliens to comply with the obligations provided for in Article 50 para. (3);
9. failure by the employer to comply with the obligation to communicate the nominal situation, provided for in Article 57 para. (2);
10. failure by the alien to comply with the obligation to report to the territorial unit of the General Inspectorate for Immigration, within the 30-day period provided for in Article 73 para. (5) or Article 110 para. (3<sup>1</sup>);  
(on 26-12-2013, Item 10 of Article 134 was amended by item 11 of Article I of LAW 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)
11. failure to comply with the alien's obligation regarding the residence permit, provided for in Article 108 para. (2), regarding the toleration document, provided for in art. 117<sup>1</sup> para. (4), or failure to submit travel documents, in the case of aliens in Romania on the basis of a visa or under international conventions or legislative acts abolishing unilaterally the visa regime;  
(on 31-07-2011, Item 11 of Article 134 was amended by item 166 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)
12. failure to comply with the time-limit for submitting the application for renewal of the residence card, provided for in Article 110 para. (4);
13. failure to comply with the time-limit for declaring the theft, loss, damage or destruction of the residence card, provided for in Article 112 para. (1), respectively the toleration document, provided for in Article 117<sup>1</sup> para. (5);  
(on 31-07-2011, Item 13 of Article 134 was amended by item 167 of Article I of Law no. 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no.533 of 28 July 2011)
14. failure to comply with the time-limit for declaring the theft, loss, damage or destruction of the passport for the stateless person, provided for in Article 124 para. (1);
15. retention of a alien's state border crossing document or residence card by unauthorized persons;
- 15<sup>1</sup>. Preventing in any way the workers of the General Inspectorate for Immigration from exercising, in whole or in part, the controls provided for in Article 143 para. 1 letter (c).  
(on 10-11-2018, Article 134 of Chapter IX was supplemented by Item 69, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)
16. Repealed.  
(on 28-11-2014, Item 16 of Article 134 was repealed by item 81 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 135

### Sanctions

The civil offences provided for in Article 134 shall be sanctioned as follows:

- a) with a fine from Ron 400 to Ron 800, those provided for in section 3-5, 7, 8 and 10-14;  
(on 04-04-2024, Letter a), Article 135 , Chapter IX was amended by Item 38, Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)
- b) with a fine from Ron 500 to Ron 1000, the one provided for in item 6;  
b<sup>1</sup>) with a fine from Ron 1,500 to Ron 3,000, those provided for in item 5<sup>1</sup>;  
(on 10-11-2018, Article 135 of Chapter IX was supplemented by Item 70, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)
- c) with a fine from RON 2,000 to RON 4,000, those provided for in items 9 and 15;  
(on 28-11-2014, letter c) of Article 135 was amended by item 82, of article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)
- c<sup>1</sup>) with a fine from Ron 3,000 to Ron 6,000, the one provided for in item 15<sup>1</sup>.  
(on 10-11-2018, Article 135 of Chapter IX was supplemented by Item 71, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)
- d) with a fine from Ron 8,000 to Ron 15,000, the one provided for in item 1, calculated for each alien transported;  
(on 31-07-2011, letter d) of Article 135 was amended by item 168 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)
- e) in the case of the civil offence provided for in item 2, the fine shall be applied as follows:
- (i) from Ron 400 to Ron 700, in the case of a stay of up to 30 days after the termination of the right of residence;
  - (ii) from Ron 600 to Ron 1000, in the case of a stay of up to 60 days after the termination of the right of residence;
  - (iii) from Ron 800 to Ron 1200, in the case of a stay of more than 60 days after the termination of the right of residence.

## Article 136

### Ascertaining the civil offences

The finding of contraventions and the application of sanctions are made by specifically designated workers within the Ministry of Internal Affairs or, as the case may be, by specific fact-finding designated agents of other institutions, according to their competences.

## Article 137

### Civil offences regime

(1)The provisions of this Emergency Ordinance shall be supplemented by the provisions of the Ordinance no. 2/2001 on the legal regime of civil offences, approved with amendments and supplements by Law 180/2002, as subsequently amended and supplemented.

(2) Repealed.

(on 08-03-2024, Paragraph (2), Article 137, Chapter IX was repealed by Item 39, Article I of LAW 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024 )

## Article 138

Repealed.

(on 01-02-2014, Article 138 was repealed by Item 1 of Article 120, Title II of LAW 187 of 24 October 2012, published in the OFFICIAL GAZETTE OF ROMANIA no. 757 of 12 November 2012.)

## Article 139

Repealed.

(on 01-02-2014, Article 139 was repealed by Item 1 of Article 120, Title II of LAW 187 of 24 October 2012, published in the OFFICIAL GAZETTE OF ROMANIA no. 757 of 12 November 2012.)

## Article 140

Carrying out activities prohibited by law

Organization by aliens, on the territory of Romania, of a political party or other organizations or groups of those provided for in Article 4 para. (2), the accession of an alien to them, as well as the initiation, organization and participation in demonstrations or meetings that affect public order and national security, constitute a crime and shall be punished by imprisonment from 3 months to 2 years or a fine.

(on 28-11-2014, Article 4 was amended by Article 42, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014, by replacing the phrase "national safety" with the phrase "national security".)

## Article 141

Repealed.

(on 01-02-2014, Article 141 was repealed by item 3 of Article 120, Title II of LAW 187 of 24 October 2012, published in the OFFICIAL GAZETTE OF ROMANIA no. 757 of 12 November 2012)

## Article 142

Repealed.

(on 01-02-2014, Article 142 was repealed by item 3 of Article 120, Title II of LAW 187 of 24 October 2012, published in the OFFICIAL GAZETTE OF ROMANIA no. 757 of 12 November 2012)

## CHAPTER 3 Transitional and final provisions

Romanian Immigration Office

(1) In application of the provisions of this Emergency Ordinance, the police officers of the Romanian Immigration Office are entitled:

- a) to carry out fact-finding acts in order to inform the criminal investigation bodies, when they find out that crimes have been committed in connection with the aliens' regime;
- b) to identify, to detect, to take them over from the headquarters of other authorities and to lead to the headquarters of territorial units the aliens who violate the legal provisions regarding the regime of aliens in Romania or those whose identity cannot be established, to verify and to take legal measures, within 24 hours of detection;

(on 31-07-2011, letter b) of para. (1) of Article 143 was amended by item 169 of Article I of Law 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no.533 of 28 July 2011)

- c) to organize and carry out, in accordance with the law, controls in environments and places frequented by aliens, in public or private institutions, as well as on the premises of economic operators, regardless of owner or holder, when there are data or indications of the existence in these places or environments of aliens who do not comply with the legal provisions on the regime of aliens in Romania;

c<sup>1</sup>) to organize and carry out, in accordance with the law, controls in public institutions or private companies, as well as within the premises of economic operators, regardless of the owner or holder, in order to ascertain the fulfilment by employers or beneficiaries of the provision of services of the conditions of employment or secondment of aliens on the territory of Romania;

(on 08-03-2024, Paragraph (1) , Article 143 , Chapter X was supplemented by Item 40. , Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

- d) to use, free of charge, the means of public transport and the means of railway transport, during service, for the execution of missions that cannot be otherwise fulfilled;

- e) to benefit from the services of an authorized interpreter or a trustworthy person, when the situation so requires, for the performance of his/her job duties;

(on 28-11-2014, letter e) of para. (1) of Article 143 was introduced by item 83 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

- f) to request expertise and consult experts in order to establish the legal status of aliens and to order administrative measures.

(on 28-11-2014, letter f) of para. (1) of Article 143 was introduced by item 83 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

- (2) The General Inspectorate for Immigration is the national contact point in relation to institutions of the European Union and with the authorities of the other Member States for the exchange of information and documents in application of the legal provisions falling within its competence.



(on 26-12-2013, Para. (2) of Article 143 was introduced by item 12 of Article I of Law 376 of 19 December 2013, published in the OFFICIAL GAZETTE OF ROMANIA no. 826 of 23 December 2013)

(3) The payment of the interpreters referred to in para. (1) letter e) shall be made under the terms of Law 178/1997 for the authorization and payment of interpreters and translators used by the Superior Council of the Magistracy, the Ministry of Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate, the criminal investigation bodies, the courts, the notaries public offices, lawyers and bailiffs, as subsequently amended and supplemented.

(on 03-09-2016, Para. (3) of Article 143 was introduced by item 40, of Article I of the ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE no. 670 of 31 August 2016. )

(4) The interpreters referred to in paragraph (1) letter (e) who travel to a locality other than their domicile, in order to carry out the works requested by the General Inspectorate for Immigration, benefit from transport expenses and, as the case may be, accommodation and delegation allowance, according to the legal provisions applicable in the budget units.

(on 03-09-2016, Para. (4) of Article 143 was introduced by item 40, of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(5) If authorized interpreters are not identified or cannot be used under Law 178/1997, as subsequently amended and supplemented, the General Inspectorate for Immigration may use reliable persons who know the languages of/and in which translation and/or interpretation of the language concerned, the provisions of paragraphs (3) and (4) being applied accordingly.

(on 03-09-2016, Para. (5) of Article 143 was introduced by item 40, of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(6) The General Inspectorate for Immigration transmits to the European Commission statistical data on the number of documents granting the right of residence and work for the purpose of seasonal work issued for the first time and, to the extent possible, the number of aliens whose right of residence for the purpose of seasonal work has been extended, cancelled or revoked. The statistical data are broken down by citizenship and, as far as possible, by the duration of the right of residence granted and by economic sector. The statistical data have one calendar year as reference periods and are communicated to the European Commission within 6 months from the end of the reference year. The first reference year shall be 2017.

(on 03-09-2016, Para. (6) of Article 143 was introduced by item 40 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 143<sup>1</sup>

In this Emergency Ordinance, the reference to the expulsion safety measure is considered to be made to the ancillary or complementary punishment, respectively, applied according to the provisions of Article 65 para. (2) letter c) or Article 66 para. (1) letter c) of the Criminal Code.

(on 01-02-2014, Art. 143<sup>1</sup> was introduced by item 4 of Article 120, Title II of LAW 187 of 24 October 2012,

## Article 144

### Covering expenses

(1) Expenses incurred by international transport necessary for the execution of removal measures from the territory of Romania of aliens who have financial means shall be borne by them, provided that, after payment of these expenses, an amount equivalent to at least EUR 50 to remain to them, necessary to cover own expenses during removal.

(on 03-09-2016, Para. (1) of Article 144 was amended by item 41 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(2) If the alien does not have financial means and entered Romania on the basis of a invitations, the costs of carrying out the removal measures shall be borne by the person or legal entity that made the invitation. The invitation constitutes an enforceable title if the invited alien does not leave Romania until the date on which the right of residence established by visa terminates. The amounts to be paid shall be determined by the General Inspectorate for Immigration by drawing up a note ascertaining the expenses related to the execution of the removal of the invited alien.

(on 28-11-2014, Para (2) of Article 144 was amended by item 84 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(3) The employer, an individual or legal entity, is obliged to bear the costs of carrying out the measures to remove the alien whom they have hired illegally or whose residence permit is no longer valid.

(on 28-11-2014, Para. (3) of Article 144 was amended by item 84 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(4) The Research and Development Unit is obliged to bear the costs of carrying out the measures for the removal of the alien who has been accepted by it to carry out scientific research activities within a project, if he/she remains on the territory of Romania after the termination of the right of residence. Responsibility of the research and development unit expense bearing development ceases after 6 months from the end of the validity of the acceptance agreement.

(on 28-11-2014, Para. (4) of Article 144 was amended by item 84 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

(4<sup>1</sup>) The host entity is obliged to bear the costs of executing the removal of the alien who has been accepted in the context of concluding a professional training agreement, if he/she remains on the territory of Romania after the termination of the right of residence. The host entity's liability for expenses shall cease 6 months after the termination of the professional training agreement.

(on 10-11-2018, Article 144 of Chapter X was supplemented by Item 72, Article I of LAW 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

(5) Expenses incurred in carrying out measures to remove aliens who do not have the necessary funds to do so, expenses for transport, feeding, maintenance and the accommodation of aliens in the areas in the transit area

or in the locations outside the border crossing points provided for in Article 9 para. (3) or in centres, the expenses determined by the destruction by aliens of the goods in the endowment of the locations outside the border crossing points provided for in Article 9 para. (3) or of the centres, as well as the expenses necessary to provide aliens accommodation in the areas in the transit area or in the locations outside the border crossing points provided for in Article 9 para. (3) or in medical care, hospitalization centres and the right to communicate with the diplomatic and consular representative offices of the state of origin, with their family members and with the legal representative shall be borne from the budget of the Ministry of Internal Affairs, within the limits of the funds allocated for these intended purposes.

(on 24-12-2015, Para. (5) of Article 144 was amended by item 3 of Article II of Law 331 of 16 December 2015, published in the OFFICIAL GAZETTE OF ROMANIA no. 944 of 21 December 2015)

(5<sup>^</sup>1) The expenses incurred in carrying out the removal measures provided for in paragraph (5) shall include an amount equivalent to EUR 50, from which the alien removed shall benefit for covering own expenses during removal, if the alien does not have this amount.

(on 03-09-2016, Para. (5<sup>^</sup>1) of Article 144 was introduced by item 42 of Article II of the ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

(6) The costs related to the construction, arrangement, maintenance and operation of the locations outside the border crossing points provided for in Article 9 para. (3) and the centres shall be borne from the budget of the Ministry of Internal Affairs.

(on 24-12-2015, Para. (6) of Article 144 was amended by item 3 of Article II of Law 331 of 16 December 2015, published in the OFFICIAL GAZETTE OF ROMANIA no. 944 of 21 December 2015)

(7) The necessary funds for the expenses referred to in paragraphs (5) and (6) shall be provided for in the state budget for the Ministry of Internal Affairs.

(8) The endowment rules for locations outside the border crossing points provided for in Article 9 para. (3) and for the centres, the norms regarding the maintenance and personal hygiene materials, as well as the food norms for aliens accommodated according to Article 9 para. (3) and for aliens taken into public custody shall be established by Government Decision.

(on 24-12-2015, Para. (8) of Article 144 was amended by item 3 of Article II of LAW 331 of 16 December 2015, published in the OFFICIAL GAZETTE OF ROMANIA no. 944 of 21 December 2015)

(9) Expenses incurred in applying the provisions of Article 143 para. (1) letters e) and f) shall be borne by the budget of the Ministry of Internal Affairs, within the limit of the funds allocated for these intended purposes.

(on 03-09-2016, Para. (9) of Article 144 was introduced by item 43 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

## Article 144<sup>^</sup>1

Granting of personal identification number

(1) Each alien for whom employment or secondment opinions have been issued, who has been extended the right of temporary residence or who has been granted the right of long-term residence, is assigned by the General Inspectorate for Immigration a personal numerical code, which is entered in the residence card or in the employment or secondment opinion, as the case may be.

(on 22-03-2024, Paragraph (1), Article 144<sup>1</sup>, Chapter X was amended by Item 15, Article III of the EMERGENCY ORDINANCE no. 25 of 21 March 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 250 of 22 March 2024 )

(2) At the justified request of the public institutions concerned, the Romanian Immigration Office may also assign a personal identification number to aliens who do not have a right to stay on the territory of Romania, obtained under the conditions of this Emergency Ordinance, for the exercise of certain legal rights and obligations and only with their express consent.

(3) In justified cases, the Romanian Immigration Office may also assign a personal identification number to aliens who have been granted tolerance, at their request, which is registered on the Toleration document.

(on 31-07-2011, Article 144<sup>1</sup> was introduced by item 171 of Article I of LAW 157 of 11 July 2011, published in the OFFICIAL GAZETTE OF ROMANIA no. 533 of 28 July 2011)

## Article 145

### Providing medical assistance in special cases

In special situations and for humanitarian reasons, the territorial competent body of the Ministry of Internal Affairs may request the competent authorities to provide medical assistance to aliens under the conditions provided for in Article 105.

(on 28-11-2014, Article 145 was amended by item 85 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 146

### Exceptions to the application of the provisions of this Emergency Ordinance

The Government may establish, by decision, the exemption of aliens, citizens of states for which there is no obligation to obtain an entry visa in Romania, from the fulfilment of the condition provided for in Article 6 para. (1) letter c), as well as conditions for extending the right of residence provided for in this Emergency Ordinance.

## Article 147

### Application of regulations

The provisions of Law no. 122/2006, as subsequently amended and supplemented, shall apply with priority over the provisions of this Emergency Ordinance, except for cases in which grounds of national security or public order require their return or expulsion from the territory of Romania.

(on 28-11-2014, Article 147 was amended by item 86 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 148

### Procedural provisions

In all complaints and requests made to the courts under this Emergency Ordinance, to which the Romanian Immigration Office is a party, the participation of the Prosecutor is mandatory.

## Article 149

### Limits on the application in time of this Emergency Ordinance in respect of certain categories of aliens

From the date of Romania's accession to the European Union, the provisions of this Emergency Ordinance shall cease to be applicable to citizens of the Member States of the European Union and of the European Economic Area.

## Article 150

### Repealed.

(on 28-11-2014, Article 150 was repealed by item 87 of Article 41, Title II of the ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 2014.)

## Article 151

### Transitional provisions

(1) Within 3 months from the date of entry into force of this Emergency Ordinance, illegally staying aliens may apply to the Romanian Immigration Office for the issuance of an order to leave the territory.

(2) The issuance of the order to leave the territory, under the conditions provided for in para. (1), shall not be accompanied by the measure of the entry ban.

(on 08-04-2023, the phrase: prohibition of entry into Romania was replaced by Item 11, Article 68, Chapter V of LAW 76 of 3 April 2023, published in the OFFICIAL GAZETTE OF ROMANIA no. 282 of 5 April 2023)

(3) All situations pending at the date of entry into force of this Emergency Ordinance shall be settled in accordance with its provisions.

Entry into force

(1) This Emergency Ordinance shall enter into force 30 days after its publication in the Official Gazette of Romania.

(2) On the date of entry into force of this Emergency Ordinance, Law 123/2001 on alien status in Romania shall be repealed, published in the Official Gazette of Romania, Part I, no. 168 of 3 April 2001, and Government Decision no. 476/2001 for the approval of the Implementing Rules for application of Law 123/2001 on alien status in Romania, published in the Official Gazette of Romania, Part I, no. 276 of 29 May 2001, as well as any other provisions to the contrary.

\*

This Emergency Ordinance transposes:

1. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, published in the Official Journal of the European Communities, series L, no. 149 of 2 June 2001;

2. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, OJ L 187/45, 10.7.2001 of the Official Journal of the European Communities, series L, no. of 10 July 2001;

3. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, published in the Official Journal of the European Union, series L, no. of 3 October 2003;

4. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, published in the Official Journal of the Union European Union, series L, no. 16 of January 23, 2004, as amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC in order to extend its scope to beneficiaries of international protection, published in the Official Journal of the European Union (OJEU), series L, no. 132 of 19 May 2011

5. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit in the framework of removal measures by air, published in the Official Journal of the European Communities, series L, no. 321 of 6 December 2003;

6. Removed.

(on 10-11-2018, Point 6. was deleted by Item 73, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE no. 941 of 7 November 2018)

7. Removed.

(on 10-11-2018, Item 7. was removed by Item 73, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

8. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common

standards and procedures in Member States for returning illegally staying third-country nationals, published in the Official Journal of the European Union, series L, no. 348 of 24 December 2008;

9. Repealed.

(on 08-03-2024, Item 9 of the Note on the transposition of European Union rules was repealed by Item 41. Article I of LAW 28 of 29 February 29, 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

10. Corrigendum to Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, published in the Official Journal of the European Union, series L, no. 168 of 30 June 2009, except for Article 9-12;

11. Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, published in the Official Journal of the European Union, series L, no. 343 of 23 December 2011

12. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, published in the Official Journal of the European Union, Series L no. 94 of 28 March 2014, except for Article 45 para. (2), Article 3 letters b) and c), Article 5 paragraphs (2) and (4), Article 6 paragraphs (2) and (6), Article 7, article 8 paragraphs (2) and (4), Article 10, Article 11 para. (1), Article 15 para. (9), Article 16, Article 17 paragraphs (1), (2) and (3), Article 20 para. (2), Article 24 para. (1) and Article 25 para. (2). (on 03-09-2016, Item 12 of the Note on the transposition of European Union rules was introduced by item 44 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016. )

13. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the conditions of entry and residence of third-country nationals in the context of an intra-corporate transfer, published in the Official Journal of the European Union, series L, no. 157 of 27 May 2014, except for Article 5 para. (1) letters a)-f), para. (2), para. (4) and para. (7), Article 6, Article 9, Article 10, Article 21 paragraphs (2), (3) and (6), Article 22 para. (2) letter e) and Article 23 para. (3) and para (7) letters d) and e).

(on 03-09-2016, Item 13 of the Note on the transposition of European Union rules was introduced by item 44 of Article II of ORDINANCE no. 25 of 24 August 2016, published in the OFFICIAL GAZETTE OF ROMANIA no. 670 of 31 August 2016.)

14. Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or projects au pair education and work (recast), published in the Official Journal of the European Union,

Series L 132 of May 21, 2016, except for Article 45 para. (2), art. 3 point 16:18:30 4, art. Article 5 para.(2) Article 8 para. (2) and (3), Article 9, Article 10 para. (3), (7) and (8), Article 11 para.(3), Article 12 para. (2),

Article 13 para. (1) letters d)-f) and para. (2) and (3), Article 14 para. (1) letters b) and d), Article 15, Article 16 para. (1) letter b) second sentence, para. (2) letter a) and para. (3), Article 17 para. (4) second sentence, Article 18 para. (4) second sentence, para. (5) second sentence and para. (6) third sentence, Article 19, Article 20 para. (1) letter c) and para. (2) letters a)-d), Article 21 para. (1) letter c), para. (2) letters a)-d) and f) and para. (3), Article 22 para. (2), Article 23 second thesis, Article 24 para.(2), Article 25 para. (2), (7) and (8), Article 26 para. (6), Article 28 para. (2) letter a), para. (3), para. (6) letter a) second sentence, letter c), letter d) second and third sentence and para. (10), Article 29 para. (1) letter a) and b) second sentence and para. (2) letter a) final sentence, Article 30 para. (3) letter b)second sentence, Article 31 para. (2) letter a), para. (3), para. (6) letter e) final sentence, para. (7) letter b) final sentence and para. (10), Article 32 para. (1), Article 34 para. (2) and (4) final sentence, Article 35 final sentence, Article 37 para. (2), Article 39 and Article 41-43.

(on 10-11-2018, the Act was supplemented by Item 74, Article I of Law 247 of 5 November 2018, published in the OFFICIAL GAZETTE OF ROMANIA no. 941 of 7 November 2018)

15. Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, published in the Official Journal of the European Union, series L, no. 382 of 28 October 2021.

(on 08-03-2024, the Note on the transposition of European Union rules was supplemented by Item 42, Article I of Law 28 of 29 February 2024, published in the OFFICIAL GAZETTE OF ROMANIA no. 176 of 5 March 2024)

(on 28-11-2014, the Note on the transposition of the European Union rules was introduced by item 88 of Article 41, Title II of ORDINANCE no. 25 of 26 August 2014, published in the OFFICIAL GAZETTE OF ROMANIA no. 640 of 30 August 30, 2014.)

#### Note

We reproduce below the provisions of Article II and the note on the transposition of the Community rules of Law 164/2008 amending and supplementing the Government Emergency Ordinance no. 194/2002 on the aliens regime in Romania, as well as Article 8 and the note on the transposition of the Community rules from the Government Emergency Ordinance no. 55/2007 on the establishment of the Romanian Immigration Office through the reorganization of the Authority for Aliens and the National Office for Refugees, as well as the amendment and supplement of several legislative acts, approved with amendments and supplements by Law 347/2007, texts that have not been incorporated into the republished form of Government Emergency Ordinance no. 194/2002:— Law 56/2007

Art. II - (1) Within 6 months from the date of entry into force of this law, aliens without the right to stay in Romania may request the Authority for Aliens to issue a return decision, without instituting the measure to ban entry into Romania.

(3) All situations pending at the date of entry into force of this law will be settled according to the provisions of the Government Emergency Ordinance no. 193/2002 on aliens regime in Romania, republished, as



subsequently amended and supplemented, as amended and supplemented by this law.

(4) The orders declaring as undesirable, issued by the prosecutor specifically appointed from the Prosecutor's Office attached to the Bucharest Court of Appeal, which have not been enforced, shall cease to have effect on the date of entry into force of the provisions of this law.

\*- This law transposes the Council Directive no. 86/2003 on the right to family reunification, published in the Official Journal of the European Communities(OJEC) no. L251 of 3 October 2003, Council Directive no. 109/2003 on the status of third-country nationals who are long-term residents, published in the Official Journal of the European Communities (OJEC) no. L16 of 23 January 2004, Council Directive no. 110/2003 on assistance in case of transit for the purpose of removal by air, published in the Official Journal of the European Communities (OJEC) no. L321 of 6 December 2003, and Council Directive no.114/2004 on the conditions of admission of third-country nationals for the purpose of studies, pupil exchange, unpaid training or voluntary services, published in the Official Journal of the European Communities (OJEC) no. L375 of 23 December 2004. - Government Emergency Ordinance no. 55/2007

Art. 8 - In the legislative acts in force, the phrases «Authority for Aliens» and «National Office for Refugees» shall be replaced accordingly by the phrase «Romanian Office for Immigration».

\*– This Emergency Ordinance transposes Council Directive 2005/71/EC on a special procedure for admitting third-country nationals for the purpose of carrying out a research activities, published in the Official Journal of the European Union no. 289 of 3 November 2005.