

Employment and Assignment of Aliens in Romania

The legal regime of the employment and assignment of the aliens in Romania is regulated by Emergency Government Ordinance no. 56 of 2007 Regarding the Employment and Assignment of the Aliens and Emergency Government Ordinance no. 194 of 2002 Regarding the Aliens Regime.

As defined by Emergency Government Ordinance no. 56, the alien is the individual who does not have Romanian citizenship or the citizenship of another state member of the European Union or the European Economic Space.

The main formality which must be complied with in the case of employment of an alien is the issuance of the work permit, the official document granted to the aliens for the employment or temporary assignment for job purposes on the Romanian territory.

The application for the issuance of the work permit together with the supporting documents must be filed by the future employer with the Romanian Immigration Office. The work permit will be issued by the said authority within 30 days as of the filing of the application.

The work permit is issued by the Romanian Immigration Office. On the basis of the work permit a long-stay visa for employment purposes and a residence permit it will be possible to receive.

The number of the work permits issued annually is limited by Government Decision. The maximum number of work permits for 2008 was 10,000, and it was supplemented upon the request of the employers with 5,000 more work permits.

The following aliens may be employed or assigned without the Romanian Employer being compelled to obtain a work permit:

- (i) The citizens of the European Union or the European Economic Space;
- (ii) The aliens legally domiciled in Romania;
- (iii) The aliens employed by companies with offices in a state member of the European Union or the European Economic Space may request the issuance of a stay visa for assigned individuals (without the issuance of a work permit);
- (iv) The aliens appointed as Managers of a Romanian subsidiary or Representative Office of a foreign legal entity;
- (v) Family members of a Romanian citizen.

The Romanian legislation provides the possibility of issuance of several types of work permits: for permanent workers, assigned workers, temporary workers, sportsmen, trainees, cross-border workers. The work permit for permanent workers entitles its holder to work for a single employer on the Romanian territory, a natural or a legal person with offices in Romania, or a Romanian subsidiary, branch or representative office of a company with offices abroad.

The work permit is valid for one year, with the possibility of extension, or for 30 days if it is issued for the purpose of applying for a long stay visa for employment purposes.

The long stay visa for employment purposes is granted to aliens, upon request, by the Romanian diplomatic missions and consular offices, and is valid for a period of 90 days. The stay visa may be extended successively, for periods which cannot exceed one year each. There are no restrictions regarding the cumulated duration thereof. The residence permit is the identity document granted to aliens by the Romanian Immigration Office and certifies the right to stay and work on the territory of Romania.

The amendment or termination of the employment contract as well as the cease of the assignment shall be notified to the Romanian Immigration Office within 10 days.

The employers who do not comply with the legal provisions with regard to the employment and assignment of aliens are subject to fines.

Magda Alexandru
Attorney-at-Law

Buzescu Ca
For more information please visit www.buzescu.com