

**TAX FLASH**  
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**For additional information,  
please contact:  
Ionut Zeche  
Partner**

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**Phone: +40 (31) 405 1017**  
**Facsimile: +40 (31) 405 1018**  
**E-mail: izeche@mirus-group.eu**

### **Changes to the immigration Law / Expatriate immigration compliance**

The normative acts modifying the expatriate regime in Romania are as follows  
:

- Government Emergency Ordinance no. 56/2007, regarding the employment and assignment of foreign citizens on Romanian territory;
- Government Emergency Ordinance no. 55/2007, regarding the founding of the Romanian Immigration Office through the reorganizing of the Authority for Foreigners and of the National Office for Refugees;
- Government Decision no. 640/2007

### **Government Emergency Ordinance no. 56/2007**

1) EU citizens are no longer required to obtain “**work authorizations**” (new term introduced instead of “work permits”) no matter the EU member state of origin;

2) The assignment of foreign citizens (defined as non-EU citizens) can be done only for a period of one year in a five year interval. Also it is necessary to mark that all non-EU citizens that are assigned in Romania by EU based companies can work in Romania without obtaining a work authorization provided they have a residency permit obtained in the EU member state where the employing company is based.

3) The Romanian company at which the assignment is made has to notify the Local Labor Inspectorate the beginning of the assignment in Romania of the workers who need to obtain a work authorization. This notification has to be submitted to the Local Labor Inspectorate five days prior to the beginning of the assignment in Romania but no later than the first day of the assignment;

4) No work authorization is needed for assignment under 60 days;

5) The work authorization is issued by the Romanian Immigration Office within 30 days from when the Romanian company request is filled;



6) The employer which has enrolled a foreign citizen (non-EU citizen) that does not need a work authorization has to notify the Romanian Immigration Office and file a copy after the labor contract, the assignment contract or any other documents that attest the fact that the foreign citizen is in a category described by article 5 letter g) and h) from GEO 56/2007. Also he has to notify the Romanian Immigration Office any amendment or termination to the labor contract within 10 days. Not fulfilling these reporting requirements can be finned with a sum between 1500 RON and 3000 RON;

7) The Law no 203/1999 and the Government Decision no. 1873/2005 are annulled as of 26<sup>th</sup> of June 2007.

#### **Government Emergency Ordinance no. 55/2007**

1) The Residency permit issued for work purposes attests both the right of residency and of work on Romanian territory;

2) The long term visa for working purposes is issued based on the work authorization issued by the Romanian Immigration Office. The foreign citizen can request the D/AM visa within 30 days from when the work authorization is issued;

3) The work authorization will not be issued to the foreign citizens that in the last two years had obtained a residency right for commercial activities and have not respected the business plan mentioned at article 43 (2) a) from G.E.O. no. 194/2002 regarding foreigners regime in Romania;

4) A new type of visa for scientific research (D/CS) is introduced;

5) The residency right for commercial activities obtained by foreign citizens who prove that they have made investments of minimum 500,000 EUR or that have created 50 full time working positions can prolong their residency right for 3 years periods;

6) The extension of the residency right in Romania for foreign citizens assigned in Romania by EU based companies is done by presenting also: i) a copy of the assignment documents translated and apostilled according to the law and ii) the residency permit issued by the authorities where the employer has its headquarters, in original and copy. If these documents are provided than a work authorization is no longer required;

#### **Government Decision no. 640/2007**

Beginning the 27<sup>th</sup> of June 2007 the Labor Force Migration Office is dissolved.

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