



# GMS Flash Alert

Immigration Edition

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## Romania - Easier Requirements for Third-Country Nationals When Locally Employed in Romania

The Romanian government has recently introduced measures to ease immigration eligibility requirements for third-country nationals who will be locally employed in Romania.

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### WHY THIS MATTERS

In the context of the current labour crisis in Romania, Law 247/2018 brings a series of measures aimed at simplifying the procedures for third-country nationals obtaining the right to work and stay on Romanian territory.

The decrease in the salary threshold to the national gross minimum salary, should ease the formalities of hiring third-country nationals. Furthermore, the decrease in the minimum salary requirement for highly-qualified workers from four gross national average salaries to two gross national average salaries should mean that more applicants may now qualify for the EU Blue Card, hence attracting more highly-educated workers to Romania.

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### Legislative Status

Law 247/2018, which has been published in *Monitorul Oficial* (the Official Journal of Romania) (no. 941/07.11.2018), makes amendments to current immigration legislation (i.e., Government Emergency Ordinance 194/2002 on the regime for foreign nationals in Romania and Ordinance 25/2014 on employment and assignment of foreigners on Romanian territory).

It also transposes into national legislation Directive (EU) 2016/801 of the European Parliament and the Council of the European Union on the conditions of entry and residence of third-country nationals for research, studies, vocational training, voluntary service, pupil exchange programs, or educational projects, and “au pair” work.

## Highlights of What Has Been Changed by Law 247/2018

The most important amendments include: a decrease in the minimum salary level requirements, which must be granted to third-country nationals who will be employed with a local employment contract in Romania, as follows:

- Third-country nationals who will be employed in Romania with a **local employment contract under the standard employment procedure** (i.e., by selection) must be remunerated at the level of **at least one minimum gross salary per month**, which is now RON 1,900 – i.e., around EUR 409 (previously, the legal requirement was at the level of at least one average gross salary per month, i.e., RON 4,162, which is around EUR 895).
- Third-country nationals who will be employed in Romania with a **local employment contract under the procedure for highly-skilled workers** (i.e., those occupying “specialist” positions) must be remunerated **at least at the level of two average gross salaries per month** (i.e., a minimum of RON 8,324, which is around EUR 1,790). Under the previous legislation, the requirement was for remuneration to be at the level of at least four average monthly gross salaries (i.e., RON 16,648, which is around EUR 3,580).

The consular fees that employers must pay for the issuance of work permits have also decreased from EUR 200 to EUR 100, and from EUR 50 to EUR 25 in the case of a change of employer or of the position that the foreigner will hold.

The eligibility conditions for obtaining work permits for permanent employees (i.e., under the standard employment procedure) have been simplified by removing the need for documents attesting to the foreign national’s studies, i.e., the certificate of studies recognition required to occupy a vacant position.

The concept of “au pair” worker has also been introduced, referring to a third-country national employed temporarily by a host family, to improve the worker’s linguistic knowledge and proficiencies, in exchange for certain housework and child-care activities. Work permits for au pair workers will be issued if special conditions are met, such as: the applicant must be 18 to 30 years old and should have completed “lower secondary education.” The employer undertakes the obligation to cover the worker’s expenses related to subsistence, accommodation, social health insurance, etc.

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## KPMG NOTE

These flexible immigration requirements are expected to have a positive impact on the country’s business environment. The reduction in the thresholds and simplification of the conditions for employment of foreigners in Romania could also influence companies’ mobility strategies in the near future.

All the measures described in this newsletter can be seen as possible temporary solutions to address the current shortage of labour in Romania (in the private sector, such as HoReCa, IT, automotive, construction, retail and service centers, as well as for specialists and development researchers).

The minimum gross salary in Romania will soon increase to RON 2,080/month (i.e., around EUR 447), and will be differentiated depending on levels of studies or seniority, meaning that for employees with higher education/university studies or seniority of at least 15 years, the minimum gross salary will be RON 2,350 /month (i.e., around EUR 505).

## KPMG NOTE (cont'd)

Although under standard employment procedures, third-country nationals will no longer be required to hold a certain level of education to qualify for a work permit and will no longer require the certification of their diplomas by the Romanian Ministry of Education, it is not yet clear yet how the authorities or employers will monitor compliance with this rule without requiring foreign nationals to submit certified proof of education, since certain positions in Romania still require specialized studies.

KPMG in Romania is closely monitoring the situation and will endeavour to provide updates as they become available.

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## Contact us

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**The information contained in this newsletter was submitted by the KPMG International member firm in Romania.**

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