

Mobility: Immigration alert

March 2024



Romania

New regulations governing Blue Cards and other work permits

Executive summary

Effective 8 March 2024, Romania will implement major changes to its regulations governing EU Blue Cards and employment permits for certain highly qualified workers, among others.

Background

On 20 October 2021, the European Parliament proposed the EU Blue Card Directive 2021/1883, which would replace the older Directive 2009/50. Key updates in the new Directive include decreased salary thresholds; relaxed contractual and qualification criteria, with relevant experience replacing the requirement for higher educational certificates; and allowing Blue Card holders to perform business activities in other EU Member States for up to 90 days in a 180-day period without obtaining a work permit.

EU Blue Cards

Law no. 28, published in the Official Gazette dated 5 March 2024, provides details regarding the implementation of EU Directive 2021/1883 in Romania. The following changes will go into effect on 8 March 2024:

- ▶ Residence Permits for permanent workers will be issued with a validity of up to two years (up from one year currently) and those for highly skilled workers will be issued with a validity of three years (up from two years currently).
- ▶ The minimum monthly salary requirement for highly skilled workers will be reduced from “at least twice the average gross wage” to “at least the average gross wage.”
- ▶ Individuals will be able to submit family reunification applications for their dependents simultaneously with their own Blue Card application.

- ▶ A new category of workers called “mobile highly skilled workers” will be introduced. Under this category, third-country nationals who hold a valid Blue Card issued in another EU Member State will be able to enter Romania for up to 90 days in any 180-day period to carry out an economic activity, without obtaining work authorization.
- ▶ Third-country nationals who hold a valid Blue Card issued in another EU Member State and have resided in another Member State for at least 12 months, or in more than one EU Member State with at least six months in the last country of residence, will be able to enter, settle and work in Romania as a highly skilled worker, without obtaining work authorization or a long-stay work visa. These individuals must apply for an EU Blue Card in Romania within one month of entering the country. Their dependents will be exempt from the family reunification procedure and must directly apply for residence rights.

Other changes

The following changes will also go into effect on 8 March 2024:

- ▶ In general, individuals who seek to apply for employment permits for highly qualified workers will be required to possess five years of relevant professional experience in the seven years prior to filing the application. Those who hold occupations in Minor Group 133 (i.e., leaders in information and communication technology services) or Major Subgroup 25 (i.e., specialists in information and communication technology) will be required to possess

three years of relevant professional experience in the seven years prior to filing the application. Previously, applicants were not subject to professional experience requirements.

- ▶ Work authorization for secondment purposes will be issued with a validity of up to 180 days (up from 60 days currently).
- ▶ Romanian employers will be required to notify the immigration authorities within 10 days (down from 30 days currently) when a third-country national's employment ends.
- ▶ Long-stay visa applications for secondment purposes will be processed within 20 days (up from 10 days currently).

Impact on employers

The reduced salary threshold and the longer permit validity periods for highly skilled workers will likely make it easier for employers to recruit and retain international talent from third countries. The new category of "mobile highly skilled workers" could prove to be particularly beneficial, allowing businesses to bring in external expertise for short-term projects without needing to secure additional work authorization.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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