

EMERGENCY ORDINANCE no. 194/2002
on the regime of aliens in Romania
approved with modifications through Law 357/2003

CHAPTER I
General Provisions

Article 1
Regulatory Field

The present emergency ordinance represents the frame regulating the entry, stay and exit in/out of the Romanian territory, their rights and obligations as well as specific measures for the control of immigration in accordance with the obligations undertaken by Romania in international documents to which it is a party.

Article 2
Definitions

For the purpose of this emergency ordinance, the terms and expressions below have the following meanings:

- a) *Alien* –the person who does not have the Romanian citizenship;
- b) *Stateless person* – the person who does not have the citizenship of any state;
- c) *The Authority for Aliens* – the specialised structure organised in the subordination of the Ministry of Interior, which exerts the attributions assigned to it, according to the law, regarding the regime of aliens in Romania, combating illegal stay as well as the management of the data records for aliens who were granted the right to stay in Romania;
- d) *Visa* – authorisation issued by the Romanian diplomatic missions or consular offices as well as by border police bodies, which, under the conditions provided for in this emergency ordinance, grants the alien the right to enter the Romanian territory as well as the temporary stay right for an established period of time, complying with the purpose the visa was issued for;
- e) *Visa for airport transit*- authorisation issued by the Romanian diplomatic missions or consular offices allowing the alien to cross the international transit zone of a Romanian airport, without entering the territory of the Romanian State, on the occasion of a transfer between two routes of an international flight;
- f) *Stay right*- the right granted by competent authorities to the alien to stay on the Romanian territory for an established period of time under the provisions of the law;
- g) *Stay permit* – identity document issued, under the law, by the Authority for Aliens to the alien whose right to stay on the Romanian territory was renewed or, as the case may be, who was granted the permanent stay right;
- h) *Marriage of convenience*- marriage concluded in the sole respect of eluding the entry and stay conditions for aliens and of obtaining the right to stay on the Romanian territory;

Article 3
Aliens' Rights

(1) Aliens with legal stay in Romania shall benefit from the general protection of persons and wealth, secured by the Constitution and other laws, as well as from the rights provided for in the international treaties to which Romania is a party.

(2) Aliens with legal stay in Romania may move freely and may establish their residence or, as the case may be, their domicile in any region of the Romanian territory.

(3) Aliens with legal stay in Romania who temporarily leave the territory of the Romanian State, shall have the right to re-enter the territory within the validity interval of the stay permit.

(4) Only aliens with residence and domicile in Romania may be beneficiaries of social security measures taken by the state, under the same conditions as the Romanian citizens.

(5) Aliens who were issued a document by the Authority for Aliens shall have the right to check the personal data recorded in this document and, if necessary, to request the correction or removal of data that are not accurate.

(6) Minor aliens attending the educational system at any level shall have access, without any restrictions, to the educational and training activities in society.

Article 4

Aliens' Obligations

- 1) During their stay in Romania, aliens shall be bound to comply with the Romanian legislation.
- 2) Aliens cannot organise political parties or other similar organisations or groups on the Romanian territory and cannot take part in them, cannot hold public positions and titles and cannot initiate, organise or take part in demonstrations or meetings bringing prejudice to public order or national security.
- 3) Aliens cannot finance parties, organisations, groups, manifestations or meetings such as those provided in paragraph 2.
- 4) Aliens on the Romanian territory shall be bound to comply with the purpose for which the right to enter and, as the case may be, the right to stay on the Romanian territory was granted, not to exceed the term for which the stay was approved and to make all the efforts necessary for leaving Romania before the term expires.
- 5) Aliens entering or leaving the Romanian territory shall be bound to comply to the state border crossing control, according to the law.
- 6) Aliens on the Romanian territory shall be bound to comply, under the restrictions of the law, to the control of the police authorities as well to the control of other competent public authorities for this purpose.

Article 5

Politics in the Field of Migration

Yearly, the following shall be established by Government Decision:

- a) the number of work permits that may be issued to aliens for employment function, established according to the legal provisions on work permits
- b) the number of places within education units or institutions which can be offered to aliens and the terms for registration for each form of education;
- c) the quantum of allocations necessary for food, support and accommodation in centres as well as those for medical assistance and hospitalisation;
- c¹) the quantum of the amounts representing the financial means necessary for both the support on their stay period and the return to the origin country or the transit to another state, provisioned under art.6(1)(c);
- d) any other problems referring to the politics in the field of migration.

CHAPTER II

General provisions regarding the entry, stay and exit of aliens in/out of the Romanian territory

SECTION 1

Aliens' Entry on the Romanian Territory

Article 6

Conditions Regarding Aliens' Entry on the Romanian Territory

(1) Entry on the Romanian territory may be permitted to aliens complying with the following conditions:

- (a) they shall hold a valid state border crossing document accepted by the Romanian State;
- (b) they shall hold the Romanian visa issued under the restrictions of the present ordinance, or, if the case may be, a valid stay permit, if not otherwise provided for by international agreements;
- (c) they shall present, under the restrictions of this emergency ordinance, the documents that justify the purpose and conditions of their stay and which prove the existence of appropriate means both for their support during the interval of their stay, and for the return to the state of origin or for the transit to another state where there is the certainty that they shall be allowed to enter;
- (d) in the case of aliens who transit the Romanian territory, it is certain that their entry on the destination state is allowed or that they will leave the Romanian territory;
- (e) they are not included in the category of aliens against whom the measure of interdicting the entry on the Romanian territory has been applied or who were declared undesirable;
- (f) they do not represent any threat for national defence and security, public order, health and moral probity;

(1¹) The citizens of the Member States of the European Union and of the European Economic Area are allowed to enter the Romanian territory without complying with the conditions stated under par.(1), points c) and d).

(2) The provisions of this emergency ordinance regarding the conditions of entry and stay of aliens in Romania are not to be applied to the aliens who stay in the international transit areas of airports, in the transit areas at the state border or in the accommodation centres that have the status of a transit area or on the ships or boats anchored in maritime or river harbours.

(3) The aliens' entrance on Romanian territory may be done through any crossing checkpoint of the state border that is open to international transit of persons

(4) Aliens may also cross the state border through other places under the conditions set up by agreements and arrangements between Romania and other states.

Article 7 ***Obligations of Carriers***

(1) Transportation companies shall be forbidden to bring to Romania aliens who do not comply with the conditions provided for in Article 6 (1)(a), (b).

(2) In the case the provisions under paragraph 1 are not complied with, the respective transportation company shall be bound to ensure and bear the immediate transport of the respective aliens to the place of embarkation or to other place which the alien accepts and where he is accepted. If this is not possible, the carrier shall be bound to bear the expenses for accommodation and support, as well as all other expenses deriving from the return of these persons.

(3) The obligations under paragraph 2 shall be also applicable to transportation companies bringing aliens in transit to Romania, if:

- a) the carrier that is to transport them to the country of destination refuses to embark them;
- b) whenever the authorities of the country of destination do not allow the entry of aliens and return them to Romania.

Article 8 ***Rejection of Entry on the Romanian Territory***

(1) Aliens shall be interdicted to enter the territory of the Romanian State if:

- a) they do not meet the conditions under Article 6(1);
- b) they are signalled by international organisations to which Romania is a party, as well as by institutions specialised in combating terrorism, to finance, organise or support in any possible way or commit terrorism acts;
- c) there are indications that they are part of organised criminal groups with transnational character or which support, through any means, the activity of these groups;
- d) there are serious reasons to consider that they have committed criminal offences or took part in committing criminal offences against peace and humanity, war crimes or crimes against humanity, provided in the international conventions to which Romania is party;

(2) Competent authorities may also reject the entry of aliens on the territory of the Romanian State in the following circumstances:

- a) they committed criminal offences during other stays in Romania or abroad against the Romanian State or a Romanian citizen;
- b) they introduced or tried to illegally introduce other aliens on the Romanian territory;
- c) they previously unjustifiably broke the purpose declared upon obtaining the visa, or, depending on the case, upon entering the Romanian territory;

(3) The bodies and institutions holding data and information regarding certain cases as provided in paragraph 1 and 2 shall be bound to inform the General Inspectorate of Border Police and the Authority for Aliens or their territorial branches.

(4) The measure of not allowing the alien to enter the Romanian territory shall be justified by the border police authorities and shall be immediately notified to the person in question and to the Directorate of Consular Relations within the Ministry of Foreign Affairs.

Article 9 ***Aliens' Obligations***

(1) The alien who was interdicted to enter Romania shall be bound to immediately leave the border crossing checking point for the country of origin or any other destination that he wants, except Romania.

(2) In the case the immediate leave of the alien provided for in paragraph 1 is not possible, the border police units may take measures of accommodating the alien in a space arranged in this respect in the transit area, set at their disposal by the administrator of the border crossing point, up to the moment the reasons that make his leaving the territory impossible shall cease, but not exceeding 24 hours from the date of accommodation.

Article 10

State Border Crossing Documents Accepted by the Romanian State

(1) The following state border crossing documents shall be accepted by Romania provided that they certify the identity and, if the case, the stateless status of the holder:

- a) passports, travel titles, sailor books or other similar documents issued according to the standards required by the international practice, by the states, territories or international entities acknowledged by Romania;
- b) the identity card or other similar documents, based on reciprocity or unilaterally, for citizens belonging to the states established by the decision of the Romanian Government;
- c) travel documents of refugees issued under the Geneva Convention of 1951 regarding the status of refugees and travel documents issued to aliens who were granted conditioned humanitarian protection;
- d) travel documents of stateless persons issued by the states where they have their domicile;

(2) Aliens included in a state border crossing document of an other person may enter and leave Romania only accompanied by the holder of the document.

(3) Aliens may also enter and leave Romania on the basis of a collective passport, only in groups, provided that each member of the group should have an individual document attesting his identity and which contains a photograph of the holder and the leader of the group should have an individual state border crossing documents.

(4) At the suggestion of the Ministry of Foreign Affairs and the Ministry of Interior, the Government shall make public the list containing the state border crossing documents accepted by the Romanian State issued by states or international entities acknowledged by Romania.

(5) For humanitarian reasons or in applying international agreements or arrangements to which Romania is a party, the Romanian Government may also approve, by Government decision, other documents on the basis of which the entry on the Romanian territory may be permitted.

SECTION 2

Aliens' Stay on the Romanian Territory

Article 11

General Provisions on Aliens' Stay on the Romanian Territory

(1) Aliens with temporary stay in Romania may remain on the territory of the Romanian State only to the expiry date of the right to stay granted by visa or, if the case, by the stay permit.

(2) In the circumstances when international conventions or legal acts which unilaterally dissolve the visa regime, do not provide for the period the visas are dissolved, the aliens who do not have the obligation of obtaining a visa for entering the Romanian territory shall be allowed to enter the territory of the Romanian State and may remain up to 90 days in an interval of 6 months, starting the date of their first entry.

Article 12

Conditions Regarding the Accommodation of Aliens

1) In the case of a continuous stay exceeding 10 days, the alien, citizen of one of the states included in the list under Article 36(2) shall be bound to inform the territorial competent police authority of his stay within this term.

2) In the case of accommodating the aliens in hotels or other tourist premises, the alien shall fulfil the record formalities at the administration of the respective premises which, within 24 hours, shall communicate the necessary data to the territorial competent police authority.

Article 13

Notifying the Authorities of Changes in the Aliens' Status

(1) During their stay in Romania, aliens shall be bound to declare the following to the territorial unit of the Authority for Aliens which granted their right to stay:

- (a) the change of the place of residence or domicile;
- (b) any change in the personal status, especially the change of citizenship, concluding, ending, revoking a marriage, the birth of a child, the death of a family member on the Romanian territory;
- (c) any change related to employment;
- (d) the loss, validity renewal or change of the state border crossing document;

(2) The loss of the state border crossing documents shall be declared to the territorial competent police authority.

(3) The statements under paragraph 1 shall be made within 30 days, and the statements under paragraph 2, within 48 hours.

SECTION 3 ***Aliens Leaving the Romanian Territory***

Article 14

(1) In the case the alien no longer possesses the state border crossing document on the basis of which he entered the Romanian territory, he must submit upon leaving Romania a new valid state border crossing document. The border police authorities shall allow the exit with the approval of the Authority for Aliens.

(2) The person having the citizenship of several states shall be bound to present upon leaving the country the state border crossing document on the basis of which he entered the Romanian territory. On exceptional occasions, the border police authorities may allow aliens to leave the country also on the basis of the document certifying a different citizenship.

Article 15

Interdiction of Leaving the Romanian Territory

(1) The aliens shall not be allowed to leave the country under the following circumstances:

- a) they are charged or accused in a penal case and the prosecutor decides the implementation of the interdiction measure of leaving the town or the country;
- b) they were sentenced by a final court decision and they have to carry a prison sentence;

(2) In the circumstances provided in paragraph 1, the measure of not allowing the leaving of the country shall be taken by the competent body within the Ministry of Interior only based on the written request of the prosecutor, courts of justice or the bodies provided by law which have powers to implement the prison sentence.

(3) In all the cases, the reasons that have led to the decision shall be specified and, if the case, the supporting documents shall be presented.

(4) The interdiction of leaving the country shall be materialised as follows:

- a) the General Inspectorate of Border Police shall establish the nominal confinement in the traffic record system at the state border;
- b) the Authority for Aliens and its territorial units shall append the stamp with the "C" symbol to the state border crossing documents.

Article 16

Revocation of the Interdiction Measure of Leaving the Territory

(1) The revocation of this measure shall be made by cancelling the nominal confinement or appending the stamp with the "L" symbol in the state border crossing document upon the written request of the public authority with such a competence according to the law, for the cases under Article 15(1).

(2) The measure of interdicting the leaving of the country shall be revoked de iure if the alien, subject to one of the circumstances provided in Article 15, proves by documents issued by the competent authorities, under the law, to the authorised body within the Ministry of Interior that:

- a) it was ordered that the criminal pursuit should not begin or should cease, he was acquitted, or it was ordered that the criminal trial should cease;
- b) he executed the punishment, he was acquitted, he benefits from amnesty or he was convicted with the conditioned suspension of the punishment execution by final court decision.

CHAPTER III **Visa Granting Regime**

SECTION 1 ***General Provisions***

Article 17
Visa Form and Content

Visa form, content and security elements shall be approved by decision of the Romanian Government at the proposal of the Ministry of Foreign Affairs after consulting the Ministry of Interior and in accordance with the standards of the European Union in this field.

Article 18
Limits of the Rights Conferred by Visa

Visa shall give the holder the right to enter the territory of the Romanian State only if at the moment the alien presents himself at the border crossing check-points the Romanian Border Police Authorities come to the conclusion that there is no reason to interdict the entry in Romania, in accordance with the reasons provided for in Article 8(1), (2).

Article 19
Exemptions from the Regime of Visa Compulsion

(1) Citizens of the states with whom Romania has signed agreements in this respect are exempt from visa compulsion under the conditions and for the staying intervals settled in these agreements.

(2) The Government may establish by decision, the unilateral exemption of citizens of certain states from visa compulsion.

SECTION 2
Types of Visa

Article 20
Types of Visa

Function of the purpose they are issued for, visas can be:

- a) *Airport transit visa*, identified by A symbol;
- b) transit visa, identified by symbol B or by symbol B/CL, in the case of a collective visa;
- c) *Short stay visa*, identified by one of the following symbols, function of the activity the alien receiving the visa is to perform:
 1. *mission*, identified by C/M symbol;
 2. *tourism*, identified by symbol C/TU or by symbol CL/TU, in the case of a collective visa;
 3. *visit*, identified by C/VV symbol;
 4. *business*, identified by C/A symbol;
 5. *transportation*, identified by C/TR symbol;
 6. *sports activities*, identified by C/SP symbol;
 7. *cultural, scientific, humanitarian activities short term medical treatment or other activities which do not contravene the Romanian legislation*, identified by C/ZA symbol;
- d) *Long stay visa*, identified by one of the following symbols, function of the activity the alien receiving the visa is to perform in Romania:
 1. *economic activities*, identified by D/AE symbol;
 2. *professional activities*, identified by D/AP symbol;
 3. *commercial activities*, identified by D/AC symbol;
 4. *employment*, identified by D/AM symbol;
 5. *studies*, identified by D/SD symbol;
 6. *family reunification*, identified by D/VF symbol;
 7. *entry on the Romanian territory of aliens married to Romanian citizens*, identified by D/CR symbol;
 8. *religious or humanitarian activities*, identified by D/RU symbol;
 9. Diplomatic visa and service visa, identified by DS symbol;
 10. *other purposes*, identified by D/AS symbol;

Article 21
Airport Transit Visa

(1) The airport transit visa shall be compulsory for citizens of states included in the list drawn up by the Ministry of Foreign Affairs in accordance with the European Union regulations regarding the measures for airport transit. The same regime shall also be applied to aliens who, without being citizens of these states, hold a border crossing document issued by the authorities of the respective states.

(2) The Ministry of Foreign Affairs shall permanently bring to date the list provided for in paragraph 1 function of the European Union regulations.

Article 22
Transit Visa

The transit visa shall be the visa that allows the alien to cross the Romanian territory. The transit visa may be issued for one or two transits, the length of each transit not exceeding 5 days.

Article 23
Short-Stay Visa

(1) The short-stay visa allows the aliens to enter the Romanian territory with a view to an uninterrupted stay or several stay intervals whose total duration should not exceed 90 days within 6 months as of the first entry. Such type of visa may be issued with one or multiple entries.

(2) In the case of aliens travelling frequently to Romania, for business co-operation relationships, upon the request of the central administrative authorities or the companies with a far-reaching economic and financial power, the short-stay visa with multiple entries may be also granted for one year. Also in this case, the duration of the stay cannot exceed 90 days within 6 months.

(3) This type of visa shall be granted for the following purposes:

- a) *mission*– to aliens who, for reasons related to their political, administrative or public utility function have to travel to Romania. This type of visa shall be issued to aliens occupying positions within governments, public administrations or international organisations as well as to those who, by reason of their stay in Romania, are of interest for the relations between the Romanian State and the affiliation state. It can also be issued to the family members accompanying them;
- b) *tourism*– to the alien who is to travel to Romania for tourist reasons;
- c) *visit*– to the alien who intends to travel to Romania in order to visit Romanian citizens or aliens with a valid stay permit;
- d) *business*– to the alien who intends to travel to Romania for economic and/or commercial purposes, for contracts or negotiations, to learn or to verify the use and operation of goods acquired or sold under the commercial and industrial co-operation contracts, as well as to the alien that is or will become an associate or shareholder of a Romanian trade company;
- e) *transportation*– to the alien who is to travel for short periods of time in order to carry out professional activities related to goods or persons transportation;
- f) *sports*– to the alien who is to enter Romania for a limited interval in order to participate in sports competitions
- g) *cultural, scientific, humanitarian activities, short-term medical treatment or other activities which do not breach the Romanian legislation*– under the conditions of justifying their presence in Romania.

(4) The right to stay in Romania, granted to the alien through he short stay visa, cannot be renewed.

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 entries, for the following purposes:

- a) *economic activities* - to aliens that are to carry out economic activities independently or within family associations under the law on the organisation and performance of economic activities by natural persons;
- b) *professional activities* – to aliens who have the right to exercise professions individually on the Romanian territory on the basis of some special laws;
- c) carrying out commercial activities – to aliens who are or will become shareholders or associates in Romanian trade companies, having responsibilities for running and administering them
- d) *employment* – to aliens who are to enter Romania with the view to being employed. The visa granted for such purpose shall be issued also to sportsmen who are to perform in certain clubs and teams in Romania, on the basis on an employment contract;
- e) *studies*- to aliens who are to enter Romania to attend highschool, undergraduate or graduate courses, as the case may be, or for obtaining scientific titles within state or accredited private institutions under the law;
- f) *family reunification* – to aliens who are to enter Romania in order to regain family unity;
- g) *aliens married to Romanian citizens entering the Romanian territory*;
- h) *religious or humanitarian activities* - to aliens who are to enter Romania in order to carry out activities in the field of acknowledged cults or for humanitarian purpose;
- i) *other purposes*– for aliens temporarily transferred by the foreign companies, for trainees and seasonal workers, those who follow long-term medical treatment, aliens

whose presence on the Romanian territory is necessary out of national security interests and those performing other activities which do not breach the Romanian laws.

(2) Long-stay visa allows the aliens who entered the Romanian territory to request the renewal of the temporary stay right and obtain a stay permit.

Article 25

Diplomatic Visa and Service Visa

(1) The diplomatic visa and service visa shall allow the entry in Romania usually for a long stay period to the aliens holding a diplomatic, respectively service passport who are to occupy an official position as members of a diplomatic representative office or of a consular office of the affiliation state in Romania.

(2) Such types of visas shall be issued to the holders of diplomatic, respectively service passports or assimilated to those, upon the request of the Ministry of Foreign Affairs of the submitting state or of its diplomatic or consular representative office, as well as to the family members with whom the holder lives and shall be valid for their mission interval or in accordance with the bilateral agreements to which Romania is a party.

Article 26

Collective Visa

(1) The collective visa is a transit or short-stay visa granted for tourist purposes and for a period which should not exceed 30 days, issued to a group of aliens, established prior to the request, provided that its members should enter, stay on and leave the Romanian territory in group.

(2) This type of visa shall be issued for groups consisting of minimum 5 up to 50 persons. The leader of the group should have an individual passport and, as the case may be, an individual visa.

(3) In case of organised groups of pupils, citizens of the states for which the visa is compulsory, residents in a state which is member of the European Union, travelling to Romania in school trips or who are in transit, they may enter without a visa under all of the following conditions:

- a) the group must be accompanied by a teacher from the school organising the trip;
- b) there should be an official list of the participants according to which they could be identified;
- c) the participants should hold valid state border crossing documents.

SECTION 3

General Conditions for Granting Visas

Article 27

Granting the Romanian Visa

(1) The Romanian visa may be granted, upon request, to aliens under the conditions and purposes provided for in this chapter.

(2) The Romanian visa shall be granted only if:

- a) the conditions regarding the entry in Romania, under Article 6 (1)(a), (c)-(f) are complied with;
- b) there is no reason of interdicting the entry in Romania, provided for in Article 8 (1) (b)-(d);
- c) the alien was not finally sentenced for having committed offences abroad incompatible with the purpose for which he requests the visa;
- d) the general conditions provided for in this section, as well as the special conditions for visa granting function of the purpose for which the visa is requested, are complied with;

Article 28

Conditions Regarding the Validity of Travel Documents

(1) The validity term of the travel document on which the visa is to be applied must exceed the validity term of the requested visa with at least 6 months.

(2) As an exception, for emergency, humanitarian or national interest reasons or pursuant to certain international obligations undertaken by Romania, visas may also be granted to the aliens holding state border crossing documents whose validity is smaller than the one provided in paragraph 1, under the condition that the validity term of the visa should not exceed that of the document.

Article 29

Conditions for Visa Requests

(1) The application for visa must be accompanied by the state border crossing document, valid according to Article 28, on which the visa can be applied, as well as the documents that justify the purpose and the conditions of the travel, as well as the proof that he holds the means of support during his stay in Romania as well as for leaving Romania.

(2) Cash in convertible currency, travel cheques, cheque books over an account in estimates, credit cards with a statement of account dated no more than 2 days before the request of visa or any other method allowing the justification of a guarantee of the resources in estimates may be accepted as a proof of the financial means.

(3) Upon requesting the entry visa for Romania, aliens must present themselves personally to the authorities competent in granting visas.

(4) An exception from the provisions of paragraph 3 are the important personalities in the social, cultural, political or economical sphere or the cases in which aliens have to cover a large distance to present themselves to the diplomatic mission or the consular office and only if there is no doubt regarding their good faith and in the cases of travels in group when a well-known and trustworthy institution is liable for the good faith of the applicants.

Article 30

Authorities with Competence in Granting the Romanian Visa

(1) The Romanian visa shall be granted by the Romanian diplomatic missions and consular offices abroad with the prior approval of the Ministry of Foreign Affairs.

(1¹) The Romanian diplomatic missions and consular offices abroad may grant a short stay visa without the prior approval of the Ministry of Foreign Affairs, to aliens who do not need a visa to enter the territory of the Member States of the European Union.

(2) With a view to approving the issuance of short stay visas for aliens from the states included in the list stipulated in Article 36 (2), as well as long stay visa, the Consular Relations Directorate within the Ministry of Foreign Affairs, shall request for each application, except those under Article 40(2), the approval of the Authority for Aliens, which shall specify if the conditions in Article 27(2)(a) and (b) are complied with. The approval of the Authority for Aliens shall be issued within 30 days from the date of receiving the request from the Consular Relations Directorate

Article 31

Granting the Romanian Visa by the Border Police Authorities

(1) Short stay and transit visas may be granted, as an exception, also by the border police authorities, at the state border crossing check points, only in the following circumstances:

- a) emergency cases caused by disasters, natural calamities or accidents;
- b) cases of death, serious illness proved by appropriate documents;
- c) cases of ship or airplane crews or passengers under exceptional circumstances when they need to harbour or to land as a result of bad functioning, bad weather or danger of terrorist attack;
- d) in the case of civil servants belonging to international organisations delegated to accomplish official missions in Romania in a short time interval;
- e) cases of participation in the international actions in Romania when the interval of time between the informing of the participants and the action date does not allow for obtaining the entry visas. In this case, visas shall be granted with the prior approval of the Authority for Aliens, requested by the organiser and with the subsequent notification of the Ministry of Foreign Affairs;
- f) cases of repatriation of foreign sailors upon the end of their employment contract or in case of crews exchange.

(2) In the case provided for in paragraph (1)(f), the Romanian visa shall be granted to foreign sailors in these circumstances, upon the request of the freighting out agencies or of the shipping agency of the state in which the ship is registered, after the conclusion of checks regarding:

- a) the correctness of data submitted regarding the existence of the ship on which the change is to take place in a Romanian harbor and the necessity of granting a visa;
- b) the compliance with all the other conditions for entering Romania of the sailor who is the subject of the visa request;
- c) the itinerary and the transport means between the state border crossing check points, including the travel ticket on the basis of which the foreign sailor is to leave the state.

(3) After the completion of the checks provided for in paragraph 2, if data submitted by the agency are correct and the conditions provided by the law are complied with for the sailor to be allowed to enter the country, the head of the state border crossing check point shall submit the request provided for in paragraph 2 to the General Inspectorate of Border Police, to be approved.

(4) The visas provided for in paragraph 1 may be granted for intervals not exceeding:

- a) 10 days for short stay visas;
- b) 5 days for transit visas.

Article 32
Visa Annulment and Revocation

(1) Visa may be annulled or revoked abroad by the diplomatic missions or the consular offices of Romania and on the Romanian territory by the Consular Directorate of the Ministry of Foreign Affairs upon the motivated request of the border police authorities on the occasion of the state border crossing checks, or of the Authority for Aliens when aliens are on the Romanian territory. The execution of the annulment or revocation measure in the country shall be made by the border police bodies or, as the case may be, by the bodies of the Authority for Aliens

(2) The authorities provided for in paragraph 1 may take the measure of annulling a visa under the following circumstances:

- a) it is established that, upon requesting the visa, the aliens did not meet the conditions provided by the present ordinance;
- b) the aliens obtained the entry visa on the basis of false documents or information;
- c) the aliens introduced or tried to illegally introduce other aliens into Romania or facilitated their transportation or accommodation;
- d) the aliens breached the customs regulations or those regarding the state border.

(3) The measure for revoking a visa may be taken by the authorities provided for in paragraph 1 in the following circumstances:

- a) the aliens no longer meet the conditions required upon granting the visa;
- b) the purpose for which the visa was granted is no longer complied with;
- b) the aliens were declared undesirable after being granted a visa;

(4) In case the alien is abroad, the diplomatic mission or consular office which granted the visa shall notify in writing the alien on the decision for annulling or, as the case may be, revocation of visa, together with the reasons for this decision, in case the alien is at the border crossing point, he shall be notified by the border police and in case the alien is in Romania he shall be informed by the Authority for Aliens through the order of leaving the territory, provided for in Article 80. As from the date of the notification, the annulment shall have retroactive effects and the revocation only subsequent effects in the future

(5) On the occasion of communicating the decision, the stamp "ANNULED" shall be applied on the visa;

(6) At the state border crossing check, the border police authorities limit the validity period of the visa in the case they come to the conclusion that the alien does not have the means of support for the entire validity period of the visa. The limiting of the visa shall materialise through inscribing on the visa the period for which they consider that the alien has the means of support, according to the law.

SECTION 4
Special Conditions for Granting Short-Stay, Transit and Airport Transit Visas

Article 33
Conditions for Granting Airport Transit Visa

(1) Airport transit visa shall be issued by the Romanian diplomatic missions or consular offices only with the prior approval of the Consular Relations Directorate of the Ministry of Foreign Affairs to the citizens coming from the states provided in the list drawn up by the Ministry of Foreign Affairs in this respect, under the conditions of the existence of the visa of a third state allowing the aliens to continue their travel. This visa may be granted upon presenting the plane ticket valid to the destination point and allows the aliens to remain in the airport area no more than 5 days.

(2) This type of visa shall not be necessary in the case of:

- a) members of plane crews;
- b) holders of diplomatic, service passports or assimilated to these;
- c) holders of residence permits or equivalent documents issued by the Member States of the European Union;
- d) holders of visas issued by a member state of the European Union.

Article 34
Conditions for Granting the Transit Visa

(1) The transit visa shall be granted to applicants under the following conditions:

- a) they hold the visa of a third state and, if necessary, of a state bordering Romania enabling aliens to continue their travel;

- b) they have a travel ticket valid to the destination point or they present their driving licence, the green card and the record documents of the means of transportation, in the case of vehicle drivers;
- (2) The persons accompanying the drivers, travelling together with the latter, are exempted from complying with the condition provided for in paragraph (1)(b).

Article 35
Conditions for Granting Short-Stay Visas

(1) Function of the purpose for which this type of visa has been requested, the fulfilment of the following conditions shall be necessary:

- a) *mission* – the visa shall be granted to aliens proving that they have one of the qualities provided in Article 23(3)(a) and travel to Romania pursuant to such qualities. It is granted only by the diplomatic missions and the consular offices of Romania;
- b) *tourism* – the visa shall be granted to the aliens if they present:
- (i) a voucher or firm reservation from a tourist accommodation unit;
 - (ii) a travel ticket valid to the destination point or the driving license, green card and the registration documents of the means of transport in the case of vehicle drivers;
 - (iii) medical insurance;
 - (iv) the proof of the financial means in amount of EUR 100/day or the equivalent value in convertible currency for the entire period of time.
- c) *visit* – the visa shall be granted to aliens if they present:
- (i) a travel ticket valid to the destination point or the driving license, green card and the registration documents of the means of transport, in the case of vehicle drivers;
 - (ii) medical insurance;
 - (iii) the proof of the financial means in amount of EUR 100/day or the equivalent value in convertible currency for the entire period of time;
 - (iv) the proof of providing accommodation conditions as a firm reservation with an accommodation unit, an ownership or rent agreement for a house in Romania in the name of the applicant or, as the case may be, a notarised statement of the visited person with the notarised copy of the premises documents.
- d) *business* – visa shall be granted to aliens if they present:
- (i) a travel ticket valid to the destination point or the driving license, green card and the registration documents of the means of transport, in the case of vehicle drivers;
 - (ii) medical insurance;
 - (iii) documents certifying the purpose of the trip;
 - (iv) financial means in amount of EUR 100/day or the equivalent value in convertible currency for the entire period of time;
 - (v) the proof of accommodation conditions.
- e) *transportation* – the visa shall be granted to aliens if they present:
- (i) documents attesting the profession of the applicant, as well as the activity to be carried out during his stay;
 - (ii) medical insurance;
 - (iii) the driving license, green card and the registration documents of the means of transport;
 - (iv) transportation license and execution license.
- f) *sports* – the visa shall be granted to the aliens if they present:
- (i) the invitation of the organisers attesting medical insurance and accommodation means;
 - (ii) the official list of the foreign sports association specifying the position of each member;
 - (iii) the approval of the territorially competent county directorate for youth and sports,
- g) *cultural, scientific, humanitarian activities, short-term medical treatment or other activities which do not breach the Romanian laws* – visa shall be granted to aliens if they present:
- (i) documents issued by the institutions where they are to travel to in order to justify their presence in Romania;
 - (ii) a travel ticket valid to the destination point or the driving licence, green card and the registration documents of the means of transport, in the case of vehicle drivers;
 - (iii) the proof of financial means in amount of EUR 100/day or the equivalent value in convertible currency for the entire period of time;
 - (iv) medical insurance;

(v) the proof of accommodation means.

(2) The persons accompanying the drivers, travelling together with the latter, are exempted from complying to the condition provided for in paragraph (1)(b)(ii), (1)(c)(i), (1)(d)(i), (1)(g)(ii).

SECTION 5

Special Conditions for Granting the Short-Stay Visas on the Basis of Invitation

Article 36

Scope of Application

(1) The short-stay visas for the aliens coming from the states with high migration potential, shall be granted under the conditions provided for in Articles 27-29, respecting the special conditions settled in this section.

(2) The list of the states for whose citizens these provisions are applicable shall fall under the competence of the Ministry of Foreign Affairs with the approval of the Ministry of Interior.

Article 37

Invitation Procedure

(1) The aliens in the category under Article 36(1), holders of simple passports, may be granted a short-stay visa with a single or several entries if they submit to the diplomatic missions and the consular offices a written invitation from a natural or legal entity for the following purposes:

a) *visit* – the Romanian citizens with domicile in Romania or aliens holding a stay permit may make invitations if they submit, as the case may be, the following documents:

- (i) the identity card for the Romanian citizens or the stay permit for the foreign citizens, in original and copy;
- (ii) the proof of accommodation means;
- (iii) the proof of the possibilities of providing support for the invited alien;
- (iv) copy of the state border crossing document belonging to the invited alien;
- (v) two photos of 3 x 4 cm of the invited alien;
- (vi) the criminal record certificate of the invited alien or other document with the same legal value, issued by the authorities of the origin state, translated and notarised.

b) *tourism* – the companies with tourist profile may make invitations nominally for each invited alien if they submit the following documents:

- (i) the registration certificate and the statutes of the company in original and copy;
- (ii) the proxy from the company for the person designated to invite on its behalf;
- (iii) the identity card or the stay permit, as the case may be, of the authorised person;
- (iv) copy of the state border crossing document belonging to the invited alien;
- (v) two photos of 3 x 4 cm of the invited alien;
- (vi) the criminal record certificate of the invited alien or other document with the same legal value, issued by the authorities of the origin state, translated and notarised.

c) *business* – the companies with their headquarters in Romania may usually make invitations for 3 persons simultaneously. On behalf of the companies only persons who are appointed under the law to run or administrate the investment or are holders of the majority of the social capital can make invitations. In this case the following documents shall be required to be submitted:

- (i) the registration certificate and the statutes of the company in original and copy;
- (ii) the proof of the position of the person inviting on behalf of the company;
- (iii) the identity card or the stay permit, as the case may be, of the authorised person;
- (iv) copy of the state border crossing document belonging to the invited alien;
- (v) two photos of 3 x 4 cm of the invited alien;
- (vi) the criminal record certificate of the invited alien or other document with the same legal value, issued by the authorities of the origin state, translated and notarised;
- (vii) the proof of the possibilities of providing accommodation for the invited alien for the period of stay in Romania;

(2) The invitations shall be filled in two copies and shall be submitted to the headquarters of the territorial units of the Authority for Aliens in view of approval.

(3) The approval shall be conditioned by the procedures of verifying the submitted documents and records of the Authority for Aliens in order to establish the compliance with the legal conditions regarding the entry in Romania of the respective aliens and implicitly to prevent certain aliens from entering Romania, aliens who do not present sufficient guarantees that they will leave the territory upon the expiry of the visa.

(4) The settlement of the requests for invitation approval shall be made within 60 days following their submission.

(5) In case of approval, a copy of the invitation shall be submitted to the inviting person to transmit it to the invited alien and the Authority for Aliens shall notify it in writing the Consular Relations Directorate within the Ministry of Foreign Affairs.

(6) The alien may make the request for being granted a visa within 60 following the approval of the invitation.

(7) A new invitation submitted by an applicant shall not be approved irrespective of its purpose if one of the previously invited persons did not leave the state territory within the validity term of the visa.

(8) The visas granted on the basis of invitation shall allow an alien the stay on the Romanian territory for a period up to 90 days.

Article 38

Form and Content of the Invitation

(1) The form, content and security elements shall be established by the Ministry of Interior which shall ensure, through the Authority for Aliens, the issuance of invitation forms.

(2) The cost of standard forms shall be borne by the inviting natural or legal persons.

Article 39

Establishment of Bank Deposits

(1) The list provided in Article 36(2) shall distinctly mention the states for whose citizens the establishment of a bank deposit in ROL and foreign currency is necessary, made available for the Authority for Aliens with a view to covering the expenses caused by the return of the invited aliens who do not leave Romania within the granted visa term.

(2) The provisions in paragraph 1 shall also apply to the stateless persons with domicile in these states.

(3) The opening of the bank deposits in the country shall be made with the banking institutions with which the Ministry of Interior concluded protocols in this respect.

(4) The bank deposit opened in the country shall be made available for the Authority for Aliens until the invited alien leaves Romania, but not exceeding 2 years.

(5) The amounts unspent upon the removal shall be returned to the deponent with the approval of the Authority for Aliens.

(6) The tourist companies may also set up global deposits with the approval of the Authority for Aliens.

Article 40

Exceptions from the Invitation Procedure

(1) The Consular Relations Directorate of the Ministry of Foreign Affairs may approve, with the prior approval of the Authority for Aliens, the exemption from the invitation procedure for the following categories of aliens:

- a) the minor alien whose parent holds a stay permit in Romania, under the condition that this permit is valid at least for 90 days from the date the entry visa is issued;
- b) the husband/wife and the parents of the alien owning a stay permit in Romania, under the condition that the permit is valid at least for 90 days from the date the entry visa is issued.
- c) the alien whose parent is a Romanian citizen

(2) The Consular Relations Directorate of the Ministry of Foreign Affairs may approve, without requesting for the approval of the Authority for Aliens, the exemption from the invitation procedure for the following categories of aliens:

- a) aliens married to Romanian citizens;
- b) aliens holding a valid stay permit in one of the Member States of the European Union;
- c) aliens holding a valid stay permit in states for whose citizens the entry visa in the Member States of the European Union is not compulsory;
- d) aliens who have in the state border crossing document appended visas of the Member States of the European Union or the states for whose citizens the entry visa in the European Union area is not compulsory, valid at least 3 months as of the request date;
- e) aliens who are to come to Romania for business, upon the request of the central administrative authorities and well-known companies undertaking the obligation of bearing expenses in respect of material, medical assistance and repatriation expenses through a letter of guarantee.
- f) aliens who are to come to Romania at the invitation and the responsibility of the diplomatic missions or foreign consular departments accredited in Romania
- g) aliens for whom the granting of visa has been requested in writing to the diplomatic or consular missions by the foreign public central authorities or chambers of commerce;

- h) the persons for whom the granting of visa has been requested in writing to the Consular Relations Directorate of the Ministry of Foreign Affairs by the following institutions in Romania: Presidential Administration, Parliament, Government and other public central authorities, the Romanian Chamber of Commerce and Industry, prefectures and the important companies with large economic and financial capacity undertaking the obligation of bearing expenses in respect of material and medical assistance and repatriation expenses through a letter of guarantee;
- i) truck drivers
- j) personalities in the Romanian Diaspora and their descendants;

SECTION 6

Special Conditions for Granting Long-Stay Visa

Article 41

Long-Stay Visa for Carrying Out Economic Activities

Long stay visas for economic activities shall be granted to aliens that are to carry out independent economic activities or within family associations in accordance with the law on the organisation and performance of economic activities by natural persons and who have to present the following documents:

- a) the proof of complying with the conditions for carrying out the activity, provided for in the law on the organisation and performance of economic activities by natural persons;
- b) medical insurance for the visa validity period;
- c) criminal record certificate or other document with the same legal value;

Article 42

Long –Stay Visa for Professional Activities

(1) The long-stay visa for individual professional activities shall be granted to aliens that are to carry out such activities in accordance with the special laws regulating the conditions for carrying out the respective professions.

- (2) This type of visa may be granted to aliens complying to the following conditions:
- a) the proof of complying with the conditions related to the means of carrying out the respective professions;
 - b) the proof that in the country of origin they carry out a similar profession with the one they intend to carry out in Romania;
 - c) medical insurance for the visa validity period;
 - d) criminal record certificate or other document with the same legal value;

Article 43

Long-Stay Visas for Commercial Activities

(1) This type of visa shall be granted on the basis of the approval of the Romanian Agency for Foreign Investment to aliens who are or will become shareholders or associates in trade companies with responsibilities in running and administering them.

(2) The approval of the Romanian Agency for Foreign Investment shall be granted to aliens complying with the following conditions:

- a) a business plan to contain data regarding the nature, location and duration of the relevant activity and the estimated needs for labour force;
 - b) they possess the necessary funds to carry out the activity, in amount of minimum EUR 70.000, in case they are to become shareholders and of EUR 50.000, in case they are to become associates in a Romanian limited liability company
 - c) the activity should be beneficial to the national economy and in case of companies it should consist of significant capital contributions, technology and employment
 - d) in the country of origin they perform a similar activity or close to the one they intend to carry out in Romania
- (3) The application for visa shall be accompanied by the following:
- a) the approval of the Romanian Agency for Foreign Investment;
 - b) criminal record certificate or other document of the same legal value;
 - c) medical insurance for the period of visa validity.

(4) The application accompanied by the documents provided in paragraph 3 shall be submitted to the diplomatic missions or consular offices of Romania and shall be submitted through the Consular Relations Directorate of the Ministry of Foreign Affairs, the Romanian Agency for Foreign Investment and the Authority for Aliens for approval according to their competence.

(5) The approval of the Romanian Agency for Foreign Investment is meant to establish the fulfilment of the technical and economic utility conditions of the activity to be carried out by the alien.

Article 44

Long-Stay Visa for Employment

(1) Aliens may be employed in the fields and to the extent of the contributions set forth in Article 5(a) when the employment in vacant positions cannot be ensured out of local resources.

(2) The long stay visa for employment shall be granted to aliens on grounds of the approval of the Office for the Migration of the Labour Force and of the Authority for Aliens

(3) The approval of the Office for the Migration of Labour Force shall be issued, upon the request of the employer who has to make the proof that he carries out a legal activity in Romania, that he does not have debts and that he made a legal selection, presenting the proofs attesting all these, as well as those related to the presentation of documents attesting the professional qualifications, the experience of the alien in this profession, the fact that he is suitable from a medical point of view to carry out the respective activity, that he does not have criminal record and that he has minimum knowledge of Romanian.

(4) The visa request should be accompanied by the following documents:

- a) the written approval of the Office for the Migration of Labour Force;
- b) the proof of the means of support at the level of at least three average salaries per national economy;
- c) criminal record certificate or other document of the same legal value issued by the authorities of the domicile or residence country;
- d) the medical insurance for the validity period of the visa.

(5) The long stay visa for employment shall also be issued to the aliens who are cross-border workers in Romania.

Article 45

Long-Stay Visa for Studies

(1) The long stay visa for studies may be granted to aliens, upon request, in the limit of places settled in accordance with Article 5(b), by the diplomatic missions or consular offices of Romania in the country where they have their residence or domicile.

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

- a) the letter of acceptance for studies from the Ministry of Education and Research;
- b) the proof of payment of the tuition fee;
- c) the proof of the means of support in amount of EUR 250 monthly for the entire period of the visa, except for the aliens who were granted scholarships by the Romanian state, aliens who had an ancestor who had or has Romanian citizenship and the cases when otherwise established based on mutual bilateral agreements
- d) criminal record certificate or other document of the same legal value.

(3) The aliens scholars of the Romanian State are exempted from complying with the conditions provided in paragraph (2) (b),(c).

Article 46

Long-Stay Visa for Family Reunification

(1) Aliens holding a stay permit, except those who were granted this right for studies, may request to the Authority for Aliens the family reunification for:

- a) spouse;
- b) minor, not married children, out of a marriage or outside the marriage as well as those adopted by both or only one of the spouses as well as those entrusted to one or spouses through the decision of a competent authority from the state of origin, under the condition that those are effectively taken care of by one of spouses. Minors over 12 years of age adopted after the applicant has been granted the stay right in Romania make an exception.

(2) The standard application shall be submitted to the territorial group of the Authority for Aliens in the area of which the applicant has his domicile or residence and it shall be accompanied by the following documents:

- a) the marriage certificate or, if the case, the proof of kinship;
- b) the applicant's statement in original attesting that he will live together family members;
- c) copy of the stay permit;
- d) the proof of the dwelling space;
- e) the proof of the means of support;
- f) the proof of payment of the fees and taxes to the state, including to the budgetary creditors;

- g) the applicant's medical insurance.
- (3) In the case there are doubts regarding kinship, the Authority for Aliens may request other proofs for establishing this.
- (4) The application shall be approved if the following conditions are complied with:
 - a) there is no polygamy status;
 - b) the applicant has appropriate dwelling place in area of 12 sqm for each family member;
 - c) the applicant holds means of support in the amount corresponding to the category of stay permit held by the alien;
- (5) The application shall be usually settled within 3 months as of the submission date
- (6) The approval of the application shall be communicated in writing to the applicant in view of its transmission to the family members interested and to the Consular Relations Directorate of the Ministry of Foreign Affairs, which shall not require a subsequent approval of the Authority for Aliens.
- (7) In the case of rejection, the reasons for rejecting the application shall be communicated to the applicant in writing.
- (8) 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.
- (9) The visa application shall be accompanied by the following documents:
 - a) the approval of the Authority for Aliens provided in paragraph 6;
 - b) the proof of medical insurance for visa validity period;
 - c) criminal record certificate or other document of the same legal value issued by the authorities from the domicile or residence country of the alien.

Article 47

Long-Stay Visa for Humanitarian or Religious Activities

Long stay visa for humanitarian or 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, as the case may be, of the approval of the Ministry of Culture and Cults or the Interdepartmental Commission for the co-ordination and support of the humanitarian activities within the Ministry of Health and Family;
- b) the proof of the quality of representative of a religious organisation legally founded in Romania or of a humanitarian organisation
- c) the proof of the dwelling space and the means of support at the level of three average salaries per national economy;
- d) the proof of the medical insurance and of the fact that they do not have diseases endangering public health;
- e) criminal record certificate or other document of the same legal value issued by the authorities from the country of origin;

Article 48

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) temporarily transferred by a foreign company with headquarters on the territory of a member state of the World Organisation of Trade to a business representative office, sub-centre or branch of this, on the territory of Romania, or to a trade companies, legal person whose associate/ shareholder is the mother company with the same activity object, if they prove they are not employed or employees of the Romanian legal person;
 - b) those whose access on the Romanian labour market is regulated through bilateral agreements signed by Romanian State with other states;
 - c) following long-term medical treatment within the public or private medical institutions if they submit a letter of acceptance specifying the diagnosis and the duration of treatment. Such visa may also be granted for a potential companion assisting the alien who is not able to take care of himself if mentioned explicitly in the letter of acceptance;
 - d) carrying out activities which do not breach the Romanian laws if they justify their presence on the Romanian territory.
- (2) The aliens of the categories provided in paragraph 1 shall be granted visas if:
- a) they present the proof of medical insurance for the period of visa validity;
 - b) they prove the existence of accommodation conditions;
 - c) they hold a criminal record certificate or other document of the same legal value issued by the authorities from the country of origin.

Article 49
Long Stay Visa for Aliens Married with Romanian Citizens

Visa may be granted to aliens married to Romanian citizens under the condition that there is none of the situations of entry interdiction provided for in Article 8, and the marriage is not a marriage of convenience, established under the conditions provided for in Article 64

CHAPTER 4
The Renewal of the Temporary Stay Right. The Permanent Stay Right

SECTION 1
The Renewal of the Temporary Stay Right

Article 50
Conditions for Renewing the Temporary Stay Right in Romania

(1) The Authority for Aliens or its territorial units may renew the temporary stay right to the aliens who entered Romania on the basis of a long stay visa, as well as to aliens who are excepted from the obligation of obtaining a long stay visa, under the conditions provided for in this section.

(2) The temporary stay right in Romania may be renewed successively for intervals up to one year, only if:

- a) the conditions regarding the entry on the Romanian territory, provided in Article 6(1)(a), (c), (e), (f) are still complied with;
- b) during the stay on the Romanian territory, none of the reasons for interdicting the entry on the Romanian territory, provided for in Article 8(1)(b)-(d) has been registered;
- c) the alien holds a travel ticket valid for the period he requests his right for stay in Romania to be granted or renewed;
- d) the alien requests the right to stay on the Romanian territory to be granted or renewed for the same purposes for which the visa, the right to stay or the renewal of the right to stay were granted;
- e) the alien previously complied with the purpose for which the stay on the Romanian territory was granted;
- f) he proves that he legally possesses the accommodation place
- f¹) he proves to have a health insurance for the whole period, for which he applies for an extension of the temporary stay right
- g) the general conditions provided for in this section are complied with, as well as the special conditions for granting the right to stay function of the purpose for which this is requested.

(3) On the basis of reciprocity, the renewal of the stay right may be also granted for periods exceeding one year.

Article 51
Requests for Renewing the Temporary Stay Right

(1) The applicants shall be bound to submit the applications for the granting of the right to stay at least 30 days before the expiry of the term the right to stay, to the territorial units of the Authority for Aliens at the residence place.

(2) The application shall be accompanied by the valid state border crossing document, in original and copy, by the medical certificate issued by a public or private medical institution evidencing that the alien does not suffer from any disease which can endanger public safety, by the supporting document for the dwelling place, by the medical insurance and the means of support, as well as the other documents provided for in this chapter, function of the purpose the stay approval was requested for.

(3) The proof of the means of support may be done by statements of salary, pension coupon, statement on the global income tax, statement of account or other equivalent documents.

(4) The application shall be reviewed within 30 days as of the receipt.

(5) If necessary, the applicant may be called for the interview. Failure to present himself in due time for reasons imputable to the alien represents a reason to reject the application.

Article 52
The Refusal of Renewing the Right for Temporary Stay in Romania

(1) If, at the moment of submitting the application, the general conditions and the special conditions are not cumulatively complied with, depending on the purpose of stay, provided in this chapter, the alien is rejected the renewal of the temporary stay right.

(2) The refusal decision for the renewal of the right to stay, as well as the reasons at the basis of this decision shall be notified to the applicant, through the order of leaving the Romanian territory, provided for in Article 80

1. Renewal of the Temporary Stay Right for Carrying out Economic, Professional and Commercial Activities

Article 53

Renewal of the Temporary Stay Right for Aliens Carrying out Economic Activities

(1) The aliens who entered Romania with a view to carrying out independent economic activities or within family associations shall be renewed the temporary stay right for this purpose if:

- a) they present the authorisation for the respective activity in original and copy, issued according to the law;
- b) they present the proof of legal holding of the space the activity is carried out;
- c) they prove the means of support in amount of at least EUR 250 per month;
- d) the activity carried out corresponds to the conditions for which the initial right to stay was granted;
- e) the object of activity is the initial one or a continuation or result of the initial one;

(2) The request for renewing the temporary stay right must be accompanied by the following documents:

- a) the authorisation for the respective activity in original and copy, issued according to the law;
- b) the proof of legal holding of the space the activity is carried out;
- c) documents attesting the personal income in amount of at least EUR 250 per month obtained from the activity carried out.

Article 54

Renewal of the Temporary Stay Right for Aliens Carrying out Professional Activities

The aliens who entered Romania with a view to carrying out independent professional activities shall be renewed the temporary stay right if they comply with the following conditions:

- a) they present proofs for effectively carrying out the professional activity under the conditions provided for by the special law;
- b) they present documents attesting personal income in amount of at least EUR 250 per month;

Article 55

Renewal of the Temporary Stay Right for Aliens Carrying out Commercial Activities

(1) The aliens who entered Romania with a view to carrying out commercial activities shall be renewed the temporary stay right if they comply with the following conditions:

- a) they submit documents attesting the investment in accordance with the business plan;
- b) they prove the legal holding of the space for the headquarters, the working units of the company and the fact that other companies are not registered in the space declared as headquarters;
- c) they prove that they are shareholders or associates of the trade companies appointed to run and administer it;
- d) he proves the means of support in amount of at least EUR 700 monthly, in case he is a shareholder and of at least EUR 500, in case he is an associate, and the necessary funds to cover the expenses related to the activity of the trade company, in accordance with the object of activity and the business;

(2) Further renewals of the temporary stay right may be granted if the alien complies with the following conditions:

- a) the performed activity should correspond to the conditions for which the initial right to stay was granted.
- b) the object of the performed activity should be the initial one or its continuation or result;
- c) the requests for further renewals for the temporary stay right must be accompanied by the following documents:
 - (i) ascertaining certificate attesting the applicant's status, the name and the headquarters of the company, specifications made at the courts' decision, the functioning term of the company. The ascertaining certificate shall contain

- specifications if other trade companies are registered at the headquarters' address, as well as the legal relation between the applicant and these companies;
- (ii) specification provided by law if any changes occurred in the legal status of the trade companies;
- (iii) they prove the legal holding of the space for the headquarters and working units of the company;
- (iv) documents evidencing that the investment is materialised in capital contribution or technological transfer in amount of minimum EUR 70.000 or the creation of at least 15 working places, in the case of the shareholder, and of EUR 50.000 or the creation of at least 10 working places, in the case of the associate;
- (v) documents attesting personal income in amount of at least EUR 700 monthly, in the case of the shareholder, and of EUR 500 monthly in the case of the associate, obtained from the activity performed on Romanian territory.

(3) In case of investments exceeding EUR 100.000 or if 25 job position were created, the proof of means of support may be made also with other legal documents. In the case of investments exceeding EUR 200.000 or if over 50 job positions were created, the proof of means of support shall no longer be necessary.

(4) For the purpose of accomplishing the financial conditions provided for in this Article, The Ministry of Public Finance shall issue, upon the request of the alien applicants, certificates containing comments regarding: business figure, total investments, profit and loss account, computed dividends and paid to the associates or reinvested according to the data in the financial statements.

2. Renewal of the Temporary Stay Right for Employed Aliens

Article 56

Renewal of the Temporary Stay Right

(1) The temporary stay right of aliens who entered Romania for employment, shall be renewed if:

- a) they present the valid work permit issued by the Office for Migration of Labour Force;
- b) they present the individual employment contract stamped by the territorial labour inspectorate in the region the employer has his headquarters;
- c) the wage stated in the individual employment contract is at least as high as the minimum wage per national economy.

(2) The temporary stay right shall be renewed for a period with maximum 30 days longer than the period for which the work permit was issued.

(3) The Office for Migration of Labour Force shall notify the Authority for Aliens within 5 calendar days on the cases of aliens whose work permit was revoked or a new work permit was issued to them.

(4) The stay right may be renewed without complying with the condition stated under paragraph (1), point a) for the aliens who may be employed in Romania by natural or legal persons, without a working permit, under the provisions of the law.

Article 57

Renewal of the Stay Right for Aliens whose Access on the Romanian Labour Market is Regulated by Bilateral Agreements between Romania and Other States

(1) The conditions for the entry and stay of aliens whose access to the Romanian labour market is regulated by bilateral agreements signed with other states, shall be provided in these agreements;

(2) Within 5 days from the entry on the Romanian territory of aliens provided in paragraph 1, the employer shall be bound to inform in writing the Authority for Aliens with territorial competence on the nominal situation of these persons.

3. Renewing the Temporary Stay Right to Aliens Arrived for Studies

Article 58

Renewal of the Temporary Stay Right for Study

(1) The alien who entered Romania for studies may request the renewal of the temporary right to stay for the same purpose under the following conditions:

- a) he is registered with a state or private accredited educational institution according to the law;
- b) he proves that he has paid his tuition fees for the entire school year;
- c) he proves the means of support in amount of EUR 250 monthly for the period of the validity of the stay permit.

(1¹) The temporary stay right for studies may be renewed without complying with the condition stated under paragraph (1), point c) for the alien having an ancestor who had or has Romanian citizenship.

(2) The temporary stay right can be renewed for up to 60 days after the graduation with a view to concluding the school or university situation and having the study documents authorised.

(3) If the alien did not graduate one year of studies for reasons imputable to him, the Authority for Aliens may not renew the alien's stay permit.

(4) In the cases under paragraph 1 and 2, , the temporary stay right shall be renewed for aliens who entered Romania on the basis of a long-stay visa for the purpose of professional training, documentation sessions or research activities, performed in an education unit or institution.

Article 59

Change of Study Profile

The alien who was granted, or, if the case, renewed the stay permit for studies in Romania may change the profile of study or professional specialisation in accordance with the legislation in force provided that the total duration of stay provided for the initial studies should not be exceeded.

Article 60

Professional Activity of the Aliens Admitted for Studies

(1) The aliens who were granted the temporary stay right for studies may work in order to complete their means of support only part-time.

(2) The lucrative activity performed does not represent a reason for issuing a stay permit for work.

Article 61

Scholars of the Romanian State

(1) The aliens who entered Romania for studies as scholars of the Romanian State shall be renewed their temporary stay right under the conditions provided in Article 58 and Article 59, without being necessary to submit the proof of the means of support and the tuition fees.

(2) The granting and renewal of the stay permit for this category of aliens shall be made by exemption from the payment of the consular fees.

4. Renewal of the Temporary Stay Right for Family Reunification

Article 62

Renewal of the Temporary Stay Right for Family Reunification

(1) The aliens who entered the Romanian territory for the purposes provided for in Article 46 and 49, may be renewed the temporary stay right for family reunification.

(2) The temporary stay right shall be renewed individually to each member of the family.

(3) The temporary stay right of family members shall be renewed for the same period for which the temporary stay right was granted to the alien who is in Romania.

(4) Family members of the alien with domicile in Romania or of Romanian citizens shall be issued stay permits valid for 1 year.

Article 63

Subsequent Renewal of the Temporary Stay Right for Family Reunification

(1) The stay right for family reunification may be subsequently renewed if the applicant:

- a) presents translated and legalized documents which prove the existence of the marriage or of the kinship;
- b) presents the written statement of the family member who requested the reunification evidencing that they will live together;
- c) proves the appropriate dwelling space;

- d) proves that the alien family member who requested the reunification holds means of support exceeding the amount provided for upon the issue of the stay permit, at the level of at least one average salary per national economy, for each family member.
- (2) The right to stay granted on the basis of the marriage with a Romanian citizen shall be renewed on the condition of proving the means of support at the level of the average salary per economy, and the marriage to have legal effects on the Romanian territory.

Article 64

Marriage of Convenience

- (1) When the temporary stay right is requested on the basis of marriage, its renewal shall be refused in case of marriages of convenience.
- (2) The presumptive elements of a marriage of convenience may be the following:
- a) there is no matrimonial cohabitation;
 - b) the spouses never met before the marriage;
 - c) the lack of an effective contribution to the fulfilment of the obligations arising from marriage;
 - d) the spouses do not speak a language understood by both of them;
 - e) one of the spouses has already concluded other marriages of convenience.
 - f) the spouses are inconsistent in declaring their personal data and the circumstances in which they met.
 - g) the conclusion of marriage was conditioned by the payment of a sum of money between the spouses, except for the amounts received as dowry.
- (3) The elements provided in paragraph 2 may result from:
- a) statements of the relevant persons or third parties;
 - b) documents;
 - c) data obtained upon the interview or some additional check-ups.

Article 65

Temporary Stay Right Independently Granted to Family Members

- (1) The aliens holding the stay right for family reunification may be renewed the temporary stay right independently if:
- a) they become adults;
 - b) the person who requested the family reunification died;
 - c) the cancellation of marriage has been ruled.
- (2) For the renewal of the stay right, the applicants shall additionally submit, as the case may be, the birth certificate, the death certificate or the court decision for the cancellation of marriage.
- (3) The right to stay provided for in paragraph 1 shall be renewed for a period of maximum 6 months.
- (4) Any subsequent renewal of the right to stay shall be granted only for the purposes and under the conditions provided by this emergency ordinance.

Article 66

Carrying out Economic Activities and Employment

- (1) The aliens holding a right to stay for family reunification may be employed or may carry out economic activities under the law.
- (2) The work permit or, as the case may be, the authorisation for carrying out the activity shall be issued under the law based on the stay right.

5. Temporary Right to stay_for Humanitarian or Religious Activities. Other Cases of Renewing the Stay Right

Article 67

The Renewal of the Temporary Stay Right for Humanitarian or Religious Activities

- (1) The aliens who entered Romania based on a long-stay visa to carry out humanitarian or religious activities may request the renewal of the temporary stay right if:
- a) they submit the approval of the Interdepartmental Commission for the co-ordination and support of the humanitarian activities within the Ministry of Health and Family in case of aliens requesting the granting or renewal of the right to stay for humanitarian activities;
 - b) they submit the approval of the Ministry of Culture and Cults in case of aliens requesting the granting or renewal of the right to stay for religious activities.
- (2) Aliens who request the renewal of the stay right for humanitarian activities do not have to prove the means of support.

(3) Aliens who request the renewal of the stay right for religious activities have to prove the means of support, in amount of at least the average monthly wage per national economy.

Article 68

Other Cases of Renewing the Temporary Stay Right

(1) The aliens who entered Romania on the basis of a long-stay visa for other purposes, may request the renewal of the temporary stay right as follows:

- a) *aliens temporarily transferred* - by submitting a statement from the representative office, subsidiary company or branch in Romania, or from a company, Romanian legal person whose associate/shareholder is the mother company, with identical object of activity, if they prove they are not in employment relations with the Romanian legal person;
- b) *for long-term medical treatment* – by submitting the letter of acceptance of a public or private medical institution specifying the diagnosis and the duration of treatment. This stay permit may also be granted to a potential companion assisting the alien who is not able to take care of himself alone if this is explicitly mentioned in the letter of acceptance;
- c) *for other activities which do not breach the Romanian laws* - with the approval of the competent authorities when necessary, if they submit documents to prove the need of staying in Romania.
- d) *stateless persons of Romanian origin, who are repatriated on the basis of international agreements to which Romania is a party* – without complying with the general conditions for granting the temporary stay right

(2) The aliens whose stay is for the benefit of the Romanian State may renewed the temporary right to stay at the express request the Parliament, Presidential Administration, Government, specialised public central administrative authorities.

(3) The aliens requesting the renewal of the stay right should prove the means of support in amount of:

- a) EUR 500 monthly for the category of aliens provided in paragraph 1(a);
- b) at least the monthly average salary per national economy for the categories of aliens provided in paragraph 1 (b), (c).

(4) Aliens provided in paragraph 1(d) shall be exempt from the obligation of complying to the conditions provided in paragraph 3.

SECTION 2

Permanent Stay Right. Establishment of Domicile in Romania

Article 69

Permanent Stay Right

(1) The permanent stay right is a stay right granted under the conditions of this emergency ordinance, on an unlimited period of time to the alien whose establishing his domicile in Romania has been approved.

(2) The right for permanent stay expires simultaneously with the change of the holder's domicile to another state or, if the case, when revoked under the conditions of this emergency ordinance.

Article 70

Establishment of Domicile in Romania

(1) The establishment of the domicile in Romania shall be approved, upon request, by the head of the Authority for Aliens.

(2) The aliens holding a temporary stay right for studies cannot request the establishment of the domicile in Romania.

Article 71

Conditions for the Establishment of Domicile in Romania

(1) The aliens may establish their domicile in Romania if they simultaneously meet the following conditions:

- a) a temporary legal stay and continuous for at least:
 - (i) 3 years, in the case of aliens married with Romanian citizens;
 - (ii) 6 years for the other categories.
- b) they prove the fact that they have means of support
 - (i) at least the level of the monthly average salary per national economy in the case of aliens married to Romanian citizens;
 - (ii) from the activities legally carries out on the Romanian territory, in the amount provided by this emergency ordinance, according to the right to stay obtained up to the application submission, in the other cases.

- c) they prove that they legally hold a dwelling space
 - d) they speak Romanian at a satisfactory level;
 - e) the conditions regarding the entry on the Romanian territory, provided in Article 6(1)(a), (c), (e), (f) are still complied with;
 - f) during the stay on the Romanian territory, none of the reasons for interdicting the entry on the Romanian territory, provided for in Article 8 (1)(b) – (d), have been registered.
- (2) For aliens married to Romanian citizens, the marriage should have lasted for at least 3 years, otherwise the provisions in paragraph 1 (i), (ii) shall apply;
- (3) The aliens of Romanian origin or born in Romania, as well as those over 60 years of age, as well as those whose stay is for the benefit of the Romanian State may be approved the establishment of domicile without fulfilling the conditions provisioned under paragraph 1
- (4) In the case both parents of the minor alien hold the permanent stay permit, the minor may obtain the establishment of domicile in Romania together with the parents. In the case only one of the parents holds the permanent stay permit, the approval of the other person, in original, shall be necessary.

Article 72

Conditions Regarding the Approval Requests for the Establishment of Domicile in Romania

- (1) The application for establishing domicile in Romania shall be submitted personally to the territorial units of the Authority for Aliens.
- (2) The application shall be filled in Romanian and shall be accompanied by the following documents:
- a) notarised copies of the civil status documents;
 - b) state border crossing document, in original and copy;
 - c) supporting documents regarding the dwelling space, in original and copy;
 - d) acts proving the means of support;
 - e) criminal record certificate or other document of the same legal value issued by the authorities from the country of origin and by the Romanian authorities;
 - f) medical certificate issued by a public or private medical institution evidencing that they do not suffer from any disease which may endanger the public health;
 - g) proof of medical insurance.
- (3) The request accompanied by the documents provided in this emergency ordinance shall be submitted within 10 days as of its registration to the Commission provided in Article 73.

Article 73

Commission for the Analysis of the Approval Requests for the Establishment of Domicile in Romania

- (1) With a view to solving the approval requests for the establishment of domicile in Romania, by order of the head of the Authority for Aliens, a commission shall be established which shall analyse each application and draw up a motivated proposal which shall be submitted for the approval of the head of the Authority for Aliens.
- (2) The term for solving an approval request for establishing the domicile shall be of 6 months as of the date of registration.
- (3) The decision shall be communicated in writing to the applicant within 10 days as of the approval.
- (4) The alien whose establishment in Romania has been approved shall be bound to present himself within 30 days as of its notification to the territorial group of the Authority for Aliens where the request was registered to issue the permanent stay permit.

Article 74

Rejecting the Request for Establishing Domicile in Romania

- (1) If, subsequent to the submission of the request for establishing the domicile in Romania, the commission provided in Article 73 concludes that the conditions provided for in Article 71 and 72 are not complied with, it shall propose to the head of the Authority for Aliens to decide the rejection of the request.
- (2) The Authority for Aliens shall notify in writing the applicant on the decision of rejecting the request for establishing the domicile in Romania, as well as the reasons at the basis of this decision.
- (3) The aliens whose request for establishing the domicile in Romania was rejected, can be granted, upon their request, the right of stay according to their status previous to the submission of the requests for establishing the domicile, if the legal conditions in this respect are complied with.

SECTION 3

Revocation of the Stay Right in Romania

Article 75

Cases of Annulling and Revoking the Right to stay in Romania

- (1) The Authority for Aliens or its territorial units shall annul by motivated decision, the right to stay renewed under the conditions of this emergency ordinance, under the following circumstances:
- a) subsequent to the renewal of the temporary right to stay, it is discovered that the alien did not comply with the conditions provided by this emergency ordinance in this respect;
 - b) it is discovered that certain documents, on the basis of which the right to stay was granted, are falsified;
- (2) The Authority for Aliens may revoke by motivated decision the right to stay in Romania which was renewed under this emergency ordinance, in the following circumstances:
- a) in the case of temporary stay right:
 - i) subsequent to specific checks made by competent units of the Authority for Aliens, or to information given by competent authorities according to the law, it is discovered that the alien no longer complies with the conditions for renewing the right to stay, or he does no longer comply to the purpose this right was granted for;
 - ii) it is discovered that the alien breached the customs regulations or those regarding the state border;
 - iii) it is discovered that the alien suffers from an illness which is a danger for the public health and he does not comply with the measures set up by the medical authorities;
 - b) in the case of permanent stay right, if any of the situations provided for in subparagraph (a) (iii), appear.

Article 76

Notifying the Alien on the Decision of Annulling or Revoking the Stay Right in Romania

The notification regarding the decision of annulling or revoking the stay right of the alien on the Romanian territory shall be made by the Authority for Aliens through the order of leaving the territory, provided for in Article 80.

SECTION 4

Integrating the Aliens in the Economic, Cultural and Social Life

Article 77

Assistance for the Integration of Aliens

- (1) The Romanian State shall provide the conditions for integrating aliens holding a right to stay in Romania in the economic, social, cultural life of the state.
- (2) In order to integrate the aliens the following activities may be organised and carried out:
- a) courses of Romanian language;
 - b) courses and other forms of professional improvement and training;
 - c) ensuring information in respect of the obligations of the aliens and the opportunities of integration in the Romanian society;
 - d) activities for acquiring knowledge of history, culture, civilisation and the legal system of Romania;
 - e) meetings occasioned by various events to which Romanian citizens should also participate for a mutual promotion, knowledge and understanding.

Article 78

Involved Institutions and Organisations

- (1) The public institutions shall co-operate according to their competencies with non-governmental organisations and international organisations in order to promote and carry out programs for the integration of aliens in the society.
- (2) In all the activities which they perform the public institutions, non-governmental organisations shall provide the aliens with protection against any form of discrimination.

CHAPTER V

Regime of Aliens' Removal from the Romanian Territory

SECTION 1

General Conditions Regarding the Removal of Aliens from the Romanian Territory

Article 79

Removal of Aliens from the Romanian Territory

The competent authorities according to this chapter may take the measure of removal from the Romanian territory against the alien whose stay in Romania has become illegal or whose right to stay was revoked under the conditions of this emergency ordinance, as well as against the alien who has been decided to have entered illegally the Romanian territory and, as the case may be, they can decide the interdiction of re-entering Romania for an established period of time.

Article 80

Order of Leaving the Romanian Territory

(1) The order of leaving the Romanian territory represents the decision of the Authority for Aliens or of its territorial units which compel an alien to leave the Romanian territory within the established term as follows:

- a) within 5 days to the alien whose visa was annulled or revoked as well as to the one who illegally entered the Romanian territory or whose stay became illegal;
- b) to the alien who was refused the renewal of the stay permit or it was annulled or revoked, within 30 days. In the case of the aliens who must liquidate an investment the term is of 3 months.

(2) The terms provided in paragraph 1 shall be considered from the date the alien was notified under the conditions of the present emergency ordinance, on the order of leaving the Romanian territory .

Article 81

Notifying the Alien on the Order of Leaving the Territory

(1) The Authority of Aliens or its territorial branches shall notify the alien on the order of leaving the Romanian territory.

(2) The order of leaving the territory shall be concluded in counterparts, one in Romanian and one in an internationally acknowledged language.

(3) If the alien is present, a copy of the order of leaving the territory shall be handed to him, the latter signing for having received it on the copy that remains with the Authority for Aliens or its territorial branch.

(4) If the alien is not present, the notification shall be made as follows:

- (a) by mail, with receiving confirmation, to the address the alien declared as dwelling place;
- (b) by posting it at the headquarters of the Authority for Aliens and its territorial units, in the case the address is not known;

Article 82

Contesting the Order of Leaving the Territory

(1) The order of leaving the territory may be contested within 5 days since the notification date, to the Court or Appeal in Bucharest in the case the order was given by the Authority for Aliens, or to the Court of Appeal in whose sphere of territorial competence the territorial unit issuing the order for leaving the territory is. The decision of the court shall be final and irrevocable.

(2) Exercising the means of attack provided in paragraph 1 shall not have suspension effect in materialising the order of leaving the territory. In strongly motivated cases and in order to prevent imminent damage, the plaintiff may ask the court to take the decision of suspending the materialisation of the order of leaving the territory, up to the moment the action is solved. The court shall urgently solve the suspension request, the decision in this case being de iure executorial.

SECTION 2

Undesirable Aliens

Article 83

Declaration of Undesirability

(1) The declaration of undesirability is an administrative measure of authority, ordered against an alien who performed, performs or there are strong evidence that he intends to perform such activities as to endanger the national security and public order.

(2) This measure provided in paragraph 1 shall be decided by order of the prosecutor designated from the Prosecution Department affiliated to the Tribunal of Bucharest, at the proposal of

the Authority for Aliens or other institutions competent in the domain of public order and national security which have data or strong evidence supporting the provisions in paragraph 1.

(3) The prosecutor shall give his motivated ordinance within 5 days from his receiving the proposal made under paragraph 2 and, in the case this is accepted, he immediately sends the Authority for Aliens the order of declaring the alien as undesirable, for this to be put into practice. In the case the decision of declaring the person undesirable is based on national security reasons, the ordinance shall not contain the reasons at the basis of this decision.

(4) The alien's stay right shall end de iure as from the date the ordinance of declaring the person undesirable is issued.

(5) The period for which an alien can be declared undesirable is from 5 to 15 years with the possibility of extending the term for a new period in between such limits in case the reasons which caused such measures did not disappear.

(6) The extension of the term shall be made only under the conditions provided in paragraph 2.

(7) The Authority for Aliens shall inform the Consular Relations Directorate on the persons declared undesirable.

Article 84

Notifying the Alien Regarding the Measure of Declaring the Alien Undesirable

(1) The Authority for Aliens shall notify the alien on the ordinance for declaring the alien undesirable, under the conditions provided for in Article 81.

(2) Informing on the data and information representing reasons at the basis of the order of declaring the alien as undesirable for reasons of national security, may be done only under the conditions established also for the destination persons explicitly provided in the legal acts regulating the regime of activities referring to national security and the protection of classified information. The alien who is declared undesirable cannot be, directly or indirectly, under any circumstances, informed on such data.

Article 85

Contesting the Ordinance of Declaring the Alien Undesirable

(1) The decision of declaring the alien undesirable may be attacked by the respective alien within 5 days as from the notification date, to the Bucharest Court of Appeal. The court of justice shall deliver a sentence within 3 days as from receiving the request. The decision of the court shall be final and irrevocable.

(2) Exercising the means of attack provided in paragraph 1 shall not have suspension effect in materialising the decision of declaring the alien undesirable. In strongly motivated cases and in order to prevent imminent damage, the plaintiff may ask the court to take the decision of suspending the materialisation of the decision of declaring the alien undesirable, up to the moment the action is solved. The court shall urgently solve the suspension request, the decision in this case being de iure executorial.

SECTION 3

Return of Aliens

Article 86

Conditions of Applying the Return Measure

(1) The return is an administrative measure ordered by the Authority for Aliens in view of removing an alien from the Romanian territory.

(2) The measure of return may be applied to aliens who:

- a) entered Romania illegally;
- b) did not request the renewal of the stay right and the interval lapsed from its expiry exceeds 3 months;
- c) did not leave Romania within the term provided in the order of leaving the Romanian territory;
- d) are former applicants of the refugee status whose applications were definitively and irrevocably rejected and who did not leave the Romanian territory under the conditions provided by law, except those provided in Article 99 (1)(d);

(3) Aliens who do not hold state border crossing documents shall be presented to the diplomatic missions or consular offices accredited in Romania, of the states whose citizens they are, for the issuance of documents.

(4) In the case of aliens from states which do not have diplomatic missions or consular offices in Romania, the state border crossing documents from the country of origin shall be requested through the Consular Relations Directorate within the Ministry of Foreign Affairs.

(5) In the case the state border crossing document cannot be obtained under the conditions provided in paragraph 4, the Authority for Aliens may issue a travel title, according to the law.

Article 87

Execution of Return

(1) This measure shall be executed by escorting the alien to the border or to the country of origin by the specialised personnel of the Authority for Aliens.

(2) If the alien holds a valid state border crossing document and financial means, other formalities are no longer necessary and the measure shall be enforced within 24 hours.

(3) When the measure of return cannot be enforced within the term provided in paragraph 2, the alien shall be taken into public custody.

Article 88

Return based on the Readmission Agreements

(1) The aliens provided in Article 86(2) may be also returned on the basis of the readmission agreements concluded by Romania with other states under the special conditions provided by such agreements.

(2) Upon the request of one of the signing states, the alien who is subject to a readmission procedure may be allowed to transit the Romanian territory to a third state on the condition of an escort and submission of the guarantees that he could continue the trip and enter the destination state.

Article 89

Interdiction of Return

(1) The return shall be forbidden in the following cases:

- a) the alien is minor and the parents have legal residence in Romania;
- b) the alien is the parent of a minor who has Romanian citizenship if and the interval of the illegal stay does not exceed one year, if:
 - (i) the minor is under the parental care of the parent;
 - (ii) he is bound to pay alimony, an obligation which he regularly fulfils;
- c) the alien is married to a Romanian citizen and the period of illegal stay does not exceed 6 months and the marriage is not one of convenience.
- d) the alien is over 80 years old;
- e) there is justified fear that his life is endangered or that he will be subjected to torture, inhuman or degrading treatment in the state the alien is to be returned;
- f) return is interdicted through international documents to which Romania is a party;
- g) the alien provided in Article 99 (1) (e), except those who were renewed the period for stay toleration in Romania, under the conditions provided in Article 100 (5).

(2) The execution of the measure of return shall be suspended in the case of aliens in one of the situations provided in Article 15(1), up to the date the reasons of interdicting the leaving the Romanian territory are no longer valid;

(3) Persons provided in paragraph 1 may be granted, or as the case may be, renewed the stay right in Romania by the Authority for Aliens for one of the purposes and conditions provided in Chapter IV. Persons provided in paragraph 1(f) may be granted the permanent stay right in accordance with the provisions in Article 71 (3).

(4) Exception from the provisions of paragraph 1(b), (c) and (d), paragraph 2 and 3 are the aliens who represent a threat to the public order, the national security or suffer from a disease which threatens the public health and refuse to comply with the measures set forth by the medical authorities.

Article 90

Voluntary Return

(1) The aliens on the Romanian territory may request the support of the Authority for Aliens or its territorial units for the voluntary return to the country of origin if they do not have any financial means.

(2) The Authority for Aliens together with international organisations with competence in these fields as well as with non-governmental organisations shall carry out common programs for identifying the concrete means of supporting the aliens provided in paragraph 1 with a view to their return to the countries of origin, as well as the financial resources in this respect.

(3) The aliens provided in paragraph 1 may individually be beneficiaries for a single time of the support of the Authority for Aliens through the programs provided for in paragraph 2, for their return to the country of origin.

SECTION 3
Expulsion of Aliens

Article 91
Expulsion of Aliens

(1) The measure of expulsion may be ordered against the alien who committed a crime on the Romanian territory under the conditions provided by the Penal Code and the Penal Procedure Code.

(2) The alien's stay right shall end de iure at the date the measure of expulsion was taken.

(3) The court may decide that, until the expulsion, the alien should be taken into public custody.

(3) If the alien does not hold a state border crossing document or necessary financial means, the Authority for Aliens shall make the formalities provided in Article 86(4), (5).

Article 92
Interdiction of Expulsion

(1) An alien cannot be expelled to a state where there are justified fears that his life is in danger or that he will be subjected to tortures, inhuman or degrading treatments.

(2) The measure of expulsion shall not be decided and in case of its decision, it cannot be executed if the alien is subject to one of the cases provided for in Article 15(1).

(3) The interdiction of expulsion lasts until the disappearance of the reasons on which it was based.

(4) The alien who is subject to one of the cases provided in paragraph 1 and 2 may be expelled for reasons of national security and public order.

(5) The establishment of the situations provided in paragraph 1 and paragraph 2 falls under the competence of the court after the notification made by the Authority for Aliens.

SECTION 5
Taking Aliens into Public Custody
Accommodation Centres

Article 93
Taking Aliens into Public Custody

(1) Taking into public custody is a measure of restraining the freedom of movement decided by a magistrate against the alien who could not be returned or expelled within the term established by this ordinance as well as against the alien declared undesirable or against whom the court took the measure of expulsion.

(2) In the case of the aliens against whom the measure of return was ordered, the taking into public custody shall be decided by prosecutor appointed for this by the Prosecutor's Office affiliated to the Court of Appeal in Bucharest for a period of 30 days upon the request of the Authority for Aliens or its territorial units.

(3) In the case of aliens against whom the measure of expulsion was taken, the court can decide that, up to the moment the police authorities expel the person in accordance with the provisions on the Penal Procedure Code, the alien should be taken into public custody.

(4) The prosecutor who took the measure of declaring the person undesirable shall also take the decision of taking the person into public custody through the ordinance provided for in Article 83(3).

(5) The renewal of the interval for taking into public custody of the aliens provided for under paragraph (2) and (4) who could not be removed from the Romanian territory within 30 days, shall be decided by the court of appeal in the territorial competence of which the accommodation place is located, at the motivated request of the Authority for Aliens.

(6) The maximum period of taking into public custody of the aliens against whom the measure of the return has been ordered, cannot exceed 6 months;

(6¹) In the case that, subsequent to the taking into custody of an alien, the existence of one of the cases provided for under Article 89(1) is established or the alien has submitted a request for being granted a form of protection, the measure of taking into public custody shall lawfully cease, except for the situation when, for reasons of national security or public order, the removal of this alien from the Romanian territory is imposed.

(7) Aliens against whom the measure of return was disposed, may submit, within 5 days, a complaint against the measure of taking into public custody taken by a prosecutor under the conditions provided for under paragraph (2), to the Bucharest Court of Appeal who shall be bound to solve it within 3 days since the receiving date. Submitting the complaint does not suspend the execution of the measure of taking into public custody. The decision of the court shall be final and irrevocable.

(8) The aliens taken into public custody, as well as those returned within 24 hours, shall be fingerprinted and photographed.

(9) In the case provided for under paragraph (3), if the court that delivered the penal judgement has not ordered the taking into public custody, the Authority for Aliens may request the Bucharest Court of Appeal the taking into public custody of the alien who is to be expelled. The court shall solve the request within 3 days as from the date of receiving it. The decision of the court shall be final and irrevocable.

Article 94

Accommodation Centres

(1) The aliens taken into public custody shall be confined to accommodation centres, hereinafter referred to as the **centres**.

(2) The centres are closed places, especially arranged, administered by the Authority for Aliens and are intended for the temporary accommodation of the aliens against whom the measure of return or expulsion was ordered or who were declared undesirable and who were taken into public custody.

(3) The centres are organised and operate based on a regulation approved by the minister of interior.

(4) The centres are established, organised, sanitarily authorised, arranged and equipped so as to offer civilised conditions of accommodation, food, medical assistance and personal hygiene.

Article 95

Rights and Obligations of the Aliens Accommodated in Centres

(1) The aliens accommodated in centres shall benefit from the rights provided in this emergency ordinance, including those provided in the international treaties in the field, to which Romania is a party.

(2) The aliens accommodated in centres shall have the right to medical and social assistance and to the respect of their opinion and specific nature in the religious, philosophical, cultural field.

(3) Aliens accommodated in centres have the right to be informed immediately after their arrival in these places, in the language they speak or in a language they understand, regarding the reasons that led to this measure, the rights and obligations they have during their stay in these places. The reason of their being taken into public custody as well as the rights and obligations of the aliens accommodated in the centres shall be communicated in written by the persons appointed to run these centres.

(4) During their stay in centres, the aliens shall be offered the possibility of communicating with diplomatic and consular representatives of the state of origin.

(5) The personnel of the centres shall treat aliens impartially as regards race, sex, age, culture, nationality, religion or affiliation to a certain social group.

(6) During the entire period of the accommodation in centres, the aliens shall be bound to comply with the rules, the daily program and the interior order set forth by the organisation and function regulation.

Article 96

Medical Assistance for Aliens Taken into Public Custody

(1) Aliens taken into public custody and who do not have financial means, shall have the right to medical assistance, free medicine and medical materials.

(2) Medical services provided for in paragraph 1 shall be offered in each case through the medical service of the accommodation centres or medical units of the Ministry of Health and Family. The expenses shall be discounted by the Ministry of Interior.

Article 97

Special Measures

(1) The aliens taken into public custody, convicted by final court sentences, shall be accommodated separately from the other categories of aliens.

(2) During the entire period the aliens provided in paragraph 1 shall be under public custody, the travel outside the accommodation centres shall be made under escort.

SECTION 6
Tolerance for Remaining on the Romanian Territory

Article 98
Granting Tolerance

(1) Tolerance for remaining on the Romanian territory, hereinafter referred to as ***tolerance***, shall be granted by the territorial units of the Authority for Aliens to aliens who do not have the right to stay on the Romanian territory and, for objective reasons, they do not leave the Romanian territory.

(2) For the purpose of this ordinance, objective reasons are those contexts independent of the alien's will, unpredictable, which cannot be avoided and because of them the alien cannot leave the Romanian territory.

Article 99
Categories of Aliens who can Benefit from Tolerance

(1) Tolerance may be granted to the following categories of aliens:

- a) against whom the measure of taking into public custody was ordered and they could not be returned within 6 months;
- b) who are subject to the cases provided in article 15 paragraph 1 and no longer meet the conditions provided by this emergency ordinance for the granting of a stay permit.
- c) whose request for being granted a form of protection was rejected by final and irrevocable decision in accordance with the legal provisions regarding the status and regime of refugees and for objective reasons did not leave the Romanian territory within the term established by law;
- d) whose temporary presence on the Romanian territory is required by important public interests. In this case, tolerance shall be granted upon the request of the state competent bodies;
- e) in relation to whom there are serious reasons to consider that they are victims of human trafficking;

2) Tolerance shall not be granted to aliens declared undesirable or against whom the security measure of expulsion was taken.

Article 100
Tolerance Regime

(1) Tolerance shall be granted for a period up to 6 months which may be extended for new intervals of up to 6 months until the disappearance of the causes.

(2) Tolerance does not cancel the obligation of the aliens of leaving the territory of the Romanian State upon the ceasing of the reasons for which it was granted.

(3) The validity of tolerance shall cease upon the alien's leaving of the Romanian territory.

(4) Upon the ceasing of the reasons which were at the basis of granting tolerance, the alien shall be immediately removed from the Romanian territory without any prior notice.

(5) In the case of the persons provided in Article 99 (1)(e), the prosecutor, by ordinance or, as the case may be, the court, by decision, may order the renewal of tolerance if the presence of the persons is necessary for a good procedure of the penal trial. In this case, tolerance shall be renewed successively, under the conditions provided in paragraph 1, to the moment the penal trial ends.

(6) The alien shall be bound to present himself monthly or whenever he is called to the territorial group of the Authority for Aliens which granted him tolerance and to notify any change of address.

(7) Tolerance has territorial validity limited to the competence area of the group of the Authority for Aliens which granted it and any travel outside such area shall be allowed only with a prior approval.

(8) In case of non-compliance with the obligations provided in paragraph 6 and 7, the measure of taking into public custody of the alien may be ordered.

SECTION 7
Interdiction of Entering Romania

Article 101
Applying the Interdiction of Entering Romania

(1) The Authority for Aliens may order under the law the interdiction of entering Romania to an alien who was removed from the Romanian State territory.

(2) The measure of interdicting the entry on the Romanian territory provided in paragraph 1 shall also be taken against persons provided for under Article 8 (1)(b)-(d).

(3) The materialisation of the entry interdiction shall be made in all cases by establishing the nominal confinement at the state border crossing units and, whenever possible, by applying on the state border crossing documents the interdiction stamp which has to specify the interval.

(4) In all the cases, the interdiction of entry shall also be communicated to the Consular Relations Directorate of the Ministry of Foreign Affairs.

(5) The implementation of the interdiction of entering Romania shall be communicated in written to the aliens by the authority that has taken the decision together with the reasons at the basis of this decision.

Article 102

Establishment of the Interdiction Period

(1) Against the aliens who legally entered Romania and whose stay became illegal, the interdiction period shall be as follows:

- a) 1 year – in case of an illegal stay from 3 months to 1 year;
- b) 2 years – in case of an illegal stay from 1 year to 2 years;
- c) 3 years – in case of an illegal stay from 2 years to 3 years;
- d) 5 years – in case of an illegal stay of over 3 years.

(2) in the case of aliens requesting for voluntary return, the limits of interdictions from paragraph 1, shall be reduced to half.

(3) Against the aliens who committed criminal offences, the interdiction period shall be equal to the duration of the punishment to which they were convicted, but not less than 10 years.

(4) Against the aliens who entered Romania illegally, the interdiction period shall be of 10 years.

(5) 6 months shall be added to the periods of interdiction provided in paragraphs 1,3,4 in the case of aliens removed from the Romanian territory, at the expense of the Romanian State.

CHAPTER V

Documents Issued to Aliens

SECTION 1

Stay Permits

Article 103

Issuance of Stay Permits

(1) The alien who was granted or, as the case may be, renewed the right to stay in Romania, shall be granted a stay permit by the Authority for Aliens through its territorial units, as follows:

- a) *temporary stay permit* to the alien who was granted or, as the case may be, renewed the temporary right to stay;
- b) *permanent stay permit* to the alien who was granted the permanent right to stay through the approval of establishing the domicile in Romania;

(2) The stay permit shall be issued on the date of granting, or, as the case may be, the renewal of the right to stay in Romania.

Article 104

Regime of the Stay Permit

(1) The stay permit shall certify the identity of the alien and the right to stay on the Romanian territory as well as the interval and purpose for which the right was granted.

(2) The holder of the permit shall be bound to permanently have the permit on him, not to give it to another person and to present it to the competent authorities every time he is requested.

Article 105

Validity of the Temporary Stay Permit

(1) The validity of the temporary stay permit shall be limited to the period the temporary right to stay in Romania was granted or, as the case may be, renewed to the holder

(2) The temporary stay permit shall be renewed each time the temporary right to stay is renewed.

Article 106
Permanent Stay Permit

(1) The permanent stay permit shall be issued on the date the establishment of the domicile in Romania is granted, for a period of 5 years and shall be successively renewed for the same period of time.

(2) The application for the renewal of the permanent stay permit shall be submitted by the holder of the permanent right to stay at the territorial unit of the Authority for Aliens in whose sphere of competence the applicant's domicile is established, with at least 30 days before the expiry of the validity term and it shall be accompanied by the following documents:

- a) the state border crossing document in original and copy;
- b) supporting documents for the dwelling place, in original and copy;
- c) the medical certificate issued by a public or private medical institution evidencing that the alien does not suffer from diseases that could endanger the public health;

(3) The interval for the issue new permanent stay permit shall be of maximum 30 days from the date the application was submitted.

Article 107
Annuling the Stay Permit

In the case the holder of the stay permit is revoked the right to stay, the document shall be annulled on the date of the revocation decision and is the latest withdrawn on the date this decision is notified to the alien.

Article 108
Stealing, Loss, Deterioration or Destruction of the Stay Permit

(1) The holder of the stay permit shall be bound to inform the territorial unit of the Authority for Aliens who issued the document regarding its stealing, loss, deterioration or destruction within maximum 5 days from the discovery of each of the cases.

(2) The competent territorial unit of the Authority for Aliens shall issue a new stay permit replacing the stolen, lost, deteriorated or destroyed one, in an interval of maximum 30 days from the date it was informed under the conditions provided in paragraph 1.

(3) The deteriorated stay permits shall be withdrawn and cancelled by the territorial unit of the Authority for Aliens.

Article 109
Form and Content of the Stay Permit

The form and content of the stay permit shall be established by decision of the Romanian Government.

SECTION 2
Travel Documents Issued to Aliens

Article 110
Types of Travel Documents Issued to Aliens

The Authority for Aliens, through its territorial units or, as the case may be, the Ministry of Foreign Affairs, through the diplomatic and consular offices of Romania abroad, may issue, upon request, the following types of travel documents:

- a) *travel title*-to the following categories of aliens:
 - i) stateless aliens with domicile abroad, with temporary stay on the Romanian territory, who are no longer holders of a border crossing document and, for objective reasons, they cannot obtain such a document from the diplomatic office of the state of domicile;
 - ii) aliens on the Romanian territory who no longer have a national passport and, from objective reasons, cannot obtain a travel document from the diplomatic office of their state;
 - iii) stateless persons with domicile in Romania temporarily staying abroad, who no longer hold the Romanian State border crossing documents;
- b) *passport for stateless persons*- stateless persons with domicile in Romania as well as stateless persons of Romanian origin who were repatriated on the basis of international agreements to which Romania is a part, under the condition to be over 14 years old.

Article 111

Issuance of Travel Title

(1) For persons provided for in Article 110(a)(i), (ii), the travel title shall be issued by the Authority for Aliens through its territorial units and is valid for one trip for a period of 30 days with the possibility of extending the validity with another 30 days.

(2) The Romanian diplomatic missions or consular offices abroad shall issue, with the approval of the Authority for Aliens, the travel title for persons provided for in Article 110(a)(iii), in order to allow the return of these persons to Romania. Upon the return to the country, the travel title shall be delivered by the holder to the territorial unit of the Authority for Aliens in the area of which the stateless person domiciles.

Article 112

Passport Regime for Stateless Persons

(1) The passport for stateless persons shall certify the identity and the stateless status of the holder with domicile in Romania and shall confer the right to leave or enter the country through any of the border crossing check points open to international travel traffic.

(2) Abroad, the passport for stateless persons shall give the holder the right to support and protection from the Romanian diplomatic missions and consular offices.

(3) The passport for stateless persons is the property of the Romanian State.

Article 113

The Issuance of the Passport for Stateless Persons

The passport for stateless persons shall be issued, upon request, by the Authority for Aliens through its territorial units for a period of 5 years which can be renewed only once, without exceeding 10 years from the issue date.

Article 114

Conditions Regarding the Application for the Passport for Stateless Persons

(1) The application for the passport for stateless persons shall be submitted by the persons provided for in Article 110(b) to the territorial units of the Authority for Aliens and shall be accompanied by the following documents:

- a) valid permanent stay permit, in the case of stateless persons with domicile in Romania or
- b) valid temporary stay permit in the case of stateless persons of Romanian origin, who are repatriated on the basis of international agreements to which Romania is a party.

(2) The passports shall be issued in an interval of up to 30 days from the date of the application submission.

Article 115

Annulling the Passport of Stateless Persons

In the case the holder of the passport for stateless persons is deprived of his quality of stateless person with domicile in Romania or, as the case may be, of stateless person of Romanian origin, repatriated on the basis of international agreements to which Romania is a part, he shall be bound to submit the document to the territorial unit of the competent Authority for Aliens which shall withdraw and annul it.

Article 116

Stealing, Loss, Deterioration or Destruction of the Passport for Stateless Persons

(1) The holder of the passport shall be bound to inform the territorial unit of the Authority for Aliens who issued the document regarding its stealing, loss, deterioration or destruction within maximum 5 days from the discovery of each of the cases.

(2) The aliens shall be issued, upon request, under the conditions provided for in Article 112, a new passport replacing the stolen, lost, deteriorated or destroyed one, in an interval of maximum 30 days.

(3) The deteriorated passports for stateless persons shall be withdrawn and cancelled by the territorial unit of the Authority for Aliens.

Article 117

Form and Content of the Travel Documents

The form and content of the stay permit shall be established by decision of the Romanian Government.

CHAPTER VI

Processing and Protection of Aliens' Personal Data

Article 118

Competent Institutions for Processing the Personal Data of Aliens

(1) In order to apply the provisions of this emergency ordinance, of other regulations and instructions issued on its basis, the Authority for Aliens, the Romanian Border Police as well as other competent authorities in the field may perform processing activities of personal data of aliens.

(2) The processing of the aliens' personal data shall be made under the conditions set forth by the laws for the protection of persons regarding the processing of personal data and the free circulation of such data.

Article 119

Organising Records

(1) The National Record System of Aliens shall be established at the level of the Authority for Aliens as a complex system of processing aliens' personal data, necessary to apply the legal powers regarding the admission, residence and removal of aliens from the Romanian territory.

(2) The record of aliens shall be organised according to the principle of the residence place or domicile through the Authority for Aliens at the central level and through its territorial units at the local level.

(3) Each alien who was renewed the temporary stay right or was granted the permanent stay right shall be granted a personal code number to be inscribed in the stay permit.

(4) The types and categories of records shall be established by the Authority for Aliens and approved by the Minister of Interior.

CHAPTER VII

The Legal Regime Applicable to Special Categories of Aliens

Article 120

Special Provisions regarding Citizens

of the Member States of the European Union and the European Union Area

(1) The citizens of the Member States of the European Union and of the European Union Area may be renewed the temporary stay right for the purposes provided in this emergency ordinance without previously meeting the condition of obtaining a long-stay visa, the conditions referring to the existence of means of support as well as the special conditions under Article 55.

(2) The persons provided in paragraph 1 may be renewed the temporary stay right for a period of up to 2 years, having the possibility of successively renewing it for periods of up to 5 years.

(3) The husband/wife, minor children and supported relatives of the persons provided in paragraph 1 holding the temporary right to stay granted in accordance with paragraph 2, shall be granted a temporary stay right with the same validity term.

(4) The entry of the persons provided in paragraph 1 and 3 on the Romanian territory may be forbidden for reasons of defence, national security and public order as well as if their support required expenses on the part of the Romanian State.

Article 121

The Legal Regime Applicable to Unaccompanied Minor Aliens

(1) In the case of unaccompanied minor aliens entering the Romanian territory, the Authority for Aliens and its territorial units shall act as follows:

- a) establish their identity and way of entering the territory shall be established;
- b) irrespective of their legal or illegal status they shall be offered representation through a competent institution according to the law which shall ensure their protection and necessary support, including accommodation in special centres for minor persons protection in conditions similar to those for Romanian minor persons;
- c) measures for the identification of the parents shall be taken, irrespective of the latter's place of residence, with a view to family reunification;
- d) until the parents are identified, minors that have not graduated school, shall have access to the education system;
- e) in the case the parents of the minor do not have their residence on the Romanian territory, this shall be returned to the state of his parents residence or in the state where other family members have been identified, with their approval;
- f) in the case the parents or other family members could not be identified, or if the minor is not accepted by the state of origin, he shall be granted the temporary stay right on the Romanian territory.

(2) With a view to finding adequate solutions, the Authority for Aliens shall co-operate with national and international specialised organisations.

Article 122

Access of Minor Aliens to Education

(1) Minor aliens living in Romania shall have access to compulsory education system under the same conditions as the Romanian minor citizens.

(2) The Ministry of Education and Research shall establish, under the law, the limits and conditions of the acknowledgement and equating the studies made in the origin country for the enrolment of foreign students in the national educational system.

CHAPTER VIII

Minor or criminal offences

Article 123

The Legal Liability for Breaching the Provisions of this Emergency Ordinance

The breach of the provisions hereof shall cause, as the case may be, the penal, civil, contraventional or administrative liability of the guilty person.

Article 124

Minor Offences

The following deeds shall be considered minor offences if:

1. the carrier not complying with the interdictions provided in Article 7(1);
2. an alien not complying with the obligation to leave the Romanian territory after the date of expiry of the right to stay in Romania, provided for under Article 11(1);
3. an alien not complying to the obligation of notifying the competent territorial police body on his stay within the 10 days term provided for under Article 12(1);
4. not declaring the information provided for under Article 13(1) and (2), within the terms provided for under Article 13(3);
5. allowing the aliens in one of the situations of interdiction of exit, provided for under Article 15(1), to leave the country;
6. not complying to the term of submitting the application for the renewal of the temporary stay right provided for under Article 51(1);
7. the employer not complying to the obligation of communicating the nominal situation, provided for under Article 57(2);
8. the alien not presenting himself to the territorial unit of the Authority for Aliens within 30 days as provided in Article 73(4);
9. not complying to the obligation of the alien has regarding the stay permit, provided in Article 104(2);
10. not complying to the term for submitting the application for the renewal of the stay permit, provided in Article 106(2);
11. not complying to the term of declaring the stealing, loss, deterioration or destruction of the stay permit provided in Article 108(1);
12. not complying to the term of declaring the stealing, loss, deterioration or destruction of the passport for stateless persons provided in Article 116 (1);
13. the alien being retained the state border crossing document or the stay permit by unauthorised persons.
14. facilitating, through any means, the illegal stay of aliens on the Romanian territory;

Article 125

Sanctions

Minor offences provided in article 124 shall be sanctioned as follows:

- a) fine from ROL 1.000.000 to ROL 5.000.000 for those provided for under points 3,4,6,8,9,10,11, and 12;
- b) fine from ROL 5.000.000 to ROL 10.000.000 for those provided for under point 5;
- c) fine from ROL 20.000.000 to ROL 30.000.000 for those provided for under points 7,13 and 14;
- d) fine from ROL 50.000.000 to ROL 150.000.000 for those provided for under point 1;
- e) in the case of the minor offence provided for under point 2, the fine shall apply as follows:

- i) from ROL 4.000.000 to ROL 7.000.000, in the case of a stay up to 30 days after the right to stay expires;
- ii) from ROL 6.000.000 to ROL 10.000.000, in the case of a stay up to 60 days after the right to stay expires;
- iii) from ROL 8.000.000 to ROL 12.000.000, in the case of a stay more than 90 days after the right to stay expires;

Article 126

The Establishment of Minor Offices

The establishment of minor offences and the sanctions shall be made by officers specially appointed from the Ministry of Interior or, as the case may be, by the establishing agents specially appointed belonging to other institutions, according to their competence.

Article 127

Minor Offences Regime

(1) The provisions of this emergency ordinance shall be completed with the provisions of the Government Ordinance no. 2/2001 regarding the legal regime for minor offences, approved with further amendments through Law Nr. 180/2002.

(2) In the case of minor offences under Article 124(4), (9),(14), (16), (18), (19), (22), (24) the person committing the minor offence may pay half of the minimum fee within 48 hours from the date of concluding, or, as the case may be, of notifying the minute.

Article 128

Eluding the Measures of Returning form the Romanian Territory

The intentional avoidance of complying to the obligations set by the competent authorities by the alien to whom the expulsion, return measure was applied, or one of the measures of interdicting the right to stay on the Romanian territory or temporary establishment of the domicile of residence in certain zones or places was applied shall be sanctioned with jail from 6 months to 5 years.

Article 129

The Fraudulent Entry of the Alien Declared Undesirable or Against whom the Measure of Interdicting the Entry on the Romanian Territory was Applied

(1) The fraudulent entry on the Romanian territory of the alien declared undesirable or who has been forbidden in any way the right of entry or stay in the country shall be sanctioned by prison from 2 to 6 years.

(2) If the deed provided in paragraph 1 has been done repeatedly, the punishment shall be prison from 3 to 7 years.

Article 130

Carrying out Activities Interdicted by Law

(1) An alien organising on the Romanian territory a political party or other organisations or groups of these provided for in Article 4 (2), adhering to these as well as initiating, organising and taking part into manifestations or meeting which infringe upon public order and national security shall be considered criminal offence and shall be sanctioned with prison from 3 months to 2 years or with fine.

(2) Also the alien's deed of financing a political party, organisation, group or manifestation, meeting between those provided for in Article 4(3) shall be sanctioned with the same punishment provided in paragraph 1.

(3) The sums of money, goods of any type or other values received by infringing upon the provisions in Article 4(3) shall be confiscated.

CHAPTER IX

Final and Transitory Provisions

Article 131

The Authority for Aliens

(1) The activity of the Authority for Aliens is a public service carried out for the interest of the person, community and for the support of the state institutions, exclusively on the basis of and in execution of the law.

(2) Exercising its duties, the Authority for Aliens and Migration Issues shall co-operate with other units of the Ministry of Interior, with state institutions having powers in providing the lawful order and shall collaborate in this respect with the citizens under the law.

(2¹) The staff of the Authority for Aliens consists of police officers, public servants and contractual staff.

(2²) When carrying out their work duties, the police officers within the Authority for Aliens are entitled:

a) to carry out preliminary procedures in order to collect the necessary data to begin the penal action, when they establish the commitment of offences regarding the status of aliens status;

b) to track down and take down to the headquarters of the territorial structures the aliens that break the legal provisions on the status of aliens or those whose identity cannot be established, to check and take legal action within at most 24 hours since the tracking;

c) to organize and carry out, according to the provisions of the law, control visits in the surroundings and locations frequented by aliens, in the public or private institutions, as well as on the premises of economic companies, regardless of the owner or holder, when clear information or signs exist regarding the existence in these surroundings or locations of aliens who do not comply with the legal provisions on the status of aliens in Romania.

d) to use, while on duty, the public transportation and the railway transportation free of charge, in order to carry out missions that cannot be accomplished otherwise.

(3) The organisation structure and the attributions of the Authority for Aliens shall be established by Government decision within 90 days following the day this ordinance enters into force.

Article 132 **Bearing of Expenses**

(1) The expenses for the removal from the Romanian territory of aliens who have financial means, shall be paid by aliens.

(2) If the alien does not have any financial means and entered Romania on the basis of an invitation with bank deposit or on the basis of a letter of guarantee, the expenses shall be borne out of the bank deposit established at the disposal of the Authority for Aliens or by the legal entity signing the letter of guarantee.

(3) The employer, individual or legal entity, shall be bound to bear the expenses for the removal of the alien whom he employed illegally or whose stay permit is no longer valid.

(4) The expenses for the removal of aliens who do not have the necessary funds in this respect as well as those for their feeding, support and accommodation in centres, the expenses for medical assistance and hospitalisations shall be borne by the Ministry of Interior.

(5) The building, arrangement, maintenance and operation expenses of the centres shall be borne by the Ministry of Interior.

(6) The funds for the expenses provided in paragraph 4 and 5 shall be made available in the state budget for the Ministry of Interior.

(7) The norms for providing logistics for the centres, the norms for the maintenance materials and personal hygiene as well as the norms for food for aliens taken into public custody shall be established by Government decision.

Article 133 **Medical Assistance in Special Cases**

In exceptional cases and for humanitarian reasons, the territorial competent body of the Ministry of Interior may decide ensuring medical assistance for aliens under the conditions provided in Article 96.

Article 134 **Aliens Exempted from the Implementation of the Provisions of this Emergency Ordinance**

(1) The provisions of this emergency ordinance do not apply to the following categories of aliens, except situations when, national security or public order reasons necessitate the aliens' removal from the Romanian territory:

a) applicants for refugee status

b) refugees

c) those who were granted conditioned humanitarian protection or a form of temporary humanitarian protection

(2) The Government may establish, through a decision, to exempt from complying with the condition stated under Article 6(1)(c), as well as from other conditions for the renewal of the stay right, provided for by this Emergency Ordinance, the aliens who are citizens of states for which there is no obligation of obtaining an entrance visa for Romania.

Article 135
Limits of the Due Implementation of this Emergency Ordinance, Regarding Certain Categories of Aliens

Starting the date of Romania's accession to the European Union, the provisions of this emergency ordinance shall cease to apply to citizens of the Member States of the European Union and the European Economic Area.

Article 136
Transitory Provisions

(1) Within 3 months as following the entry into force of this emergency ordinance, aliens with illegal residence may request the Authority for Aliens to issue a decision for leaving the territory.

(2) The issuance of the order for leaving the territory under the conditions provided in paragraph 1 shall not be accompanied by the measure of interdiction for entering Romania.

(3) All cases in course of settlement on the date this emergency ordinance has entered into force shall be settled in accordance with its provisions.

Article 137
Entry into force

(1) This emergency ordinance shall enter into force within 30 days as of the publication in the Official Journal of Romania.

(2) Upon the date emergency ordinance enters into force, Law no. 123/2001 on the status of aliens in Romania, published in the Official Journal of Romania, part I no. 168 of April 3, 2001 and Decision of the Romanian Government no. 476/2001 for the approval of the Methodological Norms for the application of Law no. 123/2001, published in the Official Journal of Romania, part I no. 276 of May 29, 2001 as well as any other contrary provisions shall be repealed.

PRIME-MINISTER
ADRIAN NASTASE

COUNTERSIGNING:
Minister of Interior,
Ioan Rus
Minister of Foreign Affairs,
Mircea Geoana
Minister of Labour and Social
Solidarity,
Marian Sârbu
For the Minister of Health and
Family,
Radu Deac,
State Secretary
Minister of Public Finance
Mihai Nicolae Tanasescu

Bucharest, 12 December 2002.
No. 194

Additional articles:

Art.II – Upon the date this law enters into force, the provisions of the Article 16(20)-(4) of the Government's Ordinance No.2/2001 on the legal status of the minor offences, approved with amendments through Law.No.180/2002, with the subsequent amendments, shall be repealed.

Art.III – The Government's Emergency Ordinance No.194/2002 on the status of aliens in Romania, published in the Official Monitor of Romania, part I no. 955 of December 27, 2002, with the amendments brought by this law, shall be republished in the Official Monitor of Romania, Part I, renumbering the texts.