

**LAW no 482/2004**

**on modifying and completing the  
Government Emergency Ordinance no. 194/2002  
on the regime of the aliens in Romania**

The Romanian Parliament has adopted this law.

**Sole article**

The Government Emergency Ordinance no. 194/2002 republished in the Official Journal of Romania, Part I, no. 201 of 8 March 2004, shall be amended and completed as follows:

**1. Under Article 2, after point b, point b1 and point b2 shall be introduced, having the following content:**

“b1) resident – the alien holding a temporary stay permit on the Romanian territory granted under this emergency ordinance;

b2) permanent resident – the alien holding a permanent stay permit on the Romanian territory granted under this emergency ordinance;”

**2. Under Article 2, point d shall have the following content:**

“d) *Visa* – authorization materialized through applying a sticker or a stamp on a valid border crossing document which allows the alien, having this obligation, to present himself to a border check point in order to request the permit of transit or temporary stay for a limited interval, complying with this legal act.”

**3. Under Article 5, point e shall be repealed.**

**4. Under Article 5, paragraph 2 shall be introduced after paragraph 1, with the following content:**

“(2) Whenever necessary, the Government may establish, through decision, the introduction or suspension of short term facilities, upon granting the right to enter or, if the case, upon renewing the stay right on the Romanian territory, for certain categories of aliens as well as the intervals for which these facilities are granted or suspended. On a long-term perspective, the Government shall establish the national strategy in the field of immigration. ”

**5. Under Article 8, paragraph 2 shall have the following content:**

“(2) Border police bodies may reject the entry of aliens on the territory of the Romanian State under the following circumstances as well:

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, if the case may be, upon entering Romanian territory, as well as against those who had previously tried to cross the Romanian border with fake or forged documents

d) they have diseases, established by order of the Minister of Health, that can severely endanger public safety;”

**6. Under Article 12, paragraph 1 shall have the following content:**

“1) The alien, citizen of a state included in the list stipulated under Article 36(2), who legally entered Romania, shall be bound to inform the police body with territorial competence on this issue, within 3 days as of the entry.”

**7. Under Article 14, paragraph 11 shall be introduced after paragraph 1:**

“1<sup>1</sup>) the approval of the Authority for Aliens stipulated under paragraph 1 shall be issued in emergency procedure, and in the cases thorough checks are needed, the term can be of maximum 5 days from the date of request.”

**8. Under Article 20, points b and c shall have the following content:**

b) transit visa, identified through B symbol  
c) short stay visa, identified through C symbol”

**9. Article 22 shall have the following content:**

“Article 22  
**Transit Visa**

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

**10. Under Article 23, paragraph 1 and 2 shall have the following content:**

“1) Short stay visa is the visa that allows the aliens to request the entry on the Romanian territory, for other reasons than immigration, 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 traveling frequently to Romania, for business co-operation relations, 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 and, in exceptional cases, for an interval of up to 5 years. Also in this case, the duration of the stay cannot exceed 90 days within 6 months.”

**11. Under Article 31(1), point e shall be repealed.**

**12. Under Article 31(1), point f shall have the following content:**

“f) in the case of foreign sailors who request the permission of transit in order to embark, re-embark or in order to leave a ship with a view to repatriation upon the expiry of the work contract, as well as in the case of changing the crews ”

**13. Upon Article 31(4) point a shall have the following content:**

“15 days in the case of a short stay visa”

**14. Under Article 43 (2), point c shall have the following content:**

“c) the investment to be made by the society should be materialized through capital and technology contribution in minimum amount of 50.000 EURO for limited liability companies, 70.000 EURO for trading company or the creation of a minimum number of 10 jobs.”

**15. Under Article 43 (2), point d shall be repealed.**

**16. Under Article 46, paragraph 1 shall have the following content:**

“1) Aliens holding a stay permit for at least one year, may request to the Authority for Aliens the family reunification for:

- a) spouse;
- b) minor, not married children, of the holder of the stay right, as well as those of the spouse, including those adopted by both.
- c) minor, not married children, including the adopted ones, of the holder of the stay right, in the case they are under the direct care of the latter.
- d) minor, not married children, including the adopted ones, of the spouse the holder of the stay right, in the case they are under the direct care of the latter.”

**17. Under Article 46, paragraphs 11 - 13 shall be introduced after paragraph 1:**

“<sup>1</sup> the adoption of the children referred to under paragraph 1 shall be decided through the decision of a Romanian authority with competence in this respect, under the law, or through a decision of an authority belonging to another state which has legal effect on the Romanian territory.

<sup>2</sup> In case the conditions stipulated by the law are fulfilled, the Authority for Aliens shall approve family reunification also for the following categories:

- a) relatives of first degree kinship on ascendant scale of the holder of the stay right or of the spouse, in the case they are unable to look after themselves
- b) adult unmarried children of the holder of the stay right or of the spouse, in case they are not able to look after themselves due to medical reasons.

<sup>3</sup> Aliens referred to under paragraph 1, holders of a stay right with the purpose of studies, may request family reunification for the spouse and underage children; provided that the marriage was concluded before the stay right was obtained.”

**18. Under Article 46 (2), point f shall be repealed.**

**19. Under Article 46(4), point c shall have the following content:**

“c) the applicant shall have means of support, besides the ones necessary, according to the law, for his/her own existence, amounting to the minimum net salary on national economy, for each family member.”

**20. Article 49 shall have the following content:**

“Article 49

#### **Long Stay Visa for Aliens who are Family Members of Romanian Citizens**

The long stay visa may be granted:

- a) to aliens married to Romanian citizens, under the condition that it is not a marriage of convenience, established under the conditions provided for in Article 64, and, if the marriage was concluded on the Romanian territory, the applicant should have had a stay right at that moment;
- b) to aliens who are prove not to be married, but living together with Romanian citizens, under the condition that they have at least one child together;
- c) to minor unmarried children, including the adopted ones;
- d) first degree relatives, in ascendant line, aged over 60. “

**21. Under article 50(2), points b), c) and g) shall have the following content:**

“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) and 8(2) has been registered;  
c) the alien holds a valid travel document;  
.....  
g) the aliens proves to have medical insurance, valid for at least one year.”

**22. Under article 50, after paragraph (2), the paragraph (21) is introduced, with the following content:**

“(2<sup>1</sup>) Aliens are compelled to take the necessary action for the prolongation of the validity or the renewal of the documents provided for under paragraph 2, point c), f) and g) upon their expiry.”

**23. Under article 50, paragraph 3 shall have the following content:**

“ (3) The renewal of the stay right may be granted for periods longer than one year, under the conditions of this law or based on reciprocity.”

**24. Under article 51, paragraph 4 shall have the following content:**

“ (4) The application shall be solved within 30 days as from the sate of submission. In the case when there is a need for supplementary checks related to the observance of the conditions for the renewal of the stay right, the term for solving the application may be prolonged with 15 days the most.”

**25. Under Article 55 (2)(c), point (iv) shall have the following content:**

“(iv) the documents to attest that the investment is materialized through capital contribution or transfer of technology in amount of at least 70.000 Euro or through the creation of at least 15 job positions, in the case of shareholder and 50.000 Euro or the creation of at least 10 job positions in the case of the associate, under the condition that, in the case of the job position persons should be hired full time, under the law.”

**26. Under Article 58(1), points a-c shall have the following content:**

“a) is registered with a public education unit or institution or acknowledged private institution, full time courses.  
b) proves to have paid the tuition taxes for the period for which he/she requests the renewal of the stay right.  
c) proves the means of support in amount of at least the gross minimum national salary for the validity interval of the stay permit.”

**27. Point d of article 63(1) shall have the following content:**

“ d) proves that the alien 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 on national economy, for each family member.”

**28. Under article 63, paragraph 2 shall have the following content:**

“ (2) The renewal of the stay right for aliens who are family members of Romanian citizens may be granted as follows:

- a) for aliens married to Romanian citizens, if:
  - i) presents the marriage certificate in original and copy, which should have judicial effects on the Romanian territory;
  - ii) prove to hold the means of support at the level of the minimum gross salary on national economy;
- b) for aliens living with Romanian citizens, if:
  - i) they present the birth certificates, in original and copy, of the children, who are Romanian citizens;
  - ii) present the statement of the Romanian citizen, in authentic form, which should prove that they live together;
  - iii) prove to hold the means of support at the level of the minimum gross salary on national economy;
- c) for unmarried minor children, including the adopted ones, if:
  - i) translated and authenticated documents are presented, which should prove the existence of kinship;
  - ii) the existence of means of support at the level of the minimum gross salary on national economy is proven;
- d) for relatives of first degree, in ascendant line, if:
  - i) they present translated and authenticated documents that prove the existence of kinship;
  - ii) prove the existence of means of support at the level of the minimum gross salary on national economy.”

**29. Point a) of article 68(1) shall have the following content:**

“a) *aliens temporarily transferred* – upon the presentation of a certificate from the representative office, subsidiary company or branch established on the Romanian territory or from a company, Romanian legal person, whose associate/shareholder is the mother-company, with the same field of activity, if they prove not to have work relations established through contract with the Romanian legal person. The stay right for this purpose may only be renewed once, for a period of one year, for the subsequent renewals apply the legal provisions on the renewal of the stay right of aliens employed in work activities.”

**30. Articles 69-74 shall have the following content:**

“Article 69  
**Permanent Stay Right**

- 1) The permanent stay right is granted, upon request, under the conditions of this emergency ordinance, on an unlimited period of time to the alien holder of a temporary stay right whose establishment of the domicile in Romania has been approved.
- 2) The right for permanent stay ceases in the following situations:
  - i. Upon the request of the holder;
  - ii. Upon obtaining a permanent stay right on the territory of another state;
  - iii. In case of absence from the territory of the Romanian state for a period longer than 12 consecutive months, except for the situation when, during this period, the holder benefited from a temporary stay right in a Member State of the European Union;
  - iv. In case of absence from the territory of the Romanian state for a period longer than 6 consecutive years, even if during this period, the holder benefited from a temporary stay right in a Member State of the European Union;
  - v. In case he/she was declared undesirable;

- 3) In the cases provided for under paragraph 2, points c and d, the alien may submit a new request for the establishment of the domicile in Romania after a legal continuous stay of 12 months.
- 4) The permanent stay right may be annulled or revoked under the conditions of this emergency ordinance.

#### Article 70

#### **Establishment of Domicile in Romania**

- 1) Aliens may establish their domicile in Romania if they simultaneously comply with the following conditions:
  - a) A temporary stay, continuous and legal in the last 5 years previous to the submittance of the request, as follows:
    - i) The stay shall be considered continuous when the period of absence from the Romanian territory is less than 6 consecutive months and does not exceed a total of 10 months for the entire period;
    - ii) The stay shall be considered legal when the gaps between the periods for which the stay right was granted successively are shorter than 30 consecutive days and do not exceed a total of 90 days for the entire period, even if they were sanctioned for minor offences;
  - b) Prove to hold the means of support in the amount provided for by the law, in accordance with the purpose for which the stay right was renewed until the submittance of the request;
  - c) Prove to have health insurance, under the conditions of the law;
  - d) Prove to legally hold an appropriate dwelling space for them and the family members they live with;
  - e) Speak the Romanian language at a satisfactory level;
  - f) Do not represent a danger for public order and national security.
- 2) The aliens holding a temporary stay right for studies cannot request the establishment of the domicile in Romania.
- 3) In case the aliens provided for under paragraph 2 receive a temporary stay right that allows them to request the establishment of domicile in Romania, only half of the stay period for studies may be considered when computing the continuous and legal stay period, in accordance with the provisions of paragraph 1, point a. These provisions apply in an appropriate manner also to their family members, holders of a stay right with the purpose of family reunification.
- 4) The aliens of Romanian nationality or born in Romania, as well as those whose stay is in the interest of the Romanian state may be approved the establishment of domicile without meeting the conditions provided for under paragraph 1.
- 5) The minor alien may obtain the establishment of domicile in Romania at the same time with his/her parents. In case only one of the parents holds a permanent stay right, the consent of the other parent, in authentic form, is necessary.

#### Article 71

#### **Conditions for the Establishment of Domicile in Romania**

- 1) The alien should submit personally, at the territorial units of the Authority for Aliens, a form request for the establishment of domicile in Romania.
- 2) The form request, filled in Romanian, must be accompanied by documents that prove the fulfilment of the conditions provided for under article 70, as well as the following documents:
  - a) state border crossing document, in original and authenticated copy;
  - b) notarised copies of the civil status documents;
  - 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, translated and authenticated. In case the applicant left the Romanian territory after the criminal record certificate was issued, he/she should submit a new criminal record certificate, issued after the date of return to Romania.
- f) criminal record certificate issued by the Romanian authorities
- g) proof of medical insurance.

#### Article 72

### **Approval of the Requests for the Establishment of Domicile in Romania**

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

(2) 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 should draw up motivated proposals for each case.

(3) The term for solving a request for establishing the domicile shall be of maximum 6 months as of the date of registration. For objective reasons, the head of the Authority for Aliens may renew this term for another 3 months, at the same time notifying the applicant.

(4) The approval or rejection shall be communicated in writing to the applicant within 10 working days as of the solution.

(5) 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, in order to be issued the permanent stay permit.

(6) In case of not presenting himself/herself at the unit within 12 months as from the notification, the alien loses the right of being issued the permanent stay right. The alien may submit a new application for the approval of the establishment of domicile in Romania.

#### Article 73

### **Rejecting the Request for Establishing Domicile in Romania**

(1) If the commission provided in Article 72 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 alien whose request for establishing the domicile in Romania was rejected, can appeal the rejection through administrative contentious, within 30 days as from the notification date.

(4) The rejection of the request for the establishment of domicile in Romania has no judicial effects on the temporary stay right of the alien.

#### Article 74

### **Equal treatment**

The alien, holder of a permanent resident permit, benefits from an equal treatment with the Romanian citizens, under the conditions of the law, as regards:

- a) The access to the labour market, provided that the activity carried out would not imply, not even occasionally, that the public authority would use its prerogatives;
- b) The access to all forms of education;

- c) Equivalence of the studies and acknowledgement of the diplomas, certificates and other qualifications, in accordance with national provisions;
- d) Social security, social and health care and social protection;
- e) Discounts on the global income tax and tax exemption;
- f) Access to public goods and services, including obtaining dwelling places;
- g) Freedom to associate, affiliate and belong to trade unions or professional organisations.”

**31. Article 75 shall have the following content:**

“Article 75

**Cases of Annulling and Revoking the Right to stay in Romania**

(1) The Authority for Aliens shall annul by motivated decision, the right of temporary or permanent stay in Romania, under the following circumstances:

- a) subsequent to the renewal of the temporary right to stay or at the date of approval of the establishment of domicile in Romania, it is discovered that the alien did not comply with the conditions provided by this emergency ordinance in this respect;
- b) it is subsequently discovered that certain documents, on the basis of which the right of temporary or permanent stay was granted, are false or forged;
- c) it is subsequently discovered that the alien has been removed from the Romanian territory and has re-entered the territory under another identity, during the interdiction period;

(2) The Authority for Aliens may revoke by motivated decision the temporary stay right in Romania, in the following circumstances:

- a) 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;
- b) it is discovered that the alien breached the customs regulations or those regarding employment of aliens;
- c) 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 of medical treatment set up by the medical authorities.”

**32. Article 79 shall have the following content:**

“Article 79

**Removal of Aliens from the Romanian Territory**

The Authority for Aliens may take the measure of removal from the Romanian territory against the aliens whose stay in Romania has become illegal or whose right to stay was revoked or annulled, and, as the case may be, they can decide the interdiction of re-entering Romania for an established period of time.”

**33. Under article 80(1), point a shall have the following content:**

“a) the alien whose visa was annulled or revoked, as well as the one whose stay has become illegal, within maximum 10 days;”

**34. Under article 81(4), point b shall have the following content:**

“b) by posting it at the headquarters of the Authority for Aliens and its territorial units, in case the alien:

- i. Refuses to sign the order of leave;
- ii. No longer lives at the declared address;
- iii. Has not declared the address where he/she lives.”

**35. Article 82 shall have the following content:**

“Article 82  
*Contesting the Order of Leaving the Territory*”

(1) The order of leaving the territory may be contested within 10 working 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 area of territorial competence the territorial unit issuing the order for leaving the territory is. The court shall solve the application within 30 days as from its submittance. The decision of the court shall be final and irrevocable.

(2) Exercising the means of attack provided in paragraph 1 shall suspend the execution of the order of leaving the territory.”

**36. Under article 83(4), paragraph (41), with the following content, shall be introduced:**

“(4<sup>1</sup>) The execution of the ordinance of declaring a person undesirable shall be realised by escorting the alien to the state border or to the country of origin, by the specialized staff of the Authority for Aliens.”

**37. Under article 86(2), point b) shall have the following content:**

“b) upon the expiry of the validity of the stay permit, they have not requested the renewal of the stay right, and the period since it has ceased has exceeded 90 days;”

**38. After article 86, article 86<sup>1</sup> shall be introduced, with the following content:**

“Article 86<sup>1</sup>  
**Contesting the return measure**”

- 1) The decision of return may be contested by the alien against whom it was taken within 3 days, since the notification date, to the Court or Appeal with territorial competence. The court shall solve the application within 3 days as from its submittance. The decision of the court shall be final and irrevocable.
- 2) Until the Court states the decision, the alien is taken into public custody, under the conditions of this emergency ordinance.
- 3) Exercising the means of attack provided in paragraph 1 has suspensive effect only in what concerns the execution of the return measure.”

**39. Under article 87, paragraphs 2 and 3 shall have the following content:**

“2) If the alien holds a valid state border crossing document, financial means and other formalities are no longer necessary, the measure shall be enforced within 24 hours, except for the case the alien expresses his/her intention to contest the measure of return.

3) When the measure of return cannot be enforced within 24 hours, the alien shall be taken into public custody.”

**40. Article 88<sup>1</sup> shall be introduced after Article 88, having the following content:**

“Article 88<sup>1</sup>

**Measures of support for the transit in the case of return by air between the Member States of the European Union**

- 1) The return by air shall be usually made by direct flight to the country of destination.
- 2) In the case is not possible under the conditions stipulated under paragraph 1, the Authority for Aliens may ask other states the flight transit.
- 3) The General Inspectorate for border Police may approve transit request addressed by the competent authorities in the Member States of the European Union, in the case of aliens coming from third states.
- 4) The transit request stipulated under paragraph 3 ma be refused if:
  - a) the alien is sues or pursued in a penal case or is to serve a prison sentence as a result of having committed a major offence on the Romanian territory.
  - b) The transit to other states or the admission in the country of destination is not approved
  - c) The measure of return requires the transport on another airport on the Romanian territory.
  - d) The alien represents a threat for national security, public order and health or international relation of the Romanian State.
  - e) The requested assistance is impossible at the respective moment out of objective reasons; in this case, the General Inspectorate of Border Police shall, as soon as possible, inform the requesting authorities on a date which should, as much as possible, be close to the initial requested date and when the transit assistance can be granted.
- 5) In the case when, subsequent to the transit approval, the situations presented under paragraph 4 appear, the already issued authorizations may be revoked, notifying the requesting authorities on the reasons which led to the revocation.
- 6) The transit request must be sent in written form with at least two days before the transit. This term can be reduced in emergency and founded cases.
- 7) The requesting Member State shall be notified on the decision within two days. The term can be prolonged in founded cases, with maximum 48 hours.
- 8) The General Inspectorate of Border Police shall establish contact points in all important transit areas.
- 9) The transit procedure shall not exceed 24 hours. In the case, out of objective reasons, supplementary assistance measures are necessary for the continuation of the transit procedure; this term shall be prolonged with maximum 48 hours.
- 10). Within the limit of the available resources and in accordance with the relevant international standards, the General Inspectorate of Border Police shall ensure the necessary assistance measures from the moment of landing up to the moment taking off for the country of destination of the citizen of the third state as regards:
  - a) Meeting the citizen of the third state at the plane and escorting the latter within the transit airport especially on the way to the next connection flight.
  - b) Ensuring the emergency medical treatment to the citizen of the third state and, if the case, escorting the latter
  - c) Ensuring the food for the citizen of the third state and, if the case, escorting the latter.
  - d) Receiving, keeping and handing over the travel documents especially in the case of an un-escorted return procedure.
  - e) In the case of un-escorted transit, informing the requesting Member State on the place and hour of the departure of the citizen of the third state from the territory of the Romanian state.
  - f) Informing the requesting Member State on any serious incidents which could have appeared during the transit.
  - g) During the waiting period in the transit airport, the Head of the Border checking point can decide on accommodating the alien in places destined for this purpose and on the

use of legal means for preventing and eliminating any type of attempt of opposing to the measure of transit.

11) The costs of the services stipulated under paragraph 10 shall be borne by the requesting Member State.

12) In the case the transit by air could not be carried out, the Authority for Aliens shall take the measures necessary for the acceptance of the alien on the Romanian territory.”

**41. Under Article 92, paragraph 4 shall be repealed.**

**42. Article 921 shall be introduced after Article 92, having the following content:**

“Article 92<sup>1</sup>

**Recognition of the decisions for the removal of aliens from the territory of the Member States of the European Union**

1) The decisions for the removal of aliens citizens of third states, from the territory of the Member States of the European Union shall be recognized by the Romanian state and shall be implemented by the Authority for Aliens under the current Emergency Ordinance in the following circumstances:

a) the decision of removal shall be taken for reasons of public order and national security as follows:

i. the alien was sentenced for having committed a major offence in the case of which, the law stipulates a prison sentence exceeding one year.

ii. as a result of the alien carrying out activities that could endanger public order or national security, or in the case there is well founded suspicion that the alien is to carry out such activities.

b) the decision for the removal shall be taken as a result of the non-observance by the alien of the conditions referring to the entry and stay of aliens on the territory of the respective Member State.

2) For these decisions stipulated under paragraph 1 to be put into practice, it is necessary for them not to have been revoked or suspended by the issuing authorities.

4) Exemption shall be made from the provisions under paragraph 1 in the case of aliens, which are family members of Romanian citizens, as well as family members of citizens of the Member States of the European Union.

5) With a view to the application of this Article, the Authority for Aliens shall cooperate and exchange information with the competent authorities of the Member States of the European Union.”

**43. Under Article 93, Paragraph 7 shall have the following content:**

“7) In the case when an alien has been taken into public custody and it is subsequently identified one of the cases stipulated under Article 89(1) or the alien has, for the first time, applied for a form of protection, the measure of public custody shall *de iure* be ceased. Upon the submission of a second application, the measure of public custody shall cease upon the date of the alien being granted the access to a new procedure.”

**44. Under Article 93, a new paragraph 71 shall be introduced after paragraph 7, with the following content:**

“7<sup>1</sup>) Exemptions shall be made from the provisions of paragraph 7 for the situations when, out of reasons of national security and public order, it is necessary to remove the aliens from

the Romanian territory, or to keep the aliens in public custody up to the moment the asylum procedure is finalised.”

**45. Under Article 93, Paragraph 8 shall have the following content:**

“ 8) The aliens in the case of which the measure of public custody was taken, under the conditions stipulated in paragraph 2, may submit, within 5 days, a complaint at the Bucharest Court of Appeal, which shall be bound to solve it within 3 days from the date of receipt. The aliens taken into public custody and those returned within 24 hours shall be taken fingerprints and photographs.”

**46. Article 96 shall have the following content:**

“Article 96  
*Medical Assistance for Aliens Taken into Public Custody*”

1) Aliens taken into public custody 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. The expenses shall be discounted by the Ministry of Administration and Interior through the budget allocated to the Authority for Aliens specially destined for this purpose.”

**47. Under Article 99 (1), point f shall be introduced after point e, with the following content:**

“f) The aliens who, out of other objective reasons, can't leave Romania”

**48. Under Article 101, paragraph 2 and 3 shall have the following content:**

“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) and Article 8 (2) (a-b).

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 stamp, which has to specify the interval.”

**49. Under Article 102(1), point a shall have the following content:**

“a) one year in the case:

- i) of an illegal stay between 30 days and one year, for the aliens who did not leave the Romanian territory upon the expiry of the residence permit granted through visa or on the basis of international conventions or legal acts through which the visa regime is unilaterally dissolved.
- ii) of an illegal stay between 3 months and one year for the aliens that were granted a temporary stay permit:
- iii) to aliens that did not comply to the order of leaving the territory and who were returned.”

**50. Under Article 102, paragraphs 2 and 3 shall have the following content:**

“ 2) the limits of the interdictions stipulated under paragraph 1 shall be reduced to half for the aliens who:

- a) ask for voluntary return under the conditions stipulated under Article 90.
- b) bear the necessary expenses for the removal from the Romanian territory
- c) shall subsequently reimburse the Authority for Aliens the expenses related to the removal from the Romanian territory
- d) are married with Romanian citizens or are parents of minor Romanian citizens.

3) Against the aliens who intentionally committed offences and who were removed, the length of the interdiction shall be equal to the length of the sentence, but not less than 3 years.”

**51. Under Article 102, paragraph 41 shall be introduced after paragraph 4, having the following content:**

“4<sup>1</sup>) Against the aliens stipulated under Article 101(2), the length of the interdiction shall be as follows:

- a) 15 years for the aliens stipulated under Article 8 (1)(b), (d);
- b) 5 years for the aliens stipulated under Article 8 (2)(a)-(c).”

**52. Under Article 102 paragraph 5 shall be repealed.**

**53. After Article 120, Article 1201 and 1022 shall be introduced, with the following content:**

“Article 120<sup>1</sup>

**Aliens with permanent residence permit in the Member States of the European Union**

- 1) Aliens, citizens of third states or stateless persons with permanent residence permit in the Member States of the European Union, may enter and stay on the territory of the Romanian state, for an interval of 90 days, within 6 months, without being bound to obtain an entry visa.
- 2) Persons stipulated under paragraph 1 may be renewed the temporary permit, without prior observance of the condition of obtaining a long stay visa under the conditions stipulated by the current Emergency Ordinance.

Article 120<sup>2</sup>

**Family members of aliens with permanent stay right  
in the Member States of the European Union**

- 1) Family members of the alien stipulated under Article 120<sup>1</sup> who have temporary stay right for family reunification in a Member State of the European Union, may enter Romania on the basis of a long stay visa granted for the same purpose by the diplomatic missions or the Consular offices of Romania, with the compliance of the general provisions for visas as well as presenting the proofs regarding the stay right on the territory of the Member State for this purpose.
- 2) Family members of the aliens stipulated under 120<sup>1</sup> who do not have a temporary stay right for family reunification in a Member State of the European Union, shall fall under the provisions of Article 46.
- 3) The aliens stipulated under paragraph 1 and 2, can be prolonged the stay right, according to the provisions of Article 63(1).”

**54. Under Article 124, points 2, 3 and 8 shall have the following content:**

“2. non-observance by the alien of the obligation to leave the Romanian territory after the date the stay right in Romanian stipulated under Article 11 expires.

3. non-observance by the alien of the obligation of announcing the police unit with territorial competence on his/her stay”, up to at least 3 days from the term stipulated under Article 12(1).

.....  
8. non-observance by the alien of the obligation to present himself/herself to the territorial unit of the Authority for Aliens within 30 days stipulated under Article 72(5).”

**55. Under Article 124 (6), a new point 61 shall be introduced, with the following content:**

“6<sup>1</sup>. Non-observance by the alien of the obligations stipulated under Article 50(2<sup>1</sup>)

**56. Under Article 125, point (a) shall have the following content:**

“a) fine from 1 million to 5 million for those stipulated under point 3,4,6,6<sup>1</sup>,8,9,10,11,12; ”

**57. Under Article 129, paragraph 1 shall have the following content:**

“ 1) The entry on the Romanian territory through the illegal crossing of the border, or under a false identity by the alien declared undesirable or who was forbidden through any means the right to entry or stay in Romania represents major offence and shall be sanctioned through prison from 2 to 6 years.”

**58. After Article 130, Article 1301 shall be introduced, with the following content:**

“Article 130<sup>1</sup>

**Facilitating the illegal stay of aliens on the Romanian territory**

1. Intentional facilitation, through any means, of the illegal stay of aliens on the Romanian territory shall represent major offence and shall be sanctioned with prison from 6 months to 5 years.

2. The offence stipulated under paragraph 1 committed under the following circumstances:

a) by two or more persons together;

b) a serious health injury or body aggression were inflicted upon the aliens,

shall be punished with prison from 2 years to 8 years.

3. If the offence had as a result, the death of the alien the sentence shall be prison from 3 to 15 years.

4. The attempt shall be punished.”

**59. After Article 135, Article 1351 shall be introduced, with the following content:**

“Article 135<sup>1</sup>

**Provision applicable from the date of Romania’s accession to the European Union**

The provisions of Article 88<sup>1</sup>, 92<sup>1</sup>, 120<sup>1</sup>, 120<sup>2</sup>, shall enter into force upon the date of Romania’s accession to the European Union.”

This law had been adopted by the Romanian Parliament with the compliance of the provisions of Article 75 and 76(1) of the Romanian Constitution republished.