

GOVERNMENT OF ROMANIA

EMERGENCY ORDINANCE No 194/2002

On the Regime of Aliens in Romania ^{*)}

Official Gazzete No. 421 of 5.6.2008

No.	Title	Date	OG	Amendments
1	<u>Law No. 158/2013</u> – amending and supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania	20 May 2013	Error! Bookm ark not define d.	<u>ARTICLE 98, ARTICLE 99, ARTICLE 144</u>

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- 3 **DisplayText cannot span1** **Display** ARTICLE 6, CHAPTER II¹, ARTICLE 16¹, ARTICLE 16²,
- supplementing Marc ARTICLE 16³, ARTICLE 16⁴, ARTICLE 16⁵
Government Emergency h
Ordinance No 194/2002 2010
on the regime of aliens in
Romania

CHAPTER I

General Provisions

ARTICLE 1

Regulatory Field

This emergency ordinance represents the frame regulating the entry, stay and exit of aliens 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* – a person who does not have Romanian citizenship, citizenship of another Member State of the European Union or of the European Economic Space or citizenship of the Swiss Confederation;
- b) *Stateless person* – the alien who does not have the citizenship of any state;
- c) *resident* – alien holding a temporary residence permit granted in accordance with this emergency ordinance;
- d) *long term resident* – alien holding a long term residence permit granted in accordance with this emergency ordinance;
- e) *sponsor* – the alien, holding a residence permit or a Blue Card of the European Union issued by the Romanian Immigration Office, who requests family reunification or whose family members request family reunification with him, in accordance with this emergency ordinance;
- e¹) *family reunification* – the entry and stay on the territory of Romania of the family members of an alien having legal residence on Romanian territory or of a Romanian citizen for the purpose of preserving the family unity, regardless of the date of establishment of such family relationship;

f) *National Visa Centre* – a specialized structure within the General Directorate of Consular Affairs of the Ministry of Foreign Affairs, which contributes to the establishment and implementation of the national visa policy of Romania, together with the other organizations of central public administration, according to their competencies defined by law;

f¹) *separate sheet for affixing a visa* – has the meaning set out in [Art. 2](#) point 8 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), published in Official Journal of the European Union L 243/1 of 15 September 2009, hereinafter referred to as the *Visa Code*;

g) *visa* - authorization, materialized by the application of a sticker onto a travel document valid for crossing the state border, or, as the case may be, on the separate sheet for affixing a visa, which allows its holder the right to request airport transit, transit or temporary stay for a limited duration, while fulfilling the conditions set by this emergency ordinance;

g¹) *long-stay visa* – visa entitling its holder to request the extension of the temporary residence right for a period of more than 90 days, in accordance with this emergency ordinance;

g²) *short-stay visa* – the uniform visa, as defined in [Art. 2](#) point 3 of the Visa Code, and the visa with limited territorial validity, as defined in [Art. 2](#) point 4 of the Visa Code;

h) *airport transit visa* – has the meaning set out in [Art. 2](#) point 5 of the Visa Code;

i) *temporary right of residence* – the alien's right to stay on the territory of Romania for a limited period, in accordance with law;

i¹) *long term right of residence* – the right granted by the competent authorities to the alien to stay on the territory of Romania for an unlimited period, according to law;

j) *residence permit* - identification document issued by the Romanian Immigration Office, in accordance with law, to the alien whose right to remain on the territory of Romania is extended or to the alien who shall be granted a permanent residence permit, as applicable;

k) *residence permit for the purpose of employment* - identification document which shall be issued to the alien by the Romanian Immigration Office, in accordance with law, and attests the right to residence and employment on the territory of Romania;

*k*¹) *residence permit for the purpose of secondment* – identification document which shall be issued to the alien by the Romanian Immigration Office, in accordance with law, and attests the right to residence and employment based on the secondment on the territory of Romania;

l) *marriage of convenience* - marriage concluded for the single purpose to elude the conditions imposed to aliens for entering and residing as well as obtaining a right to reside on the territory of Romania;

m) *interview* - discussion led by a representative of Romanian authorities with the person who requests to be granted a Romanian visa or to be extended the right to stay in accordance with this emergency ordinance, for the purpose of obtaining additional information on the data provided in the applications submitted, reasons for travel and stay in Romania as well as the authenticity of submitted documents;

n) *interview officer* - employee of the Romanian Immigration Office, having attributions in ascertaining the existence of elements of a marriage of convenience;

o) *researcher* - alien who holds an academic graduation license which allows him to attend PhD programmes and has been accepted by a unit of research and development to carry out activities of scientific research within a project;

p) *marriage certificate for aliens* – document issued in accordance with law, valid for a single marriage, for the aliens who no longer hold a valid marriage document;

q) *repatriation certificate* – document issued by Romanian Immigration Office allowing the exit from the country to the aliens included in the assisted voluntary repatriation programme;

r) *Schengen State* – state that applies in full the Schengen *acquis* in the field of visas and immigration;

s) *EU Blue Card* – the residency permit for the purpose of employment entitled «EU Blue Card» and granting its holder the right to stay and work on the territory of Romania as employee in a highly qualified work place;

t) *first Member State* – the Member State granting the first “EU Blue Card”;

u) *illegal stay* – the presence on Romanian territory of an alien who is in one of the following situations:

1. (i)

he crossed or attempted to cross the Romanian state border illegally;

2. (ii)

he entered Romania during the previously established interdiction period;

3. (iii)

he no longer fulfils the conditions for entry and/or stay, provided for by this emergency ordinance;

v) removal from the territory of Romania – the process of voluntary or escorted return of an alien to his country of origin, in a transit country established in the agreements to which Romania or the European Union is a party or to another country where the alien decides to return and where he shall be accepted;

x) interdiction to enter – the decision or any other administrative or judiciary deed whereby the entry and stay on the territory of Romania is prohibited for a limited period;

y) risk of circumvention – the existence of reasons justifying in a particular case the assumption that an alien forming the object of a removal procedure may circumvent such procedure; such grounds may be as follows:

1. (i)

the alien crossed or attempted to cross the state border illegally;

2. (ii)

the alien failed to observe his obligation to periodically visit the territorial office of the Romanian Immigration Office that ordered such measure or left the area of jurisdiction of such office, in accordance with this emergency ordinance;

3. (iii)

the alien cannot provide evidence of a dwelling space on the territory of Romania;

4. (iv)

the alien cannot prove his identity;

5. (v)

other reasons determined by the alien's conduct;

z) *vulnerable persons* – minors, unaccompanied minors, handicapped persons, elders, pregnant women, single parents with minor children and persons who were subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

amended by

Law No. 157/2011 – amending and supplementing several normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

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 residence 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 Romanian Immigration Office 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) 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 organize political parties or other similar organizations or groups on the Romanian territory and cannot take part in them, cannot hold public positions and titles and cannot initiate, organize or take part in demonstrations or meetings bringing prejudice to public order or national security.

(3) Aliens cannot finance parties, organizations, groups, manifestations or meetings such as those provided for 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 with 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, with the control of the police authorities as well to the control of other competent public authorities for this purpose.

ARTICLE 5

Policy in the Field of Migration

(1) Yearly, the following shall be established by Government Decision:

a) the number of work permits that may be issued to aliens for according to the provisions of the special legislation on employment and the secondment of aliens on Romanian territory;

b) the quantum of allocations necessary for food, support and accommodation in centres as well as those for medical assistance and hospitalization;

c) the quantum of the amounts representing the financial means necessary for both the support during their stay period and the return to the origin country or the transit to another state, provided for in [Art. 6](#) (1)(c).

(2) The Government may establish, by decision, as often as necessary, the introduction or suspension of short-term facilities with regard to the right to enter or, as the case may be, to extension of the right to remain on the territory of Romania for certain categories of aliens, as well as the periods for which such facilities shall be granted or suspended, respectively. On a long term, the Government shall define the national strategy in the field of immigration.

(3) The Government of Romania, through its authorized institutions, shall forward to the European Commission and governments of the other Member States, in due time, and not later than the moment they have been made public, information regarding:

a) draft normative documents which propose measures regarding workers from third countries and their family members, with regard to entry, residence and employment, as well as ensuring equal treatment with regard to living and working conditions, payment and other economic rights, promoting integration within local workforce and society as well as voluntary return of such persons to their countries of origin;

b) draft agreements regarding the issues provided for at point (a), as well as draft agreements of international cooperation which are intended to be negotiated or renegotiated with third countries, when such agreements contain provisions referring to the issues mentioned at point (a);

c) draft agreements regarding conditions for residence and employment of own citizens who work in third countries and their family members, which are intended to be negotiated or renegotiated with the respective countries.

(4) The Government of Romania shall forward to the European Commission as well as to the governments of the other Member States the texts of the normative documents in force, as well as the texts of the agreements concluded with third countries, which regulate the issues mentioned in paragraph (3)(a).

CHAPTER II

General provisions regarding the entry, stay and exit of aliens

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 hold a valid state border crossing document accepted by the Romanian State;

b) they hold the Romanian visa issued in accordance with this emergency ordinance or, as the case may be, they hold any authorization granting its holder a right of transit or of residence on the territory of Romania under the normative acts of the European Union, mandatory for and applicable to Romania, unless as otherwise established by international agreements;

c) they present, in accordance with this emergency ordinance, documents that justify the purpose and conditions of their stay and they 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) they present guarantees that they shall be allowed to enter the territory of the state of destination or that shall leave the territory of Romania, in the case of aliens in transit;

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) repealed;

g) their names have not been entered with alert into the Schengen Information System for the purpose of being denied the entry;

h) they do not represent a danger to the national defence and security, or public order, health or ethics.

(2) Aliens - family members of Romanian citizens, as well as aliens holding a long term residence permit in one of the EU Member States shall be granted entry on the territory of Romania while being exempt from fulfilling the conditions provided for in paragraph (1)(c) and (d).

(2¹) Alien citizens holding a small border traffic permit shall be allowed to enter the Romanian territory while being exempt from fulfilling the conditions provided for in paragraph (1)(b) and (c).

(3) Aliens stationed in the international transit areas of the airports, in transit areas at state border crossing or in accommodation centres having the status of transit area or on ships or vessels stationed in sea or river ports or that are in transit on the Danube or in the border waters, shall not be subject to the provisions of this Emergency Ordinance referring to the conditions of entry and stay of aliens on the territory of Romania.

(4) Entry of aliens onto the territory of Romania shall be made in any state border crossing point open to international people's traffic.

(5) Crossing of the state border by aliens may be also made in other locations, according to the conditions provided for by bilateral agreements and understandings or by other border crossing points, only with the approval of the competent authority.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

[Government Emergency Ordinance No. 12/2010](#) - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, [Official Gazette No. 136/2010](#);

ARTICLE 7

Obligations of Carriers

(1) Air, water or land transportation companies shall be forbidden to bring to Romania aliens who do not hold border crossing documents, who have false or forged documents or visas or hidden in means of transportation or who do not comply with the provisions of [Art. 6](#) (1)(a)(b).

(2) In the case the provisions in paragraph (1) are not complied with, the respective transportation company shall be bound to ensure 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 incurred with the removal of such persons from Romania, hereinafter referred to as *removal*.

(3) The obligations in 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) the authorities of the country of destination do not allow the entry of aliens and return them to Romania.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 8

Denial 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 in [Art. 6](#) (1);

b) they are signalled by international organizations to which Romania is a party, as well as by institutions specialized in combating terrorism, to finance, organize or support in any possible way or commit terrorism acts;

c) there are indications that they are part of organized 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 for in the international conventions to which Romania is party.

(2) Competent authorities may also deny 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;

b¹) they previously unjustifiably broke the purpose declared upon obtaining the visa, or, depending on the case, upon entering the Romanian territory, they broke the customs regime or crossed or attempted to cross the Romanian state border illegally;

c) suffer from serious illnesses which may seriously endanger public health, as defined by order of the minister of public health.

(3) The bodies and institutions holding data and information regarding cases of the nature of those provided for in paragraphs (1) and (2) may request the General Inspectorate of Border Police or the Romanian Immigration Office to order the measure of denial of entry in Romania, in accordance with this emergency ordinance.

(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, using the form provided in Part B of Annex V to Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), published in Official Journal of the European Union (OJEU) L 105 of 13 April 2006, hereinafter referred to as the *Schengen Borders Code*, as well as to the Consular Department within the Ministry of Foreign Affairs.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

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 or, if such is not possible, in another locality outside the border crossing point, having a transit area regime, 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.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 10

State Border Crossing Documents Accepted by the Romanian State

(1) The state border shall be crossed via the border crossing points or via other places established for border crossing only based on documents accepted by the Romanian state, in accordance with the international agreements to which Romania is a party or the European rules in the field of border crossing.

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

(3) The Ministry of Foreign Affairs, with the approval of the Ministry of Administration and Interior, shall update on an annual basis the list containing

the state border crossing documents accepted by the Romanian State issued by states or international entities, which are approved by Government decision.

(4) 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, exceptions from the obligation to hold border crossing documents.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

SECTION 2

Aliens' Stay on the Romanian Territory

ARTICLE 11

General Provisions on Aliens' Stay on the Romanian Territory

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

(2) In the circumstances when international conventions or legal acts which unilaterally dissolve the visa regime, do not provide for the residence period, 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 3 months in an interval of 6 months, starting the date of their first entry.

(3) Aliens who possess a visa issued by a Schengen state in accordance with the Visa Code, except for those subject to a limitation for the territory of Romania, may enter and stay in Romania in observance of the validity of their visas and of the stay period allowed by such visa.

(4) Aliens who do not have the obligation to obtain the visa in accordance with the provisions of Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when

crossing the external borders and those whose nationals are exempt from that requirement, published in European Community Official Journal No L 81 of 21 March 2001 shall be allowed to enter the territory of the Romanian State and may remain up to 3 months in an interval of 6 months, starting the date of their first entry on the territory of any Schengen state.

(5) The aliens holding long-stay visas or residence permits issued by other Schengen states shall be allowed to enter the territory of the Romanian State and may remain up to 3 months in an interval of 6 months, starting the date of their first entry, calculated for the entire duration of their actual stay on the territory of the other Schengen states, other than that that issued the long-stay visa or the residence permit.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 12

Conditions Regarding the Accommodation of Aliens

(1) An alien who has legally entered the territory of Romania, as well as the person accommodating him, shall be liable to notify his arrival to the competent territorial police authority, within 3 days from arrival or accommodation.

(2) In the situation of accommodation in hotels or other tourist venues, the alien shall fulfil the registration formalities with the relevant administration, which, within 24 hours, shall notify the necessary data to the competent territorial police body.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 13

Notifying the Authorities of Changes in the Aliens' Status

(1) Over the duration of residence in Romania, aliens are liable to declare to the territorial office of the Romanian Immigration Office which has granted the residence permit, the following:

a) any change having occurred in the personal situation, especially change of citizenship, conclusion, divorce or annulment of a marriage, birth of a child, decease of a family member staying on the territory of Romania;

b) any change related to his employment situation;

c) loss, extension of validity or replacement of the border crossing document.

(2) The alien changing residence or domicile shall be obliged, within 15 days from moving to the new address, to appear before the territorial office of the Romanian Immigration Office, in order to be registered and corresponding mentions to be made in the identification document.

(3) Theft or loss of the border crossing documents shall be notified to the territorial competent police body.

(4) Statements provided for in paragraph (1) shall be made within 30 days, and those mentioned under paragraph (3), within 48 hours.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
Official Gazette No. 533/2011;

SECTION 3

Aliens Leaving the Romanian Territory

ARTICLE 14

Exit of Aliens

(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.

(2) The person having the citizenship of several states shall 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 orders 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 situations mentioned under paragraph (1), the measure to prohibit exit from the territory of Romania shall be taken by the competent body of the Ministry of Administration and Interior, only on the basis of a document concluded by the prosecutor, courts of law or other bodies enabled by law to enforce execution of detention, that include such a measure and are sent for application.

(3) Repealed.

(4) The application of the measure shall be performed, in all cases, by establishing the nominal confinement at the border by the border police bodies.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 16

Revocation of the Interdiction Measure of Leaving the Territory

The revocation of the interdiction measure of leaving the territory shall be made by cancelling the nominal confinement upon the written request of the public authority with such a competence according to the law, for the cases in [Art. 15](#) (1).

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

***CHAPTER II*¹**

The Regime applicable to Small Border Traffic

ARTICLE 16¹

Regulatory Field

Small border traffic shall be carried out in accordance with the bilateral agreements concluded by Romania with neighbouring third countries according to the provisions of [Art. 1](#) (2) and [Art. 13](#) (1) Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, published in Official Journal of the European Union (JOUE) L 405 of 30 December 2006.

amended by

[Government Emergency Ordinance No. 12/2010](#) - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, [Official Gazette No. 136/2010](#);

ARTICLE 16²

Competent Bodies to Issue the Small Border Traffic Permit

(1) The small border traffic permits shall be issued by the diplomatic missions and consular offices of Romania in the neighbouring third countries with which Romania has concluded the agreements provided for in [Art. 16¹](#), under the conditions established in such agreements.

(2) The documents provided for in paragraph (1) shall be issued within maximum 60 days from the lodging of the application.

(3) In order to approve the applications for small border traffic permits, the diplomatic missions and consular offices shall request the approval of the Romanian Immigration Office only in the cases established by protocol, approved by common order of the minister of foreign affairs and the minister of administration and interior.

(4) By the approval of the Romanian Immigration Office provided for in paragraph (3) the fulfilment of the conditions provided for in [Art. 6](#) (1)(e), (g) and (h) shall be determined.

(5) The Romanian Immigration Office shall issue the approval within maximum 30 days from the receipt of the request from the diplomatic missions and consular offices.

amended by

[Government Emergency Ordinance No. 12/2010](#) - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, [Official Gazette No. 136/2010](#);

ARTICLE 16³

Regime of the Small Border Traffic Permit

(1) The small border traffic permit, issued to the alien in accordance with this emergency ordinance, represents the document entitling the residents in the border area to cross the common state border, in small border traffic regime, according to Regulation (EC) No 1931/2006 and based on the agreements provided for in [Art. 16¹](#).

(2) The holder of the small border traffic permit has the obligation to permanently carry the document, not to alienate it and to present it to the competent authorities, whenever requested.

(3) The holder of the small border traffic permit has the obligation to notify the competent border police bodies of the theft, loss, damage or destruction of the small border traffic permit, within maximum 5 days from becoming aware of any of such situation.

(4) The alien shall be issued, by the competent bodies provided for in [Art. 16²](#)(1) a new small border traffic permit to replace the one declared stolen, lost, damaged or destroyed, after fulfilling all of the issuance formalities.

(5) The form and content of the small border traffic permits shall be established by Government decision. The Minister of Foreign Affairs shall communicate to the European Commission and the other Member States of the European Union the model of the local border crossing permit.

(6) Based on [Art. 12](#) (2) of Regulation (EC) No 1931/2006, the records of small border traffic permits requested, issued, annulled or revoked shall be kept, at a national level, in a central register, in electronic format, by the Romanian Immigration Office, which is declared the national contact point, in charge of managing and supplying the data included in such register. The central register shall be filled in and updated by all of the authorities having responsibilities in the field of small border traffic.

amended by

[Government Emergency Ordinance No. 12/2010](#) - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, [Official Gazette No. 136/2010](#);

ARTICLE 16⁴

Annulment and Revocation of the Small Border Traffic Permits

(1) The small border traffic permit may be annulled or revoked abroad by the diplomatic missions or consular offices of Romania, and in the country by the border police bodies, upon the control for crossing the state border, or by the Romanian Immigration Office when the aliens are located on the territory of the Romanian state.

(2) The enforcement of the annulment or revocation measure of the small border traffic permit shall be performed by the border police bodies, or, as the case may be, of the Romanian Immigration Office.

(3) The authorities provided for in paragraph (1) may take the measure of annulment of the small border traffic permit in the following situations:

a) it is subsequently determined that, upon the submission of the application for issuance of the small border traffic permit, the aliens did not meet the conditions provided for by the agreements regulating the legal regime regarding the small common border traffic;

b) the aliens obtained the small border traffic permit based on false documents or information;

c) the aliens illegally introduced or attempted to illegally introduce in Romania other aliens or facilitated the transport or accommodation thereof;

d) the aliens broke the customs regulations or illegally crossed or attempted to illegally cross the state border;

e) the aliens entered in Romania in the interdiction period previously established.

(4) The measure of revocation of the small border traffic permit may be ordered by the authorities provided for in paragraph (1) in the following situations:

a) the aliens no longer meet the conditions required for being issued the small border traffic permit;

b) after being issued the small border traffic permit the aliens were declared undesirable or the measure of interdiction to enter Romania was ordered against them;

c) the aliens recidivate in crossing the border area provided for small traffic.

(5) The decision to annul or, as the case may be, revoke a small border traffic permit, taken by the competent authority according to paragraph (1), shall be communicated to the alien in writing, together with the grounds it was based on, by:

a) the diplomatic mission or the consular office that issued the small border traffic permit, when the applicant is abroad;

b) by the border police bodies, when he is at the state border crossing point;

c) by the Romanian Immigration Office, when the person at issue is in Romania, by the return decision provided for in [Art. 82](#) (3)(a)(ii), unless the small border traffic permit was annulled according to the provisions of paragraph (3)(e) or was revoked according to paragraph (4)(b) or (c), in which cases the decision to return under escort provided for in [Art. 82](#) (5) shall be issued.

(6) As of the communication date, the annulment shall produce effects retroactively, and the revocation may only produce effects in the future.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

[Government Emergency Ordinance No. 12/2010](#) - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, [Official Gazette No. 136/2010](#);

ARTICLE 16⁵

Contraventions and sanctions

(1) If the holder of the small border traffic permit exceeds the residence period established by the agreement regulating the legal regime regarding the small common border traffic, the minor offence related sanction shall be applied to him by fine between RON 600 and RON 1,200 and the decision to return provided for in [Art. 82](#) (3)(a)(i) shall be issued.

(2) If the holder of the small border traffic permit exceeds the border area established by the agreement regulating the legal regime regarding the small common border traffic, the minor offence related sanction shall be applied to him by fine between RON 600 and RON 1,200 and the decision to return provided for in [Art. 82](#) (3)(a)(i) shall be issued.

(3) If the holder of the small border traffic permit fails to observe the provisions of [Art. 16](#)³ (2), the minor offence related sanction shall be applied to him by fine between RON 100 and RON 500.

(4) If the holder of the small border traffic permit fails to observe the term for declaring the theft, loss, damage or destruction of the small border traffic permit, provided for in [Art. 16](#)³ (3), the minor offence related sanction shall be applied to him by fine between RON 100 and RON 500.

(5) The holder of the small border traffic permit shall be applied the minor offence sanction of interdiction to enter Romania, as follows:

a) for the aliens provided for in paragraph (1):

1. (i)

one year in the case of illegal stay of 30 days to one year or if the alien failed to observe the decision to return;

2. (ii)

2 years in the case of an illegal stay of over one year;

b) 3 years for the aliens provided for in [Art. 16⁴](#)(4)(c).

(6) For the aliens provided for in [Art. 16⁴](#)(3)(e) and paragraph (4)(b), the interdiction shall be equal to the interdiction period previously established, but not less than 5 years.

(7) The interdiction to enter the country shall be ordered in accordance with the provisions of [Art. 105](#).

(8) In the cases provided for in paragraph (5)(a), the establishment of the interdiction shall be performed in accordance with the provisions of [Art. 106](#)(2).

(9) In accordance with [Art. 17](#)(3) of Regulation (EC) No 1931/2006, the records of all cases of abusive use of the regime specific to small border traffic and the sanctions applied shall be kept at a national level in a special register, in electronic format, by the Romanian Immigration Office, which is responsible for the management and supply of the data included in such register. The special register shall be filled in and updated by all of the authorities having responsibilities in the field of small border traffic.

amended by

[Government Emergency Ordinance No. 12/2010](#) - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, [Official Gazette No. 136/2010](#);

amended by

Government Emergency Ordinance No. 12/2010 - supplementing Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 23 February 2010, Official Gazette No. 136/2010;

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 Administrative Reform and in accordance with the standards of the European Union in this field.

ARTICLE 18

Limits of the Rights Conferred by Visa

(1) A visa confers the right to its holder to enter the territory of Romania only in the case when, upon his appearing at the state border crossing point, the officers of the Romanian Border Police ascertain that none of the reasons for interdiction to enter Romania, provided for in Art. 8 (1) and (2) exists.

(2) The right of stay granted by the visa may only be exercised during the validity period of the visa.

ARTICLE 19

Exemptions from the Regime of Visa Compulsion

(1) Citizens of the states with which Romania has signed agreements in this respect are exempt from the obligation to hold visas under the conditions and for the staying intervals settled in these agreements.

(2) Aliens pilots of aircraft as well as the other crew members, holders of a flight license or crew license, provided for in Annex No 9 to the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, are exempt from the obligation to possess a passport and visa only in case they are on assignment and:

a) they do not leave the transit airport;

b) they do not leave the destination airport;

c) they do not leave the territory of the city situated near the airport;

d) they leave the airport only for the purpose to be transferred to another Romanian airport.

(3) The Government may establish, by decision, the unilateral exemption of certain categories of aliens from visa obligation.

SECTION 2

Types of Visas

ARTICLE 20

Types of Visas

The Romanian authorities issue the following types of visas:

a) Airport transit visa, identified by A symbol;

b) repealed;

c) Short stay visa, identified by C symbol;

d) Long-stay visa, identified by one of the following symbols, depending on the activity the alien receiving the visa is to perform in Romania:

1. *(i)*

economic activities, identified by D/AE symbol;

2. *(ii)*

professional activities, identified by D/AP symbol;

3. *(iii)*

commercial activities, identified by D/AC symbol;

4. *(iv)*

employment, identified by D/AM symbol;

5. *(iv¹)*

secondment, identified by D/DT symbol;

6. *(v)*

studies, identified by D/SD symbol;

7. *(vi)*

family reunification, identified by D/VF symbol;

8. *(vii)*

religious activities, identified by D/AR symbol;

9. *(viii)*

scientific research activities, identified by D/CS symbol;

10. *(ix)*

diplomatic and official visa, identified by DS symbol;

11. *(x)*

other purposes, identified by D/AS symbol.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 21

Airport Transit Visa

(1) The airport transit visa shall be issued in the situations provided for in Art. 3 of the Visa Code.

(2) the application of the situations provided for in Art. 3 (2) of the Visa Code shall be established by common order of the minister of foreign affairs and the minister of administration and interior, which is published in the Official Gazette of Romania, Part I.

(3) The Ministry of Foreign Affairs informs the European Commission with regard to the issuance or abrogation of the common order provided for in paragraph (2).

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 22

Transit Visa

Abrogated.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 23

Short-Stay Visa

(1) The short-stay visa is the visa that allows the aliens request entrance on the Romanian territory for any reason other than immigration, with a view to an uninterrupted stay or several stay intervals whose total duration should not exceed 90 days within any 6 months as of the first entry. Such type of visa may be issued with one or multiple entries.

(2) Repealed.

(3) 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 and, exceptionally, for a period of up to 5 years. Also in this case, the duration of the stay cannot exceed 90 days within 6 months.

(4) 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 organizations as well as to those who, by the 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 or commercial purposes, for contracts or negotiations, to install or commission or to verify the use and operation of goods acquired or sold under the commercial and industrial co-operation contracts, for the training of the personnel in this respect, 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 occasional 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.

(5) The right to stay in Romania, granted to the alien through the short stay visa, cannot be extended.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 23

Short-Stay Visa

The short stay visa shall be issued in the conditions and for the purposes provided for in the Visa Code.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

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 organization 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 or a civil convention, according to law;

d¹) secondment – to qualified aliens, employees of a foreign legal entity, who can conduct activities on the territory of Romania, in the following situations: they are seconded on the territory of Romania in the name of the company or under its coordination, based on a contract concluded between the company granting the secondment and the beneficiary of the services that conducts its activity in Romania, are seconded to a unit located in Romania or to a company belonging to a group of companies located in Romania;

e) studies - to aliens who are to enter Romania to attend high school, 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) religious activities - to aliens who are to enter Romania in order to carry out activities in the field of acknowledged cults, at their request;

h) scientific research activities – to aliens who are to enter Romania in order to conduct scientific research activities.

i) other purposes.

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

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

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

Repealed.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

SECTION a 3-a

General Conditions for Granting Visas

ARTICLE 27

Granting the Romanian Visa

(1) The Romanian authorities shall grant to aliens, upon request, visas from among those provided for in Art. 20, under the conditions and for the purposes

provided for in the Visa Code or in this government emergency ordinance, as the case may be.

(2) The Ministry of Foreign Affairs shall inform the European Commission of the representation conventions concluded based on [Art. 8](#) of the Visa Code.

(3) The list of states whose citizens require a visa in order to enter the territory of Romania is provided for in Annex I to Council Regulation (EC) No 539/2001.

(4) The long-stay visa shall be granted only if:

a) the conditions regarding the entry in Romania, in [Art. 6](#)(1)(a), (c)–(h) are complied with;

b) there is no reason of interdicting the entry in Romania, provided for in [Art. 8](#)(1)(b)–(d);

c) no alert regarding the denial to issue a visa was introduced in the name of the alien in the Integrated Information System for the management of migration and asylum;

d) there are no reasons to consider that the visa is requested for the purpose of illegal immigration;

e) the alien was not finally sentenced for having committed offences abroad incompatible with the purpose for which he requests the visa;

f) 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.

(5) If the aliens do not meet the conditions provided for in paragraph (4)(a) because they are the object of an alert entered in the Schengen Information System by another Schengen state for the purpose of interdicting entry, the long-stay visa shall only be granted for justified reasons, particularly for humanitarian reasons or further to international obligations and only after consulting the Schengen state that entered the alert, in accordance with the procedure provided in the Sirene Manual.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 28

Conditions Regarding the Validity of Travel Documents

(1) The validity conditions of the travel document on which the airport transit visa or the short stay visa is to be applied are those provided for in [Art. 12](#) of the Visa Code.

(2) The conditions related to the validity of the travel document provided for in [Art. 12](#) of the Visa Code shall also apply to the travel documents on which the long-stay visa is to be applied.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 28¹

Conditions Regarding Requesting the Airport Transit Visa and the Short Stay Visa

The conditions regarding the submission of the applications to be granted airport transit visas or short stay visas, as well as those regarding the admissibility of such applications are those provided for by [Art. 9](#) and 10, and by [Art. 19](#) of the Visa Code.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 29

Conditions for Long-Stay Visa Requests

(1) The application for long-stay visa must be accompanied by the state border crossing document, valid according to [Art. 28](#) (2), 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 proof of the financial means.

(3) Upon requesting the long-stay visa for Romania, the applicant is usually called to an interview.

(4) The application for long-stay visa shall not be accepted in the following cases:

a) it is not accompanied by the documents provided for in paragraph (1);

b) the good-faith of the applicant was not proven or it was found that the alien does not meet the general and special conditions for being granted a long-stay visa provided for herein.

(5) Upon requesting a long-stay visa, the aliens must personally appear before the competent authorities granting the visa.

(6) An exception from the provisions of paragraphs 3 and 5 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.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

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.

(2) The list of states whose citizens require a visa to enter the territory of Romania is provided in Annex I to Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, published in Official Journal of the European Community L No 81 of 21 March 2001.

(3) The short-term visa shall be granted by the diplomatic missions and consular offices of Romania as follows:

a) without prior approval of the National Visa Centre, for aliens who originate from the countries included on the list mentioned in paragraph (2), for whom the invitation procedure is not required;

b) with prior approval of the National Visa Centre, for aliens who originate from the countries included on the list mentioned in [Art. 37](#) (2).

(4) In order to approve short-term visas applications, the National Visa Centre shall request the approval of the Romanian Immigration Office only in such cases which are established by a protocol approved by common order of the minister of foreign affairs and the minister of the interior and administrative reform.

(5) The approval of the Romanian Immigration Office, mentioned in paragraph (4) determines the fulfilment of the conditions mentioned by [Art. 6](#) (1)(a), (e), (g) and (h), [Art. 8](#) (1)(b)–(d), and [Art. 27](#) (2)(c) and (e).

(6) The Romanian Immigration Office shall issue the approval within a maximum of 7 working days from the date of receipt of the request from the National Visa Centre. In justified situations, the time limit may be extended by up to 7 working days.

(7) The long-term residence visa shall be granted by diplomatic missions and consular offices of Romania upon approval of the National Visa Centre, only after obtaining the agreement from the Romanian Immigration Office.

(8) The approval from the Romanian Immigration Office mentioned by paragraph (7) ascertains the fulfilment of the conditions provided for by [Art. 6](#) (1)(a), (e), (g) and (h), [Art. 8](#) (1)(b)–(d), [Art. 27](#) (2)(c) and (e), as well as of the special conditions for each type of visa.

(9) The Romanian Immigration Office shall issue the approval mentioned by paragraph (7) within a time limit of up to 30 days from the date of receipt of the request from the Ministry of Foreign Affairs. In justified situations, when the application requires a more thorough analysis, the time limit may be extended by 15 working days.

(10) The long-stay visa for aliens who are family members of Romanian citizens shall be granted by the diplomatic missions and consular offices of Romania without payment of consular fees.

(11) If the issuing diplomatic mission or consular office identifies an error after the application of the visa sticker on the travel document, the visa sticker shall be annulled by being crossed with a non-erasable ink and another visa sticker shall be applied on a different page.

(12) In order to receive the visa applications and to issue visas, Romania may conclude bilateral representation agreements with any of the Schengen states. Such agreements shall be concluded by the Ministry of Foreign Affairs in simplified form and shall mention the duration and scope, the acceptance or denial competencies of the visa applications, as well as the termination modalities. Romania, if it is a represented state, shall notify the European Commission with regard to the concluded agreements, upon the entry into force and termination thereof.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 30

Authorities Competent to Issue Visas

(1) The airport transit visa shall be granted by the diplomatic missions and consular offices of Romania:

a) without prior approval of the National Visa Centre, for aliens who originate from the countries included on the list mentioned in [Art. 27](#) (3), for whom the invitation procedure is not required;

b) with prior approval of the National Visa Centre, for aliens who originate from the countries included on the list mentioned in [Art. 37](#) (2).

(2) In order to approve short-term visas applications, the National Visa Centre may:

a) request the approval of the Romanian Immigration Office in such cases which are established by a protocol approved by common order of the minister of foreign affairs and the minister of administration and interior;

b) consult the competent authorities of the Member States, according to the provisions of [Art. 22](#) of the Visa Code.

(3) The approval of the Romanian Immigration Office, mentioned in paragraph (2) ascertains the fulfilment of the conditions mentioned by [Art. 6](#) (1)(a), (e), (g) and (h) and by [Art. 8](#) (1)(b) to (d).

(4) The Romanian Immigration Office shall issue the approval mentioned by paragraph (2) within maximum of 7 working days from the date of receipt of the request from the National Visa Centre. In justified situations, the time limit may be extended by up to 7 working days.

(5) The airport transit and short stay visas shall be granted by the competent authorities of other Schengen states, according to the representation agreements concluded based on [Art. 8](#) of the Visa Code.

(6) The short stay visa shall be issued by the border police bodies, at the external border crossing points, according to the provisions of [Art. 35](#) and 36 of the Visa Code.

(7) The long-stay visa shall be issued by the diplomatic missions and consular offices of Romania, with the approval of the National Visa Centre, only after obtaining the approval of the Romanian Immigration Office.

(8) The approval of the Romanian Immigration Office provided for in paragraph (7) ascertains the fulfilment of the conditions provided for in [Art. 6](#) (1)(a), (e), (g) and (h), [Art. 8](#) (1)(b) to (d) and [Art. 27](#) (4)(c) and (d), as well as of the special conditions for each type of long-stay visa.

(9) The Romanian Immigration Office shall issue the approval mentioned by paragraph (7) within a time limit of up to 30 days from the date of receipt of the request from the Ministry of Foreign Affairs. In justified situations, when the application requires a more thorough analysis, the time limit may be extended by 15 working days.

(10) The long-stay visa for aliens who are family members of Romanian citizens shall be granted by the diplomatic missions and consular offices of Romania without payment of consular fees.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 31

Settlement of the Visa Applications

(1) The conditions in which the applications for issuance of the airport transit visa or the short stay visa are settled are those provided for by [Art. 23](#) of the Visa Code.

(2) The applications to issue a long-stay visa shall be settled, in the sense of granting the long-stay visa or in the sense of denying granting the long-stay visa, shall be settled within up to 60 days from the submission thereof, after verifying the fulfilment of the general and special conditions set out herein.

(3) Within the Ministry of Foreign Affairs, the Commission for Settlement of challenges to the denial to grant the visas shall be established, whose competencies, operation regulation and working procedures shall be established by order of the minister of foreign affairs.

(4) The decision of Romania's diplomatic missions or consular offices to deny granting a visa shall be communicated to the applicant, together with the grounds for such denial. The applicants whose issuance of a visa was refused have the right to challenge such decision before the commission provided for in paragraph (3).

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 32

Granting the Romanian Visa by the Border Police Authorities

The border police bodies shall apply the provisions of [Art. 35](#) and 36 of the Visa Code for granting, as an exception, at the state border crossing points, the short stay visas and the transit visas.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 33

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 border police bodies on the occasion of the state border crossing checks, or upon finding persons who illegally crossed or attempted to illegally cross the state border or by the Romanian Immigration Office 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 Romanian Immigration Office.

(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 for by this 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 attempted to illegally cross the state border;
- e) the aliens entered Romania in the interdiction period previously established.

(3) The measure of 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 not complied with;
- c) the measure of interdiction to enter Romania was taken against the aliens or they 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 Romanian Immigration Office through the order of leaving the territory, provided for in [Art. 82](#). As of the date of the notification, the annulment shall have retroactive effects and the revocation only subsequent effects in the future.

(4¹) The decision to annul or, as the case may be, to revoke, the visa issued by the diplomatic missions or consular offices of Romania, or as the case may be, by the border police bodies may be challenged according to the laws on administrative disputes. The decision to annul or revoke the visa issued by the Romanian Immigration Office may be challenged in accordance with the provisions of [Art. 84](#).

(5) If a visa is annulled or revoked, a stamp mentioning “ANNULLED” or “REVOKED” shall be applied and the variable optic element of the visa sticker, the safety element «latent image effect», as well as the term «visa» shall be annulled by hachure.

(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 materialize through inscribing on the visa the period for which they consider that the alien has the means of support, according to the law.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
[Official Gazette No. 533/2011](#);

ARTICLE 33

Annulment and revocation of the Visa

(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 border police bodies on the occasion of the state border crossing checks, or upon finding persons who illegally crossed or attempted to illegally cross the state border, or by the Romanian Immigration Office 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 Romanian Immigration Office.

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

- a) it is established that, upon requesting the visa, the aliens did not meet the conditions provided for by this 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 attempted to illegally cross the state border;
- e) the aliens entered Romania in the interdiction period previously established.

(2¹) The situation where the authorities provided for in paragraph (1) annul or revoke the airport transit visas or the short stay visas are those provided for by Art. 34 of the Visa Code.

(3) The measure of revoking a long-stay 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 not complied with;
- c) the measure of interdiction to enter Romania was taken against the aliens or they 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 Romanian Immigration Office through the order of leaving the territory, provided for in [Art. 82](#). As of the date of the notification, the annulment shall have retroactive effects and the revocation only subsequent effects in the future.

(4¹) The decision to annul or, as the case may be, to revoke, the visa issued by the diplomatic missions or consular offices of Romania may be challenged before the commission provided for in [Art. 31](#) (3). The decision to annul or revoke the visa issued by the border police bodies may be challenged according to the laws on administrative disputes. The decision to annul or revoke the visa issued by the Romanian Immigration Office may be challenged in accordance with the provisions of [Art. 84](#).

(4²) The decision to annul or, as the case may be, to revoke, the airport transit visa or the short stay visa shall be communicated to the applicant by the authorities provided for in paragraph (4) using the form provided for in Annex IV to the Visa Code.

(5) The annulment or revocation of the airport transit visas, of the short stay visas or of the long-stay visas shall be materialized on the visa sticker by performing the operations provided for in [Art. 34](#) (5) of the Visa Code.

(5¹) In the case of annulment or revocation of a visa issued by another Schengen state, the authority that ordered the measure shall communicate it to the Consular Department within the Ministry of Foreign Affairs, in order to inform the issuing state.

(6) Abrogated.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 33¹

Extension of Validity of the Short Stay Visa or of the Right of Stay Conferred on the Alien by the Visa

(1) The validity of the visa and/or of the right of stay provided by the short stay visa issued by the Romanian authorities or by another Schengen state may be extended in accordance with the provisions of [Art. 33](#) of the Visa Code.

(2) The national authority competent to extend the visa provided for in paragraph (1), applied on simple passports, is the Romanian Immigration Office and its territorial offices, and for those applied on the service or diplomatic passports, such authority is the Ministry of Foreign Affairs.

SECTION 4

Special Conditions for Granting Short-Stay and Airport Transit Visas

ARTICLE 34

Conditions for Granting Airport Transit Visa

(1) Airport transit visa shall be issued by the Romanian diplomatic missions or consular offices with the prior approval of the Consular Department of the Ministry of Foreign Affairs, in the conditions established by the Visa Code.

(2) This type of visa shall not be necessary in the cases provided for in [Art. 3](#)(5) of the Visa Code.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 35

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 license, 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).

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 36

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 for in Art. 23 (4)(a) and travel to Romania pursuant to such qualities;

b) *tourism* – the visa shall be granted to the aliens if they present:

1. (i)

a voucher or firm reservation from a tourist accommodation unit and the trip plan;

2. (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;

3. (iii)

medical insurance;

4. (iv)

the proof of the financial means in amount of EUR 50/day for the entire period but not less than EUR 500 or the equivalent value in convertible currency;

c) *visit* – the visa shall be granted to aliens if they present:

1. (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;

2. (ii)

medical insurance;

3. (iii)

an authentic invitation issued by the person to be visited, which should indicate that she or he shall bear the costs incurred for removal, in case the alien invited should not leave Romania by the date when the right to remain granted by the visa expires, as well as, when the inviting person commits to this, means of subsistence and accommodation of the alien;

4. (iv)

the proof of the financial means in amount of EUR 50/day, but not less than EUR 500 or the equivalent value in convertible currency for the entire period of time, if the visited person does not ensure the means of subsistence;

5. (v)

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, if the visited person does not ensure accommodation;

d) *business* – visa shall be granted to aliens if they present:

1. (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;

2. (ii)

medical insurance;

3. (iii)

invitation on behalf of a commercial company or public authority, to take part in meetings, conferences, trade fairs or congresses in connection with commerce or industry, which should prove the fact that the commercial company or public authority under reference shall bear the costs incurred with removal, in case that the alien invited shall not leave Romania up to the date on which the right to remain conferred by the visa ceases, or by means of other documents which prove the purpose of travel;

4. (iv)

the proof of the financial means in amount of EUR 50/day, but not less than EUR 500 or the equivalent value in convertible currency for the entire period of time;

5. (v)

the proof of accommodation conditions;

e) *transportation* – the visa shall be granted to aliens if they present:

1. (i)

documents attesting the profession of the applicant, as well as the activity to be carried out during his stay;

2. (ii)

medical insurance;

3. (iii)

the driving license, green card and the registration documents of the means of transport;

4. (iv)

transportation license and execution license;

f) *sports* – the visa shall be granted to the aliens if they present:

1. (i)

the invitation of the organizers attesting medical insurance and accommodation;

2. (ii)

the official list of the foreign sports association specifying the position of each member;

3. (iii)

Abrogated;

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:

1. (i)

documents issued by the institutions where they are to travel to in order to justify their presence in Romania;

2. (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;

3. (iii)

the proof of the financial means in amount of EUR 50/day, but not less than EUR 500 or the equivalent value in convertible currency for the entire period of time.

4. (iv)

medical insurance;

5. (v)

the proof of accommodation means.

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

(3) The denial to grant the short stay visa may not be challenged.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 36

Documents Necessary for Obtaining the Short Stay Visa

Depending on the purpose for which the short stay visa was requested, the alien has to present certain supporting documents, in accordance with the provisions of Art. 14 and of Annex II to the Visa Code.

SECTION 5

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

ARTICLE 37

Scope of Application

(1) Granting short-term visas to aliens originating from states mentioned in the list provided for by Art. 27 (3), for which the invitation procedure is established, shall be made with the observance of the conditions for granting them and the special provisions hereof.

(2) The list of the states for whose citizens these provisions are applicable shall be determined by the Ministry of Foreign Affairs, upon agreement of the Ministry of the Interior and Administrative Reform.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 38

Invitation Procedure

(1) The aliens in the category in [Art. 37](#) (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, revealing that they shall ensure the costs of removal if the alien invited does not leave Romania prior to the date when the right of stay provided by the visa expires, for the following purposes:

a) *visit* – Romanian citizens, citizens of another Member State of the European Union, of the European Economic Space, the citizens of the Swiss Confederation or aliens holding a document attesting to their residence or stay on the territory of Romania may issue invitations by presenting, as applicable, the following documents:

1. (i)

the identity card or passport for Romanian citizens, the identity card or passport and the registration certificate, the residence card or the permanent residence card for the citizens of the Member States of the European Union, of the European Economic Space, and for the citizens of the Swiss Confederation, as well as for their family members and the passport and residence permit for aliens, in original and in copy;

2. (ii)

the proof of accommodation means;

3. (iii)

the proof of the possibilities of providing support for the alien invited of at least EUR 30/day for the entire period of the invitation;

4. (iv)

copy of the state border crossing document belonging to the alien invited;

5. (v)

two photos of 3 x 4 cm of the alien invited;

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

1. (i)

the constitutive documents of the legal person making the invitation;

2. (ii)

Company status certificate issued by the National Trade Register Office and, if applicable, the power of attorney from the trade company to the person appointed to make the invitation in its name;

3. (iii)

the identity card or the residence permit, as the case may be, of the empowered person;

4. (iv)

copy of the state border crossing document of the alien invited;

5. (v)

two photos of 3 x 4 cm of the alien invited;

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 represent the company or are holders of the majority of the social capital can make invitations. In this case the following documents shall be required to be lodged:

1. (i)

the constitutive documents of the legal person making the invitation;

2. (ii)

Company status certificate issued by the National Trade Register Office and, if applicable, the power of attorney from the trade company to the person appointed to make the invitation in its name;

3. (iii)

the identity card or the residence permit, as the case may be, of the empowered person;

4. (iv)

copy of the state border crossing document of the alien invited;

5. (v)

two photos of 3 x 4 cm of the alien invited;

6. (vi)

the proof of the possibilities of providing accommodation for the alien invited for the period of stay in Romania.

(2) The invitations shall be filled out in two copies and shall be lodged to the headquarters of the territorial units of the Romanian Immigration Office in view of approval.

(3) The approval shall be conditioned by the procedures of verifying the lodged documents and records of the Romanian Immigration Office 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 lodged to the inviting person to transmit it to the alien invited so that he may present it in original to the diplomatic mission or consular office where the Romanian visa is requested.

(6) The alien may make the request for being granted a visa within 30 following the approval of the invitation.

(7) A new invitation lodged 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 shall allow an alien the stay on the Romanian territory for a period up to 90 days depending on the period for which the alien is invited.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
[Official Gazette No. 533/2011](#);

ARTICLE 39

Form and Content of the Invitation

(1) The form, content and security elements of the invitation form mentioned in this section shall be determined by the Ministry of the Administration and Interior, with the approval of the Ministry of Foreign Affairs, in observance of the provisions of [Art. 14](#) (4) of the Visa Code. The Ministry of Administration and Interior shall communicate to the European Commission the model of the form and shall ensure, through the Romanian Immigration Office, the manufacture thereof.

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

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 40

Exceptions to the Invitation Procedure

(1) The National Visa Center may approve granting of visas, with the prior approval of the Romanian Immigration Office, without fulfilling the conditions provided for in this section, to the following categories of aliens:

a) the minor alien whose parent benefits from the statute of refugee or from subsidiary protection or 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 spouse and the parents of the alien who benefits from the statute of refugee or from subsidiary protection or 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;

c) the major alien whose parent is a Romanian citizen;

d) the alien who is the parent of a Romanian citizen.

(2) The National Visa Centre may approve granting of visas, without the prior approval of the Romanian Immigration Office, without fulfilling the conditions provided for in this section, to the following categories of aliens:

a) aliens married to Romanian citizens;

b) minor aliens children of Romanian citizens;

c) aliens holding a residence permit valid in one of the Member States of the European Union, the European Economic Area or in the states that are parties to the Schengen Agreement, provided that the validity of the visa does not exceed the validity of the residence permit;

d) aliens holding a valid stay permit in states for whose citizens the entry visa in the Member States of the European Union, the European Economic Area or in the states that are parties to the Schengen Agreement is not compulsory;

e) aliens who have in the state border crossing document appended visas of the Member States of the European Union the European Economic Area or in the states that are parties to the Schengen Agreement or the states for whose citizens the entry visa in such states is not compulsory. The Romanian visa may not exceed the validity of such visa;

f) aliens who are to come to Romania for business purposes, upon the request of the administrative authorities, as well as of commercial companies, that are included on the list of taxpayers to the state budget, established by the National Agency for Fiscal Administration and which assume, by means of a letter of guarantee addressed in original to the National Visa Centre, the obligation to cover the expenses related to material support, medical treatment as well as removal costs;

g) aliens who are supposed to travel to Romania for visit purposes, upon request of diplomatic missions or consular offices accredited in Romania;

h) aliens for whom a request for granting a visa has been lodged in writing to the diplomatic missions or consular offices, on behalf of foreign central public authorities or of foreign Chambers of Commerce;

i) persons for whom a request for granting a visa has been lodged to the National Visa Centre on behalf of following institutions from Romania: Presidential Administration, Parliament, Government and other central and local public administration authorities, Chamber of Commerce and Industry of Romania and of Bucharest city, as well as territorial ones and prefectures, who assume the obligation to cover the expenses related to subsistence, medical assistance and removal, by a letter of guarantee lodged in original;

j) drivers of large lorry TIR-type vehicles;

k) personalities of the Romanian Diaspora as well as their descendants.

l) the parents of alien pupils or students, accepted to study in Romania, who come to Romania for the initial installation thereof, provided that they present an apostilled or, as the case may be, super-legalized document, issued by the authorities of the state of origin attesting to their kinship.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 40

Exceptions to the Invitation Procedure

(1) The National Visa Centre may approve granting of visas, with the prior approval of the Romanian Immigration Office, without fulfilling the conditions provided for in this section, to the following categories of aliens:

a) the minor alien whose parent benefits from the statute of refugee or from subsidiary protection or 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 who benefits from the statute of refugee or from subsidiary protection or 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;

c) the major alien whose parent is a Romanian citizen;

d) the alien who is the parent of a Romanian citizen.

(2) The National Visa Center may approve granting of visas, without the prior approval of the Romanian Immigration Office, without fulfilling the conditions provided for in this section, to the following categories of aliens:

a) aliens married to Romanian citizens;

b) minor aliens children of Romanian citizens;

c) Abrogated;

d) aliens holding a valid stay permit in states for whose citizens the entry visa in the Member States of the European Union, the European Economic Area or in the states that are parties to the Schengen Agreement is not compulsory;

e) aliens who have in the state border crossing document appended visas of the Member States of the European Union the European Economic Area or in the states that are parties to the Schengen Agreement or the states for whose citizens the entry visa in such states is not compulsory.

f) aliens who are to come to Romania for business purposes, upon the request of the administrative authorities, as well as of commercial companies, that are included on the list of taxpayers to the state budget, established by the National Agency for Fiscal Administration and which assume, by means of a letter of guarantee addressed in original to the National Visa Centre, the obligation to cover the expenses related to material support, medical treatment as well as removal costs;

g) aliens who are supposed to travel to Romania for visit purposes, upon request of diplomatic missions or consular offices accredited in Romania;

h) aliens for whom a request for granting a visa has been lodged in writing to the diplomatic missions or consular offices, on behalf of foreign central public authorities or of foreign Chambers of Commerce;

i) persons for whom a request for granting a visa has been lodged to the National Visa Centre on behalf of following institutions from Romania: Presidential Administration, Parliament, Government, and other central and local public administration authorities, Chamber of Commerce and Industry of Romania and of Bucharest City, as well as territorial ones and prefectures, who assume the obligation to cover the expenses related to subsistence, medical assistance and removal, by a letter of guarantee lodged in original;

j) drivers of large lorry TIR-type vehicles;

k) personalities of the Romanian Diaspora as well as their descendants.

l) the parents of alien pupils or students, accepted to study in Romania, who come to Romania for the initial installation thereof, provided that they present an apostilled or, as the case may be, super-legalized document, issued by the authorities of the state of origin attesting to their kinship.

(3) The visas granted by the Romanian authorities to the aliens provided for in paragraph (2)(d) and (e) cannot exceed the validity period of the visas applied on their documents or the validity of the residence permits held by them.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

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 organization and performance of economic activities by natural persons and who have to present the following documents:

- a) the proof of complying with the conditions regarding the certification of his professional training, provided for in the law on the organization 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 with the following conditions:

- a) provide proof of complying with the conditions related to carrying out the respective professions;
- b) provide proof that in the country of origin they carry out a similar profession with the one they intend to carry out in Romania;
- c) provide proof of medical insurance for the visa validity period;
- d) present a 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 Centre for Promotion of Trade and Foreign Investment to aliens who are or will become shareholders or associates in Romanian entity trade companies that are to perform an investment in accordance with this article, with responsibilities in running and administering them.

(2) The approval of the Romanian Centre for Promotion of Trade and Foreign Investment shall be granted to aliens provided for in paragraph (1) cumulatively complying with the following conditions:

- a) prove the existence of a business plan which should contain data regarding the identification of the company, its object of activity, the object and value of the investment, the estimated number of new jobs and the phases of their creation, the location of the investment, the duration of the investment and of its amortization, the projection of the financial activity over the period of minimum 3 years;
- b) prove, by means of a statement of account issued by a Romanian bank, in the name of the natural person who is a foreign citizen and who has applied for the approval, availability of necessary funds for carrying out the activity, to an amount of at least EUR 100,000, in case they are associates in a limited liability company and at least EUR 150,000, in case they are shareholders in a joint stock company;
- c) they shall perform, within maximum 12 months from the obtainment of the residence permit, an investment according to the business plan provided for at

point (a), bringing a capital or technology contribution of minimum EUR 100,000 for a limited liability company and at least EUR 150,000 for a joint stock company;

d) by the activity required by the proposed investment, it shall create, within maximum 12 months from the obtainment of the residence permit, at least 10 new jobs for a limited liability company and at least 15 new jobs for a joint stock company.

(3) In the case of companies with 2 or more associates or shareholders that request the approval, the conditions provided for in paragraph (2) shall be analyzed for each applicant separately, the value of the investment to be performed and the number of jobs to be created being increased accordingly, depending on the number of the applicants requesting the approval.

(4) Aliens who have previously obtained an agreement from the Romanian Agency for Foreign Investment or the Romanian Centre for Promotion of Trade and Foreign Investment may apply for another approval, under the conditions of this article, in the following situations:

a) they prove the objective impossibility to perform the previous business plan;

b) they prove that they achieved the previous business plan.

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

a) the approval of the Romanian Centre for Promotion of Trade and Foreign Investment;

b) criminal record certificate or other document with the same legal value;

c) medical insurance for the visa validity period;

d) proof of ensuring the accommodation conditions.

(6) The application accompanied by the documents provided for in paragraph (5) shall be lodged to the diplomatic missions or consular offices of Romania and shall be sent, through the Consular Department within the Ministry of Foreign Affairs, to the Romanian Immigration Office, for approval according to competence.

(7) The approval of the Romanian Centre for Promotion of Trade and Foreign Investment is valid for 6 months from the issuance date and its purpose is to ascertain that the technical, utility and economic feasibility conditions of the investment to be performed by the foreign citizen are met.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 44

Long-Stay Visa for Employment

(1) The long-term employment visa shall be granted to aliens only on the basis of the employment authorization issued by the Romanian Immigration Office in accordance with law, except for the employment authorization for the seconded employees.

(2) The visa application has to be accompanied by the following documents:

a) copy of the work authorization issued by the Romanian Immigration Office or, as the case may be, documents attesting to the fact that the applicant falls under the categories provided for in paragraph (3);

b) proof of means of subsistence at the level of the minimum guaranteed gross salary to be paid, for the whole period mentioned in the visa;

c) criminal record or another document with the same judicial value, issued by the authorities of the country of origin or residence;

d) medical insurance for the duration of visa validity.

(3) The long-stay visa for employment shall be granted to the following categories of aliens that may be employed or may work for natural or legal persons in Romania without a work authorization:

a) aliens whose access without a work authorization on the labour market of Romania is established in the agreements, conventions or arrangements to which Romania is a party;

b) aliens carrying out didactic, scientific or other categories of specific activities of a temporary nature in accredited specialized institutions in Romania, based on bilateral agreements or based on the order of the related ministry;

c) aliens that are to carry out in Romania temporary activities as requested by ministries or other central or local public administration bodies or by autonomous administrative authorities;

d) aliens that are appointed head of subsidiary, representative office or branch of a company on the territory of Romania whose headquarters is located abroad, and on the date of the application, they are not associates, shareholders or administrators of a Romanian legal person.

(4) The alien may request the long-stay visa for employment within 60 days from the issuance of the work authorization. The visa shall be approved by the National Visa Centre, within 10 days from the submission of the visa application, without requiring the obtainment of the permit provided for by [Art. 30](#) (7).

(5) The aliens provided for in paragraph (3) have to obtain the approval of the permit of Romanian Immigration Office provided for by [Art. 30](#) (7).

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 44¹

Long-Stay Visa for Secondment

(1) The long-stay visa for secondment shall be granted to aliens based on their work authorization for seconded employees, issued by the Romanian Immigration Office, according to the law.

(2) The long-stay visa for secondment shall also be granted to aliens employees of legal persons having their headquarters in one of the Member States of the European Union, of the European Economic Area or in the Swiss Confederation, seconded in Romania, holding a residence permit in such state, that can be employed or can work for natural or legal persons in Romania without a work authorization.

(3) The provisions of [Art. 44](#) (2) and (4) shall apply accordingly.

(4) The aliens provided for in paragraph (2) have to obtain the approval of the permit of Romanian Immigration Office provided for in [Art. 30](#) (7).

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 45

Long-Stay Visa for Studies

(1) The long-stay visa for studies may be granted to aliens, upon request, to aliens who request to enter the territory of Romania in their quality as students or who participate in a students' exchange programme.

(2) The quality of students is held by aliens who have been enrolled to study by a state-owned or private educational institution, accredited or authorized according to the law, including participation in PhD courses.

(3) The request shall be accompanied by following supporting documents:

a) in case of University students:

1. (i)

proof of acceptance issued by the Ministry of Education, Research and Youth, which should certify the fact that the alien is enrolled in a full-time course;

2. (ii)

proof of payment of the tuition fee for at least one academic year;

3. (iii)

proof of means of subsistence, to an amount of at least the minimum net wage at country level per month, for the whole duration mentioned in the visa;

4. (iv)

criminal record certificate or any other document of the same judicial value;

5. (v)

medical insurance for the whole duration of visa validity;

6. (vi)

agreement of the parents or tutor with regard to the stay on the territory of Romania for the purpose of study, if the alien is underage;

b) in the case of aliens who take part in students' exchange programme:

1. (i)

proof of acceptance to the study programme issued by the Ministry of Education, Research and Youth, which should certify the fact that the student is enrolled in a full-time course;

2. (ii)

proof of participation in a students' exchange programme, issued by a legally set up organization which is recognized for this purpose;

3. (iii)

proof from the organization carrying out the students' exchange, from which it should result that it shall ensure the necessary means of subsistence and any possible costs incurred with removal;

4. (iv)

medical insurance for the duration of visa validity;

5. (v)

proof of accommodation to be ensured with a family selected by the organization carrying out the students' exchange and which can provide a space for accommodation of normal standards for a Romanian family;

6. (vi)

agreement of the parents or tutor with regard to the stay on the territory of Romania for the purpose of study, if the alien is underage.

(4) Aliens taking part in a students' exchange programme must usually be of an age between 7 and 19 years old.

(5) Aliens having been granted scholarships from the Romanian state shall not be requested to present the documents mentioned by paragraph (3)(a)(ii) and

(iii), and those of Romanian origin shall not be requested to present the documents provided for in paragraph (3)(a)(iii).

(6) The visa mentioned in paragraph (1) shall be also granted to aliens accepted for study based on international documents to which Romania is a party.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 46

Long-stay visa for family reunification

(1) The sponsor holding a temporary residence permit valid for one year, a Blue Card or the European Union, a long-stay residence permit or who has been granted the refugee status or subsidiary protection, may request family reunification for following persons:

a) spouse;

b) minor, unmarried children of the sponsor or his/her spouse, including adopted children;

c) minor, unmarried children of the sponsor, including adopted children, being under his care and over whom the sponsor has parent rights. If the parent rights are exercised jointly, the consent of the other holder of the parent rights is necessary for the family reunification requested by the sponsor;

d) minor, unmarried children of the spouse, including adopted children, being under his care and over whom the spouse has parent rights. If the parent rights are exercised jointly, the consent of the other holder of the parent rights is necessary for the family reunification requested by the sponsor.

(2) The Romanian Immigration Office may approve, if the conditions required by law are met, the family reunification for the following categories as well:

a) first degree relatives in ascendant line of the sponsor or of his/her spouse, if they cannot support themselves and do not have adequate material support in their country of origin;

b) adult children of the sponsor or of the spouse if they cannot support themselves for medical reasons.

(3) Unaccompanied minors, who benefit from the status of refugee or from subsidiary protection, may apply for family reunification for:

a) first degree relatives in ascendant line or the legal guardian; or

b) when they do not exist or cannot be identified, any other relative of such.

(4) Abrogated.

(5) Abrogated.

(6) Aliens mentioned by paragraph (1), holders of a residence permit for carrying out scientific research activities and aliens holding an EU Blue Card, may request family reunification, even if the validity of the residence permit is shorter than one year.

(7) The application form shall be lodged to the territorial office of the Romanian Immigration Office responsible for the alien's place of residence and shall be accompanied by following supporting documents:

a) marriage certificate or, if the case, proof of kinship;

b) statement of the applicant, in authentic form, to demonstrate that the family members shall live together with the applicant;

c) copy of the document attesting the right to reside on the territory of Romania;

d) proof of legally holding the dwelling space for a dwelling considered normal for a similar Romanian family;

e) proof of means of subsistence;

f) proof of social insurance and health insurance of the applicant;

g) written statement of the person holding, together with the sponsor the joint custody over the minor child for whom the family reunification is requested, granting consent for the minor to live with the sponsor in Romania;

h) copy of the marriage certificate of the family member for whom the family reunification is requested.

(8) If there are doubts regarding the conclusion of the marriage or the kinship relationship, the Romanian Immigration Office may request other evidence to establish such.

(9) The application shall be approved if the following conditions are met:

a) there is no bigamy or polygamy situation;

b) the applicant holds a dwelling space considered normal for a similar Romanian family;

c) the applicant should possess means of subsistence, apart from those necessary for his own subsistence according to the law, to an amount corresponding to the minimum net wage at national level for each family member.

d) the person for whom the family reunification is requested meets the conditions provided for by [Art. 6](#) (1)(a), (e) and (h).

(10) For beneficiaries of the refugee status or subsidiary protection, who request family reunification, there is no obligation to submit the documents mentioned by paragraph (7)(d) to (f) and neither those mentioned by paragraph (9)(b) and (c).

(11) The request shall be settled within a time limit of maximum 3 months from the date of submission.

(12) Approval of the request shall be communicated in writing to the applicant, in order to be forwarded to the interested family members, who shall present it to the diplomatic mission or consular office within 60 days from the issuance date, at the same time with the request to be granted a long-stay visa for family reunification.

(13) In case of denial of the request, the reasons shall be communicated in writing to the alien.

(14) 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.

(15) The visa request shall be accompanied by following documents:

a) the communication of the Romanian Immigration Office, mentioned by paragraph (12);

b) proof of health insurance for the duration of the visa validity;

c) criminal record certificate or any other document of the same judicial value, issued by the authorities from the country where the alien has his domicile or residence.

(16) The following categories of persons may also request a visa for family reunification:

a) aliens married to Romanian citizens;

b) single aliens who cohabit with single Romanian citizens, if they have at least one common child, further referred to as *partners*;

c) children of a Romanian citizen, or of his/her spouse or partner, including those who have been adopted, who have not reached the age of 21 years or who are in the care of the Romanian citizen, his/her spouse or partner;

d) first-degree relatives in ascending line of the Romanian citizen or of his/her spouse.

e) the alien parent of the Romanian minor child, if he proves that the minor is in his care or that he has the obligation to pay child support, obligation that the alien fulfils regularly;

f) aliens, family members of Romanian citizens, proving that they are registered as having right of residence in another Member State in such capacity.

(17) The visa request lodged by the persons mentioned by paragraph (16)(a) to (e) shall be accompanied by the marriage certificate issued by the Romanian authorities according to law or, by case, by the proof of the existence of kinship or of the quality of partner.

(17¹) The visa request lodged by the persons provided for in paragraph (16)(f) shall be accompanied by documents attesting to the fact that they are registered as having right of residence in another Member State, in their capacity as family member of the Romanian citizen.

(18) Adoption shall be ordered by decision of a competent Romanian authority, under legal conditions, or by decision of the authority of another state, which produces judicial effects on the territory of Romania.

(19) Granting a long-term visa for family reunification may be refused when the request shall be based on a marriage of convenience which has been previously ascertained, in accordance with this emergency ordinance, or when a situation of bigamy or polygamy is found.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 47

Long-Stay Visa for Religious Activities

Long-stay visa for 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 of the approval of the State Secretariat of Cults. The approval shall be granted to the aliens conducting similar activities in their country of origin or residence;
- b) the proof of the quality of representative of a religious organization legally founded in Romania;
- 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.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 48

Long-stay visa for scientific research activities

(1) The long-stay visa for carrying out scientific research activities shall be granted to aliens on the basis of the agreement of the National Authority for Scientific Research and of the Romanian Immigration Office.

(2) The approval of the National Authority for Scientific Research shall be issued upon request of scientific research and development organizations, upon fulfilment of following conditions:

a) the research and development units should be authorized according to legal conditions;

b) there should be a receiving agreement existing between the units mentioned by letter a) and the researcher who has been accepted to carry out activities within a scientific research project. The form and conditions of the agreement shall be determined by order of the minister of education, research and youth.

(3) The visa request shall be accompanied by following supporting documents:

a) approval of receiving countersigned by the National Authority for Scientific Research;

b) criminal record certificate or any other document of the same judicial value, issued by the authorities of the alien's country of domicile or residence;

c) medical insurance, valid for the duration of the visa validity.

ARTICLE 49

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) Abrogated.

b) Abrogated;

c) to those designated as administrators of commercial companies, if they can prove they simultaneously fulfil following conditions:

1. (i)

they hold the position of administrator;

2. (ii)

at the date of request they are neither shareholders nor associates of the commercial company under reference or of any other Romanian legal person and that they did not have this quality for the last 2 years;

3. (iii)

there is no other alien within the commercial company under reference who has been granted a residence permit for the same purpose;

4. (iv)

the commercial company under reference has realized a contribution in capital or technology transfer of at least EUR 50,000;

d) those who request the entry to the territory of Romania for the purpose of unpaid professional qualification within an accredited vocational training provider or with an enterprise of the public or private sector authorized according to law to carry out such activities, if they can prove the simultaneous fulfilment of following conditions:

1. (i)

they have concluded a training contract for unpaid participation in a form of qualification within an accredited vocational training provider or with an enterprise of the public or private sector authorized according to law to carry out such activities;

2. (ii)

they are in possession of sufficient means of subsistence to the monthly amount of at least the average gross wage at national economy level for the whole duration of the visa validity;

3. (iii)

they have the parents' or guardian's consent with regard to the stay on the territory of Romania for this purpose, if the alien is underage.

e) to those who carry out activities in the framework of voluntary work programmes, if they can prove that they simultaneously fulfil following conditions:

1. (i)

they have concluded an agreement of voluntary work with a legal person of public or private law with a non-for-profit nature, further referred to as *host organization*, which stipulates the activity to be carried out by the alien, conditions of supervision while carrying out the activities, as well as working hours;

2. (ii)

the host organization shall ensure the accommodation, means of subsistence and medical insurance for the whole duration of the visa validity, as well as possible costs incurred by removal;

3. (iii)

have reached at least the age of 14;

4. (iv)

have the consent of the parents or guardian with regard to the stay on the territory of Romania for this purpose, if the alien is underage;

f) to those who follow long-stay medical treatment within public or private medical facilities, if they present a letter of acceptance from the institutions under reference which should specify the diagnosis and duration of treatment. Such visa may be also granted to a possible accompanying person, who assists the alien while not being able to care for himself, if this fact is expressly mentioned by the letter of acceptance;

g) to those carrying out other activities which are not contrary to Romanian legislation, if their presence on the territory of Romania is justified.

(2) Aliens falling under the categories mentioned by paragraph (1) shall be granted a visa if:

a) they present proof of medical insurance for the duration of visa validity;

b) they present proof of existing accommodation conditions;

c) they present a criminal record certificate or any other document of the same judicial value, issued by the authorities in the country of origin.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

CHAPTER IV

The Extension of the Temporary Stay Right. The Permanent Stay Right

SECTION 1

The Extension of the Temporary Stay Right in Romania

ARTICLE 50

Conditions for Extension the Temporary Stay Right in Romania

(1) The Romanian Immigration Office or its territorial units may extend 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 exempted 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 extended successively for intervals up to one year, only if:

a) the conditions regarding the entry on the Romanian territory, provided for in Art. 6 (1)(c), (e), (g) and (h) 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 Art. 8 (1)(b) to (d) and paragraph (2) has been registered;

c) the alien possesses a valid travel document, with the exception of cases when the travel document has expired after entering Romania and, for reasons which are independent of the alien's will, this could not be extended;

d) the alien requests to be granted or extended the right to reside for the same purpose as that for which he has been granted a visa or extended the right to residence on the basis of which he finds himself in Romania, with the exception of family members of Romanian citizens or of alien citizens holding a long-stay

right, if they request the extension of the right to residence for family reunification as well as for the applicants for an EU Blue Card;

e) the purpose for which he has been granted residence in Romania has been previously respected;

f) the alien proves the legal possession of the place of accommodation declared as legal residence on the territory of Romania and he actually lives at such place. In the case of aliens who have been granted a right to reside for the purpose of family reunification, the proof of legal accommodation may be made by the sponsor or Romanian citizen whose family members they are and with whom they cohabit.

g) the alien presents proof of medical insurance;

h) the alien presents proof of payment of the fees related to the extension of the right to reside as well as of the cost of the document to be issued for this purpose;

i) the general conditions mentioned in these sections are met, as well as special conditions for the extension of the right to residence according to the purpose for which the extension has been requested.

(2¹) If the aliens do not meet the conditions provided for in paragraph (2) because they form the object of an alert entered in the Schengen Information Centre by another Schengen state for the purpose of interdicting entrance, the right of stay may be extended, but only for grounded reasons, particularly for humanitarian reasons or due to international obligations and only after consulting the Schengen state that entered the alert, in accordance with the procedure provided in the Sirene Manual.

(3) The aliens have the obligation, upon expiry of the validity of documents mentioned by paragraph (2)(c), (f) and (g), to make all necessary efforts for the extension of their validity or renewal.

(4) The extension of the right to residence may be also granted for periods longer than one year under the conditions of this emergency ordinance or on reciprocal basis.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 51

Requests for Extension of the Temporary Stay Right

- (1) The requests for extension of the right to temporary residence shall be lodged in person by the applicants, at least 30 days prior to the expiry of the term for which their stay has been approved, to the territorial units of the Romanian Immigration Office responsible for the place of residence.
- (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 evidence attesting to the legal possession over the dwelling place at the address declared as residence on the territory of Romania, by the medical insurance and the means of support, and of the taxes related to the extension of the right of stay and the cost of the document issued in this respect, 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 request shall be settled within a time limit of 30 days from the date of its submission. In cases in which, in order to determine the fulfilment of the conditions for extending the right to residence, it is necessary to perform additional verifications, their processing term may be extended by a maximum of 15 days.
- (5) When the extension of the right to residence is requested on the basis of marriage and additional verifications are necessary according to [Art. 63](#), the processing period may be extended by a maximum of 90 days, case in which the right to reside shall be extended de jure until the request shall be decided upon.
- (6) If necessary, the applicant may be invited to an interview. Failure to appear for the interview may constitute grounds for denial to extend the right of stay, except for the cases where the applicant proves that the failure to appear is due to reasons beyond his control.
- (7) In the case of extension of the right of stay for the purpose of family reunification, the interview provided for in paragraph (6) shall be held by both spouses.

(8) The application for extension of the right of stay filed by the holder of an EU Blue Card obtained in another Member State shall be settled within 15 days from the receipt of the application.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 52

The Denial to Extend 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 for in this section, or the alien is in one of the situations of revocation of the temporary right of stay provided for in [Art. 77](#) (3), the alien's request for extension of the right to temporary residence shall be denied.

(2) The decision to refuse the extension of the right to residence, as well as the reasons for such a decision shall be communicated to the alien by the decision of return provided for by [Art. 82](#).

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

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 53

Extension 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 extended the temporary stay right for this purpose if:

- a) they present the authorization 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 extension of the temporary stay right must be accompanied by the following documents:

- a) the authorization for the respective activity in original and copy, issued according to the law;
- b) the proof of legal holding of the space where 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

Extension of the Stay Right for Carrying out Professional Activities

The aliens who entered Romania with a view to carrying out independent professional activities shall be extended 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

Extension of the Stay Right for Carrying out Commercial Activities

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

- a) has the approval of the Romanian Agency for Foreign Investments;
- b) legally possesses the registered office;
- c) is a shareholder or associate of the commercial company, with executive or management attributions;
- d) possesses means of subsistence to an amount of at least EUR 700 monthly, if being a shareholder, and EUR 500 monthly, if an associate.

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

- a) the activity of the commercial company is carried out in conformity with the business plan;
- b) the object of the activity carried out is the initial one or a follow-up or a result of this;
- c) he legally possesses the registered headquarters;
- d) is a shareholder or an associate of the commercial company, with executive or management functions;
- e) the investment has been realized either by capital or technology contribution to an amount of EUR 70,000, in the case of the shareholder, or EUR 50,000, in the case of the associate, and by creation of at least 15 new jobs, in the case of the shareholders, or 10 in the case of the associate. In case of job creation, these must be staffed with employees contracted full-time under legal conditions;
- f) possesses means of subsistence to an amount of at least EUR 700 monthly, if being a shareholder, or EUR 500 monthly, if being an associate, obtained from the activity carried out on the territory of Romania.

(3) Proof of fulfilment of the conditions imposed by this article shall be made by providing following documents:

- a) business plan approved by the Romanian Agency for Foreign Investment;
- b) documents issued by the Romanian Centre for Promotion of Trade and Foreign Investment attesting that the activity is being carried out in conformity with the business plan;
- c) company status certificate which should prove the quality of the applicant, name, registered office and main object of activity of the commercial company, mentions made by courts of law, duration of functioning of the commercial company, the main financial and economic indicators, namely the total fixed assets, the turnover, the net profit or loss, the average number of employees.
- d) written mentions as requested by law, with regard to any changes incurred to the constitutive acts of the commercial company;
- e) Abrogated;
- f) certificate issued by the territorial labour inspectorate, which should attest the number of persons employed or labour contracts registered at the company.

(4) In the case of investments of at least EUR 150,000 or if at least 25 jobs have been created, proof of means of subsistence may be also made by means of other legal documents. For investments of at least EUR 200,000 or creation of at least 50 jobs, proof of means of subsistence is no longer necessary.

(5) The temporary right to reside for this purpose shall be extended subsequently for periods of one year, and in case of aliens who prove to have performed investments of at least EUR 500,000 or have created more than 50 full-time jobs, the right to reside shall be extended for periods of 3 years.

(6) The total value of the investment and the number of jobs created shall be calculated according to the ratio of participation of the associate or shareholder to the commercial company.

2. Extension of the Temporary Stay Right for Employed Aliens

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
[Official Gazette No. 533/2011](#);

ARTICLE 56

Extension of the Temporary Stay Right for Employment by Secondment

(1) Aliens entered in Romania for employment purposes, holding a valid work authorization for permanent workers, season workers, trainee workers, sportsmen, nominal, for cross-border workers or for highly qualified workers shall be extended the temporary right of stay if they present the following documents:

a) the full-time individual labour contract, countersigned by the territorial labour inspectorate, attesting to the fact that the employee is registered at least at the level of the average gross salary per economy. In the case of highly qualified workers, it shall be at the level of at least 4 times the average gross salary per economy;

b) medical health certificate, to attest the fact that the aliens is fit for employment.

(2) If the information or documents provided, based on which the alien holding a valid work authorization for highly qualified workers lodged the application are inappropriate, the Romanian Immigration Office shall communicate to the applicant the additional information required and shall provide a term of 30 days for the submission thereof. The term provided for in [Art. 51](#) (4) shall be suspended until the receipt by the Romanian Immigration Office of the additional information or documents required. If the additional information or documents were not supplied until the term provided for, the application may be denied.

(3) The aliens entered in Romania for secondment purposes, holding a valid working authorization for seconded workers, shall be extended their temporary right of stay if they present the following documents:

a) the secondment decision, translated and legalized;

b) proof of means of subsistence at least at the level of the average gross salary per economy.

(4) The aliens employees of legal persons having their headquarters on the territory of one of the Member States of the European Union or of the European Economic Area or on the territory of the Swiss Confederation, seconded in Romania, shall be extended the temporary right of stay if they present the following documents:

a) secondment decision, translated and legalized;

b) residence permit issued by the state where the employer is seated, in original and in copy;

c) proof of means of subsistence at least at the level of the average gross salary per economy.

(5) The right of stay of seconded aliens may be extended for the period provided for in the secondment decision, but not more than one year in any 5 year period.

(6) Subsequent extensions of the temporary right of stay for employment purposes shall be granted if the alien presents the documents provided for in paragraph (1), as well as the fiscal certificate issued by the administration of public finances in the jurisdiction of which the employer is seated revealing that it has no debts to the state budget at the end of the quarter concluded prior to the submission of the application.

(7) The temporary right of stay shall be extended for a period equal to the validity term of the labour contract, but not more than one year.

(8) The aliens holding a valid work authorization for highly qualified workers shall be extended their temporary right of stay for a period equal to the validity term of the labour contract plus 3 months, but not more than 2 years.

(9) The extension of the right of stay for the aliens provided for in [Art. 44](#) (3) shall be granted only if they present the documents provided for in paragraph (1) and, as applicable, those provided for in paragraph (3).

(10) The aliens holding a residence permit for study purposes may request the extension of their right of stay for employment purposes after the completion of their studies, without having the obligation to obtain a long-stay visa in this respect, provided that they conclude a full time labour contract, in the specialization of the graduated studies.

(11) The approval or denial of the application for issuance of the EU Blue Card shall be communicated by the Romanian Immigration Office, in writing, to the first Member State, within 30 days from the issuance of the decision, when Romania is the second Member State.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 57

Extension 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 the aliens whose access to the Romanian labour market is regulated by bilateral agreements signed with other states shall be provided for in these agreements.

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

3. *Extension of the Temporary Stay Right to Aliens Arrived for Studies*

ARTICLE 58

Extension of the Temporary Stay Right for Study

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

a) in case of students, for subsequent periods of up to one year, if:

1. (i)

they are enrolled for study with a state or private educational institution, accredited or authorized according to the law, within full-time courses, including PhD courses;

2. (ii)

prove the disbursement of the tuition fees;

3. (iii)

(iii) prove the availability of means of subsistence, to an amount of at least the net minimum wage at national economy level, for the duration of the validity of the residence permit;

b) in the case of aliens taking part in a student exchange programme, for a period which may not exceed one year, if:

1. (i)

they are enrolled at a state or private educational institution accredited according to the law, in a full-time course;

2. (ii)

take part in a student exchange programme carried out by a legal organization recognized for this purpose;

3. (iii)

if the organization carrying out the students' exchange assumes the responsibility for ensuring accommodation, means of subsistence and possible costs of removal.

(1¹) The aliens who did not graduate the studies in the period initially granted may be approved subsequent extension of their right of stay for the purpose of completion of their studies for a period of maximum one year.

(2) Aliens of Romanian origin may be granted an extension of the temporary right to residence for the purpose of study, without fulfilling the condition mentioned by paragraph (1)(a)(iii).

(3) The right to temporary residence for study may be extended by a maximum of 90 days after concluding the studies, for the purpose of finalization of school or academic situation and approval of the study documents.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 59

Change of Study Profile

(1) The alien who was granted, or, if the case, extended the stay permit for studies in Romania may change the profile of study or professional specialization in accordance with the legislation in force provided that the total duration of stay provided for the initial studies is not be exceeded.

(2) In the case that, by changing the profile of study or professional specialization, the total duration of stay provided for the initial studies is exceeded, it is necessary to obtain a new long-stay visa for the purpose of study.

ARTICLE 60

Professional Activity of the Aliens Admitted for Studies

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

(2) employment shall be performed only based on a work authorization issued in accordance with the provisions of Government Emergency Ordinance No 56/2007 regarding the employment and secondment of aliens on the territory of Romania, approved, as amended and supplemented by Law No. 134/2008.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 61

Scholars of the Romanian State

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

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

4. Extension of the Temporary Stay Right for Family Reunification

ARTICLE 62

Extension of the Temporary Stay Right for Family Reunification

(1) The aliens who entered the Romanian territory in accordance with the provisions of [Art. 46](#), except for the persons provided for by [Art. 46](#) (16), may be extended their right of stay, if:

a) for the sponsor's spouse, if she/he:

1. (i)

presents documents to prove the marriage;

2. (ii)

there are no situations of bigamy and polygamy;

3. (iii)

spouses live together;

4. (iv)

they prove availability of subsistence means to an amount of at least the net minimum wage at the level of national economy;

b) for the other family members of the sponsor, if:

1. (i)

they present documents to prove the existence of kinship;

2. (ii)

they live in the sponsor's household, in the case of minors;

3. (iii)

they prove availability of subsistence means to an amount of at least the net minimum wage at the level of national economy.

(2) For family members of beneficiaries of the refugee status or subsidiary protection who request the extension of the temporary right to residence for family reunification there is no need to fulfil the conditions mentioned by paragraph (1)(a)(iv), or by paragraph (1)(b)(iii).

(3) Aliens who are family members of a Romanian citizen may be granted an extension of the right to residence, if the Romanian citizen has the domicile or residence in Romania, according to the law, as follows:

a) for aliens married to Romanian citizens, if:

1. (i)

they present the marriage certificate, under legal conditions;

2. (ii)

there is no state of bigamy or polygamy;

b) for partners, if:

1. (i)

they present the child's birth certificate;

2. (ii)

both the alien and the Romanian citizen prove they are not married;

3. (iii)

prove the cohabitation with the Romanian citizen;

c) for children of the Romanian citizen or his/her spouse, including adopted children, who have not reached the age of 21 and who are under the care of the Romanian citizen, his/her spouse or partner, if:

1. (i)

they present documents to prove kinship;

2. (ii)

they live in the household of the Romanian citizen;

d) for the first degree relatives in ascending line of the Romanian citizen or of his/her spouse, if they present documents attesting to kinship. If the alien is a parent of a Romanian minor child, he must prove that the minor is in his care or that he has the obligation to pay child support, obligation that the alien fulfils regularly.

(3¹) If after 18 months of legal stay in the first Member State as holder of an EU Blue Card, the alien moves to Romania to obtain a highly qualified work place, his family members requesting family reunification may be extended the right of stay according to the provisions of paragraph (1), having the obligation to also present the residence permit issued by the first Member State.

(3²) The aliens family members of Romanian citizens who were registered as having a residence right in another Member State in such capacity may be extended the right of stay if:

a) they prove that they were registered as having a right of residence in another member state as family members of the Romanian citizen having domicile or residence in Romania;

b) upon the submission of the application, they present the following documents:

1. (i)

Valid passport;

2. (ii)

the marriage certificate or, as the case may be, the proof of kinship, of the registered partnership or of the cohabitation relationship;

3. (iii)

documents attesting that they were registered as giving right of residence in another member state, in their capacity of family members of the Romanian citizen;

4. (iv)

the identity card of the Romanian citizen whose family member is the alien

(3¹) If after 18 months of legal stay in the first Member State as holder of an EU Blue Card the alien moves to Romania to obtain a highly qualified work place, then his family members requesting family reunification may be extended the right of stay according to the provisions of paragraph (1), having the obligation to also present the residence permit issued by the first Member State.

(3²) The aliens family members of Romanian citizens who were registered as having a residence right in another Member State in such capacity may be extended the right of stay if:

a) they prove that they were registered as having a right of residence in another member state as family members of the Romanian citizen having domicile or residence in Romania;

b) upon the submission of the application, they present the following documents:

1. (i)

Valid passport;

2. (ii)

the marriage certificate or, as the case may be, the proof of kinship, of the registered partnership or of the cohabitation relationship;

3. (iii)

documents attesting that they were registered as giving right of residence in another member state, in their capacity of family members of the Romanian citizen;

4. (iv)

the identity card of the Romanian citizen whose family the alien is a member of

(4) The extension of the right of stay shall not be granted if the following are found:

a) existence of a state of bigamy or polygamy;

b) that the 2 spouses no longer have an actual conjugal relationship or family relationship, on the territory of Romania.

(5) The right to temporary residence shall be extended individually, for each family member, for the same period for which the sponsor has been granted the right to residence. The spouse and family members of a Romanian citizen or of the sponsor holding a permanent right to residence may be granted the extension of the temporary right to residence for periods of up to 5 years.

(5¹) The family member of the Romanian citizen domiciled abroad shall be extended the temporary right of stay for a period not exceeding the validity period of the temporary identity card of the Romanian citizen.

(6) Extension of the right to temporary residence for aliens mentioned by paragraph (3) and (3²) shall be performed under exemption from payment of consular fees.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 63

Marriage of convenience

(1) The Romanian Immigration Office shall refuse the extension of the right to residence obtained on the basis of marriage if, as a result of verifications carried out, it results that the marriage is one of convenience.

(2) Elements on the basis of which a marriage of convenience may be ascertained may be following:

- a) matrimonial cohabitation does not exist;
- b) spouses have not known each other before the marriage has been concluded;
- c) lack of effective contribution to fulfilling the obligations incurred by marriage;
- d) spouses do not speak a common language;
- e) there is information that previously one of the spouses has concluded another marriage of convenience;
- f) spouses are inconsistent in declaring data with personal character, regarding the circumstances they have met or any other relevant information;
- g) conclusion of the marriage has been conditioned by payment of an amount of money between spouses, except the amounts received as dowry.

(3) Ascertaining the elements provided for in paragraph (2) shall be performed by the interview officer. Such elements may result from:

- a) data obtained as a result of the interview;
- b) documents;

- c) statements of persons under reference or of third persons;
- d) visits to the matrimonial residence or other additional verifications.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 64

Temporary Stay Right Independently Granted to Family Members

(1) The right of temporary stay shall be granted independently, upon request, to the alien meeting the following conditions:

- a) he holds a temporary stay permit granted for family reunification purposes;
- b) he had a temporary right of stay for family reunification purposes in the last 5 years prior to the submission of the application. In the case of family members of holders of the EU Blue Card, the 5 year period may be calculated by summing up their stay periods in different Member States.

(2) The alien shall be excepted, upon request, from fulfilling the condition provided for in paragraph (1)(b) in the following cases:

- a) the marriage was terminated;
- b) the partnership relation ceased;
- c) the sponsor/Romanian citizen deceased;
- d) he became of age or reached the age of 21, if he is a family member of a Romanian citizen.

(3) In order to be granted the right of stay, the applicant shall present additionally, if applicable, the court order attesting to the marriage termination, the notarized affidavit regarding the cease of the partnership, the death certificate or the birth certificate.

(4) The right of stay provided for in paragraph (1) shall be extended automatically for a period of up to 6 months, term which shall start running on

the date of submission of the application. For the aliens being in one of the situations provided for in paragraph (2), the term shall start running upon the occurrence of the event.

(5) Subsequent extensions of the right of stay shall be granted in the conditions and for the purposes provided for herein, without requiring the alien to leave Romania.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 65

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 authorization for carrying out the activity shall be issued under the law based on the stay right.

5. The Extension of the Temporary Stay Right for Humanitarian or Religious Activities. Other Cases of Extension of the Stay Right

ARTICLE 66

The Extension 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 extension of the temporary stay right for such purpose if they present the approval of the State Secretariat of Cults.

(2) Aliens who request the extension of the stay right for religious activities do not have to prove the means of support.

(3) The right of stay for this purpose shall be extended for a period equal to the duration of the approval.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 67

Extension of the right to residence for carrying out scientific research activities

(1) Aliens who have entered Romania for the purpose of carrying out scientific research activities shall be granted an extension of the right to temporary residence if they present the receiving agreement countersigned by the National Authority for Scientific Research.

(2) The right to residence for this purpose shall be extended for a period equal with the duration mentioned in the receiving agreement, but not longer than 5 consecutive years.

(3) The researcher, holder of a residence permit for this purpose, issued by another Member State, who finds himself on the territory of Romania, may request the extension of the right to residence for carrying out an activity of scientific research without the need to previously obtain a long-stay visa for this purpose. The residence permit shall be issued on the basis of the approval of the National Authority for Scientific Research, provided for by Art. 48 (2), in accordance with the provisions of paragraph (2).

ARTICLE 68

Didactic Activity

Aliens who hold a right to reside for carrying out activities of scientific research may also carry out educational activities under legal conditions.

ARTICLE 69

Other Situations for Extension of the Temporary Right of Stay

(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) *Abrogated;*

b) *Abrogated;*

c) *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;

d) *aliens appointed as administrators of a commercial company*, with the cumulative fulfilment of the following conditions:

1. (i)

prove their capacity as administrator;

2. (ii)

prove that, at the date of request, they do not have the quality of associates or shareholders of the commercial company under reference or of any other Romanian legal person and that they did not have such qualities during the past 2 years;

3. (iii)

there is no other alien in the commercial company under reference who has obtained a right to residence for this purpose;

4. (iv)

the commercial company under reference has realized a contribution in capital or transfer of technology of at least EUR 50,000. On subsequent extensions proof shall be made that the capital contribution has been substantiated in the establishment or purchase of buildings for carrying out the activities provided for by the Register of Classification of Activities within the National Economy or in technology transfer;

e) aliens who have entered the territory of Romania for the purpose of unpaid vocational qualification within an accredited vocational training provider or with a

public or private enterprise authorized according to law to conduct such activities - upon submission of the training agreement for unpaid participation to a form of vocational training;

f) aliens carrying out activities within voluntary work programmes - upon submission of the voluntary work agreement concluded with the host organization, within the framework of which it is mentioned which activity shall be carried out by the alien, conditions of supervision in carrying out the tasks, as well as working hours;

g) aliens who carry out other activities which are not contrary to the Romanian legislation - under approval from the competent authorities, when necessary, or by providing documents to justify their presence in Romania;

h) stateless persons of Romanian origin, who are repatriated on the basis of international agreements Romania is a party of - without fulfilling the general conditions for granting the temporary right of residence.

(2) Aliens whose stay in Romania is in the interest of the Romanian state, may be granted an extension of their temporary right to residence, upon request from the Parliament, Presidential Administration, Government, specialized central public administration authorities.

(3) Upon being granted or extended the right to temporary residence, aliens mentioned by paragraph (1)(a), (c), (e), (f) and (g) shall provide proof of subsistence means, at least to the level of the average net wage for the national economy, the ones mentioned by paragraph (1)(d), to an amount of at least EUR 500 monthly, resulted from the activity they carry out in their position as administrator.

(4) Aliens mentioned by paragraph (1)(h) are exempt from the obligation to prove availability of subsistence means as well as from the payment of consular fees. The right to residence for this category shall be extended for periods of 4 years.

(5) The right to residence for aliens mentioned by paragraph (1)(e) and (f) shall be granted for a maximum period of one year, without possibility of extension. In exceptional cases, for aliens mentioned by paragraph (1)(e), the right to residence may be extended only once for a period of up to 6 months, in order to enable them to acquire a qualification for the profession they have been trained for.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

SECTION 2

Granting the Permanent Stay Right

ARTICLE 70

Permanent Stay Right

(1) The long-stay right is a stay right granted, upon request, under the conditions of this emergency ordinance, on an undetermined period of time to aliens who hold a right to residence, from the request date including until the settlement of the request.

(2) The permanent right of stay shall not be granted to following categories of aliens:

- a) holders of a right to temporary residence for the purpose of study;
- b) asylum seekers;
- c) beneficiaries of temporary humanitarian protection or of temporary protection;
- d) holders of a right of stay conferred by short stay visa, a diplomatic or service visa.

(3) The permanent right of stay ceases in following cases:

- a) in case of annulment or revocation;
- b) in case of being granted a long-stay right on the territory of another state;
- c) in case of absence from the territory of the Romanian state for a period longer than 12 consecutive months, excepting the situation in which, during this period, the alien has benefited from a right of temporary residence in an EU Member State;

d) in the case of absence from the territory of the Romanian state for a period longer than 6 consecutive years, even if during this period the alien has benefited from a right of temporary residence in an EU Member State.

e) upon request or upon obtaining Romanian citizenship;

f) in case of absence from the territory of the Member States of the European Union, of the European Economic Area or of the Swiss Confederation, for a period of more than 2 consecutive years, of the long term resident, holding a long-stay permit mentioning «Former holder of the EU Blue Card», or of his family members who were granted the status of long term resident.

(4) In the situation in which, upon termination of the long-stay right in the cases provided for in paragraph (3)(b) to (d), the alien finds himself on the territory of Romania, within 30 days from the communication date, he may request the issue of a temporary residence permit for the purposes and under the conditions provided for by this emergency ordinance.

(5) The alien whose right to permanent residence has been terminated in the conditions of para (3) letters b) or c) may be granted a new long-stay right, under the conditions of this emergency ordinance, after a legal and continuous stay on the territory of Romania of at least 12 months.

(6) The long-stay right of a former holder of an EU Blue Card shall not cease if the alien can prove that he was absent from the territory of the Member States of the European Union, of the European Economic Area or of the Swiss Confederation, because he was exercising an economic activity in his capacity as remunerated employee or independent worker, in order to exercise a voluntary activity or to study in his country of origin.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 71

Conditions for Granting the Permanent Right of Stay

(1) The permanent right of stay shall be granted to aliens mentioned by [Art. 70](#) (1), if they fulfil following conditions at the same time:

a) they had a continuous right of stay on the territory of Romania in the last 5 years prior to the submission of the application, as follows:

1. (i)

during that period they were not absent from the territory of Romania for more than 6 consecutive months and they did not exceed more than 10 months of absence in total;

2. (ii)

during that period no measure of removal from the territory of the country was ordered against the alien;

3. (iii)

upon determining such period, only half of the stay period for the purpose of studies shall be considered;

4. (iv)

on determining the period of continuous and legal stay, the stay conferred by the diplomatic and service visa as well as the stay granted for the purpose of carrying out seasonal work shall not be taken into account;

5. (v)

Such period may be reduced to 4 years, for the persons whose statute of refugee was recognized or who were granted subsidiary protection in Romania, depending on the degree of integration in society, in the conditions presented in [Government Ordinance No. 44/2004](#) on the social integration of aliens who acquired a form of protection or a right of stay in Romania, as well as of the citizens of the Member States of the European Union and the European Economic Area, approved as amended by [Law No. 185/2004](#), as subsequently amended and supplemented;

6. (vi)

Such period shall be reduced to half, for the persons whose statute of refugee was recognized or who were granted subsidiary protection in Romania, who are married for at least 5 years to a Romanian citizen.

b) prove the availability of means of subsistence at a level of the minimum net wage, while excepting the aliens who are family members of Romanian citizens;

c) prove holding social medical insurance;

d) prove that they legally possess a place of accommodation, under legal conditions;

e) know the Romanian language at a satisfactory level;

f) do not represent a danger to the public order and national safety.

(1¹) If the aliens meet the conditions provided for in paragraph (1), but they form the object of an alert entered in the Schengen Information System by another Schengen state for the purpose of interdicting entry, the permanent residence right shall only be granted for justified reasons, particularly for humanitarian reasons or further to international obligations and only after consulting the Schengen state that entered the alert, in accordance with the procedure provided in the Sirene Manual.

(2) Aliens of Romanian origin or born in Romania, as well as those whose stay is in the interest of the Romanian state, may be granted the permanent right of stay without the need to fulfil the conditions provided for in paragraph (1)(a) to (e).

(3) Minors whose parents are the holders of a long-stay right may be granted the same statute without fulfilling the conditions provided for in paragraph (1). In the case in which only one of the parents is the holder of a long-stay right, the consent of the other parent shall be necessary, in authentic form.

(4) Aliens who prove that they have performed investments of at least EUR 1,000,000 or have created more than 100 full-time jobs may be granted the permanent right of stay without the need to fulfil the conditions provided for in paragraph (1)(a) and (b).

(5) The long term right of stay shall be granted to the holders of an EU Blue Card who had a continuous right of stay on the territory of Member States of the European Union, of the European Economic Space or of the Swiss Confederation, in the last 5 prior to the submission of the application, in their capacity as holders of the EU Blue Card, of which, a continuous right of stay in the last two years before the submission of such application, as holders of an EU Blue card, on the territory of Romania, if they meet the following conditions cumulatively:

a) during such period they were not absent from the territory of the Member States of the European Union, of the European Economic Area or of the Swiss Confederation for more than 12 consecutive months and did not exceed 18 months of absence in total;

- b) during that period no measure of removal from the territory of the Member States of the European Union, of the European Economic Area or of the Swiss Confederation was ordered against the alien;
- c) prove the availability of means of subsistence at a level of the minimum net wage, while excepting the aliens who are family members of Romanian citizens;
- d) prove holding social medical insurance;
- e) prove that they legally possess a place of accommodation, under legal conditions;
- f) know the Romanian language at a satisfactory level;
- g) do not represent a danger to the public order and national safety.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 72

Requesting the Right to Permanent Residence

(1) Aliens mentioned by Art. 70 (1) have to submit in person to the territorial offices of the Romanian Immigration Office a formal application supported by following documents:

- a) the state border crossing document;
- b) proof of legally possessing the place of accommodation;
- c) proof of means of subsistence;
- d) proof of social health insurance;
- e) criminal record certificate, issued by Romanian authorities.

(2) Upon submission of the request, the applicants shall be interviewed in order to establish the level of knowledge of the Romanian language.

ARTICLE 73

Approval of the Right to Permanent Residence

- (1) The right to permanent residence shall be approved by the Head of the Romanian Immigration Office.
- (2) The requests shall be analyzed by a special commission, set up by order of the Head of the Romanian Immigration Office, which formulates motivated proposals for each individual case.
- (3) The term for resolving the requests is of maximum 6 months from the date of registration. For objective reasons, the head of the Romanian Immigration Office may extend this term by another 3 months, while notifying the applicant.
- (4) The approval shall be communicated in writing to the applicant, within a term of 15 working days from receipt of the request.
- (5) Within 30 days from receipt of the communication, the alien who has been granted the right to permanent residence shall appear in person at the territorial unit of the Romanian immigration Office where the request has been lodged, in order to be issued the permanent residence permit.
- (6) Granting the right to permanent residence to aliens who are family members of Romanian citizens shall be made with exemption from payment of consular fees.

ARTICLE 74

Denial to Grant the Right to Permanent Residence

- (1) Should it be determined that the conditions in this section have not been met, the Commission set up according to [Art. 73](#) (2) shall suggest to the Head of the Romanian Immigration Office the denial to grant the right to permanent residence.
- (2) The denial, as well as the reasons on which this is based, shall be communicated to the applicant in writing, within a time limit of 15 working days from the day a decision has been made on the request.
- (3) The denial to grant the right to permanent residence may be contested within 30 days from the date of communication, to the Court of Appeal of Bucharest.

(4) The denial to grant the right to permanent residence does not produce judicial effects upon the right to residence of the applicant.

ARTICLE 75

Equal Treatment

The holders of a right to permanent residence benefit, under legal conditions, by an equal treatment with Romanian citizens, with regard to:

a) access to labour market, including with regard to employment and working conditions, to independent economic activities and to professional activities, with corresponding enforcement of the provisions of [Law No. 300/2004](#)^{*)} on the authorization of natural persons and family associations who carry out economic activities in an independent manner, with subsequent updates and amendments, in condition that the activity carried out shall not imply, even occasionally, the exercise of public functions;

b) access to all forms and levels of education and professional training, including studying grants;

c) establishment of the comparability of studies and recognition of diplomas, certificates, competence certification documents and professional qualifications, in accordance with the regulations in force;

d) social security, social assistance and social protection;

e) public health insurance;

f) global income tax deductions and tax exemptions;

g) access to public goods and services, including housing;

h) freedom to association, affiliation and membership to a labour or professional organization.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 76

Establishing of the alien's residence in Romania

Aliens holding a permanent right to residence have the right to establish or move their residence on the territory of Romania under the same conditions as Romanian citizens.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

SECTION 3

Annulment and Revocation of the Right to Residence in Romania

ARTICLE 77

Cases of Annulment and Revocation

(1) The Romanian Immigration Office may annul, by motivated decision, the right to permanent or temporary residence in Romania, if it is subsequently determined that:

a) on the date of granting the right to permanent residence or extension of the right to temporary residence the alien had fulfilled the legal conditions for this purpose;

b) the right to permanent residence or extension of the right to temporary residence has been obtained by providing false information or documents or forged documents or other illegal means;

c) the right to residence has been obtained on the basis of a marriage of convenience, ascertained under the conditions of Art. 63;

d) the alien has been previously removed from the territory of Romania and has re-entered, under a different identity, within the interdiction period.

(2) The Romanian Immigration Office shall revoke, by means of a motivated decision, the right to permanent residence when ascertaining that the permanent resident is a threat to public order, as a result of offences committed on the territory of Romania.

(3) The Romanian Immigration Office shall revoke, by motivated decision, the right to temporary residence when:

a) as a result of verifications carried out by the Romanian Immigration Office or of notifications received from other competent authorities, it has been ascertained that the alien ceases to fulfil the conditions on the basis of which his right to residence has been extended or the purpose for which this right has been granted is no longer respected;

a¹) it is ascertained that, after granting the temporary right of stay, the alien married to a Romanian citizen was absent from the territory of Romania for more than 6 months during one year, with the following exceptions:

1. (i)

the absence from the territory of Romania for the completion of the mandatory military service, regardless of the duration;

2. (ii)

the absence from the territory of Romania is motivated by pregnancy and birth;

3. (iii)

the absence from the territory of Romania because of a serious illness;

4. (iv)

the absence from the territory of Romania as a result of an exceptional circumstance that rendered impossible voluntary return.

b) it is ascertained that the alien illegally crossed or attempted to cross the state border or breached the regulations regarding the employment of aliens;

c) it is ascertained that the alien suffers from an illness which jeopardizes public health and does not subject himself to the medical treatment as determined by the competent authorities. If the illness occurred further to obtaining the temporary right of stay, the revocation shall be ordered if the alien does not subject himself to the medical treatment measures established by the competent medical authorities, and the illness may prevent the alien from fulfilling his obligations established hereby;

d) the holder of an EU Blue Card requests social insurance, provided that the alien was previously informed in writing, of this matter;

e) it is ascertained that the holder of an EU Blue Card does not have sufficient resources to support himself and his family at the level of a minimum gross salary guaranteed for payment.

(4) Unemployment does not represent a reason to revoke an EU Blue Card, except if the unemployment period exceeds 3 consecutive months or if the unemployment occurs several times during the validity of the EU Blue Card.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 78

Communication of the Decision for Annulment or Revocation

The decision of annulment or revocation shall be communicated:

a) by the Romanian Immigration Office, to the alien who is on the territory of Romania, by the decision of return mentioned by [Art. 82](#);

b) by the Romanian Border Police, to the alien who is present at the border with the scope to enter Romania, by handing him the decision of annulment or revocation issued by the Romanian Immigration Office.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

SECTION 4

Integration of Aliens in Economic, Cultural and Social Life

ARTICLE 79

Assistance to Integration of Aliens

(1) The Romanian state shall ensure conditions for the integration of aliens who have been granted a right to reside in Romania, into the economic, social and cultural life of the country, as well as their access to the education system.

(2) For the purpose of integration following activities may be organized and carried out:

a) Romanian language courses;

b) courses and other forms of further education and vocational training;

c) ensuring information on the rights and obligations of aliens, as well as on the opportunities of integration into the Romanian society;

d) courses on the history, culture, civilization and legal system in Romania;

e) meetings on the occasion of different events, in which Romanian citizens should also take part, for the purpose of promoting mutual understanding.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 80

Involved Institutions and Organizations

(1) The public institutions shall co-operate according to their competencies with non-governmental organizations and international organizations in order to promote and carry out programs for the integration of aliens in the society, as well as for the identification of the financial resources necessary in this respect.

(2) In all the activities which they perform the public institutions, non-governmental organizations 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 81

Removal of Aliens from the Romanian Territory

(1) Against aliens illegally staying in Romania and former requesters of asylum, the Romanian Immigration Office may order the measure of removal from the territory of Romania.

(2) In case of aliens who have been declared undesirable, as well as against those against whom the instance has disposed the safety measure of expulsion, removal from the territory of Romania shall be made by enforcement of the provisions of the Court decision by which the measure has been imposed.

(3) The alien whose stay on the territory of Romania is illegal but who benefits from a right of stay in another Schengen state, except for aliens who were declared undesirable or against whom the instance has disposed the safety measure of expulsion, shall be requested, in writing, to leave the territory of Romania within 3 days. If he does not leave the territory of Romania, the measure provided for in paragraph (1) shall be taken against him.

(4) In the case of aliens whose stay on the territory of Romania is illegal, but who are undergoing a procedure for extension of the temporary right of stay or of granting long-stay right, the Romanian Immigration Office may decide, depending on the circumstances specific to each case, to postpone the decision of removal until the completion of the procedure.

(5) If the date of entry in Romania cannot be determined based on the mentions on the travel document of the alien, the Romanian Immigration Office or the General Inspectorate of Border Police shall proceed according to the provisions of [Art. 11](#) of the Schengen Borders Code.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 82

Order of Leaving the Romanian Territory

(1) The order of leaving the Romanian territory represents the administrative act of the Romanian Immigration Office or of its territorial units which compels the aliens provided for in Art. 81 (1) to leave the territory of Romania.

(2) The order of leaving shall be drawn up in two copies, each of them in Romanian language and in a language of international use, and contains the de facto and de jure reasons as well as information regarding the available ways of appeal.

(2¹) The Romanian Immigration Office shall supply, at the request of the alien, a written or oral translation of the main elements of the order of leaving, including with regard to the available ways of appeal, in the language he understands or which he is reasonably assumed to understand.

(2²) The provisions of paragraph (2¹) shall not apply to the aliens who illegally crossed the state border of Romania or of another Member State of the European Union, of the European Economic Area or of the Swiss Confederation. In such case, together with the decision to leave the country under escort, the alien shall also be communicate a sheet drafted in five languages of the most commonly used or understood by the aliens being on the territory of Romania containing information explaining the main elements in the standard form of the decision to leave the country.

(3) The decision of leaving gives the alien the opportunity to leave the country unaccompanied, as follows:

a) within a limit of 15 days, for:

1. (i)

the alien found without a stay right;

2. (ii)

the alien whose visa has been annulled or revoked;

3. (iii)

former asylum seekers whose asylum procedure has been finalized or who waived it;

b) within 30 days, for:

1. (i)

the alien who requests the issuance of a decision to leave the country before having been found without a right of stay;

2. (ii)

for the alien whose temporary right to reside has been annulled or revoked or who has been refused the extension of this right;

3. (iii)

the alien whose temporary right of stay was annulled or revoked for conducting commercial activities or who was refused the extension of such right, as well as for his family members who benefitted from a right of stay for family reunification;

4. (iv)

the alien whose long-stay right ceased and who did not request the extension of the right of stay according to [Art. 70](#) (4).

c) Abrogated;

(3¹) In grounded situations, taking into account the specific circumstances of each separate case, such as the duration of the legal stay, the existence of children who go to school and the existence of other family ties, the term granted according to paragraph (3) may be extended, upon request, by up to 30 days. The extension shall be communicated, in writing, to the alien.

(4) The terms provided for in paragraph (3) shall be counted from the date on which the decision of return has been communicated to the alien, in the conditions of this emergency ordinance.

(5) For aliens who have illegally crossed or attempted to illegally cross the state border, who entered the country during the interdiction period previously

ordered, as well as for those illegally staying whose identity could not be established, shall be issued a decision to leave the country under escort, together with the transfer to public custody, in accordance with the provisions of [Art. 97](#).

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 83

Communication of the Decision of Leave

(1) Communication of the decision of leave shall be performed by the Romanian Immigration Office or its territorial units by remitting a copy of this decision.

(2) Remission may be made by handing over the copy, against signature, when the alien is present, or by post, with acknowledgement of receipt, to the address declared by the alien as residence, when the alien is not present.

(3) In case remission should not be possible, the notification of the decision of leave shall be made by signposting a copy at the headquarters of the Romanian Immigration Office or one of its territorial units.

(4) It shall be presumed that remission is not possible in following situations:

- a) the alien refuses to receive the copy handed over or sent by post;
- b) the alien no longer lives at the declared address;
- c) the alien has not declared his address of residence.

ARTICLE 84

Contesting the Decision of Leave

(1) The decision of leave may be contested within 10 days from the date of communication at the Bucharest Court of Appeal, in case this has been issued by the Romanian Immigration Office, or to the court of appeal in whose area of

competence the territorial unit which issued the decision of leave has its office. The court shall rule on the request within 30 days from its receipt. The decision of the court shall be irrevocable.

(2) In case of aliens mentioned by [Art. 82](#) (5), the decision of leave under escort may be contested at the court of appeal in the territorial competence of which the accommodation centre is situated, within 3 days from the date of communication. The court shall rule within 5 days, the decision being final and irrevocable.

(3) The contestation provided for in paragraphs (1) and (2) suspends the enforcement of the removal measure, except in the cases provided for by [Art. 82](#) (3)(b)(i), where the contestation shall not suspend the execution of the removal measure.

(4) The contestation of the decision of return formulated by aliens under public custody does not suspend the measure of public custody.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

SECTION 2

Undesirable Aliens

ARTICLE 85

Declaration as Undesirable

(1) The declaration as being undesirable is a measure ordered against an alien who has carried out, is carrying out or there are well-founded indications that he intend to carry out activities which may jeopardize national security or public order.

(2) The measure mentioned by paragraph (1) shall be ordered by the Bucharest Court of Appeal, upon notification of the designated prosecutor of the Prosecutor's Office with the Bucharest Court of Appeal. The prosecutor notifies the court of law at the suggestion of institutions with competencies in the field of

public order and national security who hold well-founded data or indications in the sense of those mentioned by paragraph (1).

(3) The data and information on the basis of which the declaration of an alien as undesirable for reasons of national security is suggested shall be made available to the court of law, under the conditions established by normative documents which regulate the regime of activities relating to national security and protection of classified information.

(4) The notification mentioned by paragraph (2) shall be judged in the Chamber of Council, while summoning the parties. The court of law shall inform the alien about the facts, which found the notification, while respecting provisions of normative documents regulating the national security and protection of classified information.

(5) The Bucharest Court of Appeal shall rule, by a motivated decision, within 10 days from the notification formulated under the conditions of paragraph (2). The decision of the court of law is final. When declaring the alien as undesirable is based on reasons of national security, the contents of the decision shall not mention the data and information, which were the basis for its motivation.

(6) The decision shall be communicated to the alien, as well as, should the instance decide to declare him as undesirable, to the Romanian Immigration Office, in order to be enforced.

(7) The alien's right to residence ceases on the date he has been declared as undesirable.

(8) The enforcement of the decision whereby the alien was declared undesirable shall be performed by escorting the alien up to the border or up to the country of origin, by the specialized personnel of the Romanian Immigration Office.

(9) The duration for which an alien may be declared as undesirable is between 5 and 15 years, with possibility of extension of the term for a new period between these limits, in case it is determined that the reasons which determined such measure still exist. The extension of the time limit shall be made under the conditions provided for in paragraph (2).

(10) Persons declared as undesirable shall be notified by the Romanian Immigration Office to the General Directorate for Consular Affairs.

ARTICLE 86

Recourse against the Decision Provided for in Art. 85 (5)

(1) The decision provided for in [Art. 85](#) (5) may be challenged by recourse, within 10 days from the communication date, before the High Court of Cassation and Justice. The court shall rule within 5 days from the receipt of the application.

(2) Exercising the means of attack provided for in paragraph 1 shall not have suspension effect in enforcing 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 enforcement 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 jure* enforceable.

SECTION 3

Removal of Aliens under Escort

ARTICLE 87

Removal of Aliens under Escort

(1) (1) Escorted removal shall be carried out, under conditions of this emergency ordinance, by specialized staff of the Romanian Immigration Office, for following categories of aliens:

a) who did not voluntarily leave the territory of Romania on expiry of the term provided for by the decision of leave mentioned by [Art. 82](#) (3);

b) who have illegally crossed or attempted to illegally cross the state border;

c) who have been declared undesirable;

d) against whom the measure of expulsion has been ordered.

e) who entered Romania during the interdiction period previously established;

f) who present a risk of circumvention of the removal procedure, as defined hereby.

(2) Escorted removal may also be carried out in case of aliens who have physical or mental disabilities or represent a danger to public health.

(3) In the case of the escorted removal procedure, the Romanian authorities shall analyze the situation of the alien in order to make sure that he is not in any of the situations provided for by [Art. 92](#) (1) or by [Art. 92¹](#)(1), but also that he is not a vulnerable person. Removal under escort of the vulnerable persons shall be performed in consideration of their special needs.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 88

Procedure of Removal under Escort

(1) Escorted removal supposes accompanying the alien by specialized staff of the Romanian Immigration Office to the border or to the country of origin, transit or destination.

(1¹) During escorted removal, force may only be used if it is necessary to protect the life or physical integrity of the escort personnel, of the alien or of other persons, to prevent the production of material damages or to fulfil the objective of the escorted removal. The measures are applied in observance of the alien's dignity, gradually and proportionally to the state of jeopardy to be eliminated.

(2) If the aliens possess a valid travel document, financial means and other formalities are not necessary, escorted removal shall be performed within 24 hours.

(3) Aliens who do not possess travel documents shall be presented to the diplomatic missions or consular offices accredited in Romania of the states whose citizens they are, for the purpose of being issued such documents.

(4) Procedures applicable in case of non-cooperation of some diplomatic missions with regard to the issue of travel documents for the removal of aliens from the territory of the Romanian state shall be determined by common order of the minister of foreign affairs and the minister of internal affairs and administrative reform.

(5) For aliens originating from states, which do not have diplomatic missions or consular offices in Romania, relevant travel documents shall be requested from

the country of origin, through the General Directorate for consular affairs within the Ministry of Foreign Affairs.

(6) In case the travel document may not be obtained under the conditions provided for in paragraph (5), the Romanian Immigration Office may issue a laissez-passer, according to the law.

(7) When there are well-founded indications that escorted removal may not be carried out within 24 hours, the alien shall be transferred into public custody or he may be allowed to stay on the territory of Romania.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 89

Escorted Removal Based on Readmission Agreements

(1) Aliens mentioned by Art. 87 may be also removed under escort on the basis of readmission agreements concluded by the European Union or by Romania with third countries, only if the provisions of such agreements are more favourable to them than the provisions hereof.

(2) Upon request from one of the states which have concluded readmission agreements with Romania, the alien who is subject of a readmission procedure by a third state may be allowed to transit the territory of Romania on condition to be escorted and to present guarantees that he may continue his journey and enter the state of destination.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 90

Measures of Assistance between European Union Member States in Cases of Removal of Aliens by Air

(1) In cases in which removal is not possible by using direct flights to the country of destination, the Romanian Immigration Office may request other states to allow airport transit.

(2) In order to carry out the removal of the alien by air, the Romanian Immigration Office shall order escorting of aliens to the country of transit or destination in following cases:

a) the country of transit or destination requests for the alien to be escorted;

b) medical assistance has to be granted to the alien during performance of removal operations;

c) the alien needs to be supervised in order to avoid perpetration of criminal offences during removal procedures;

d) there are well-founded indications that the alien will not respect the measure of removal or intends to remain in the state of transit;

e) Romanian public authorities with competencies in the field of public order and national security request that the alien should be escorted.

(3) During performance of the removal measures, members of the escort shall be unarmed and wear civil attire. They have the obligation to respect the legislation of the state of transit, to use force, on observance of the provisions of [Art. 88](#) (1¹), only when the representatives of the state of transit are not present or they need support.

(4) The Romanian Immigration Office shall make the necessary steps to return the aliens to the territory of Romania if, during removal by air, one of the following situations occurs:

a) authorization for airport transit has been refused or revoked;

b) the alien has entered the territory of the respective state during transit;

c) removal of the alien to another country of transit or to the country of destination or boarding of the connecting flight have not been performed;

d) airport transit is no longer possible.

(5) The General Inspectorate of the Border Police may approve requests of transit for aliens who are subject to removal measures, addressed by competent authorities from EU Member States.

(6) The request for transit mentioned by paragraph (5) may be denied if:

a) the alien is charged or indicted in a criminal case or has to execute a sentence with imprisonment, as a result of committing an offence on the territory of Romania;

b) transit to other states or entry to the state of destination are not allowed;

c) during transit it is necessary to perform transfer to another airport on the territory of Romania;

d) the alien poses a threat to national security, public order and health or international relations of the Romanian state;

e) assistance requested is not possible at that moment for objective reasons; in this case, the General Inspectorate of Border Police shall notify, in the shortest possible time, the requesting authorities about a date as close as possible to the one initially requested, when assistance for transit may be granted.

(7) In the case in which, subsequent to approval of the transit, any of the situations mentioned by paragraph (6) occurs, the authorizations already issued shall be revoked, while informing applicant authorities on the reasons which brought about revocation.

(8) A request for transit shall be forwarded in writing, latest two days before the transit. This term may be reduced in urgent and justified cases.

(9) The form and contents of the request for transit shall be determined by order of the minister of interior and administrative reform, to be published in the Official Gazette of Romania, Part I.

(10) The decision shall be communicated to the applicant Member State within a time limit of 2 days. The deadline may be extended, in justified cases, by a maximum of 48 hours.

(11) The General Inspectorate of Border Police shall establish contact points in all important transit areas.

(12) The transit operation shall not exceed 24 hours. In the case in which, for objective reasons, additional assistance measures are necessary for the continuation of the transit operation, this term may be extended by a maximum of 48 hours.

(13) Within the limit of available means and according to relevant international standards, the General Inspectorate of Border Police shall ensure the necessary assistance measures from landing to leaving the airport to the alien's country of origin, with regard to:

a) taking over the alien at aircraft and escorting him within the airport premises, especially to the connecting flight;

b) ensuring the alien and, if the case, to persons from his escort, emergency medical treatment;

c) ensuring food for the alien and, if the case, for persons from his escort;

d) receipt, keeping and handing over travel documents, especially for unescorted aliens;

e) in case of unescorted aliens, notification of the applicant state on the place and time of the alien's departure from the territory of Romania;

f) notification of the applicant state with regard to any serious incidents occurring during transit;

g) while stationing in the transit airport, the head of the border crossing point may order accommodation of the alien in specially equipped places as well as use of legal means for preventing or hindering any attempt of the alien to oppose the transit.

(14) The costs of services ensured according to paragraph (13) shall be covered by the applicant state.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
[Official Gazette No. 533/2011](#);

ARTICLE 91

Organization of joint flights with EU Member States for the purpose of removal of aliens

(1) The Romanian migration Office may organize or take part in joint actions with competent authorities from one or more EU Member States, for removal of aliens who are subject to removal measures.

(2) When the Romanian Immigration Office decides to organize a flight for removal of aliens, to which other EU Member States might take part, it shall inform the competent authorities from these states.

(3) In order to ensure a corresponding implementation of the flight, the Romanian Immigration Office shall take the necessary steps in order to select the carrier, according to the legal provisions, obtain necessary authorizations from the states of transit and destination, define jointly with the competent authorities of the other states the number of necessary escorting officers, concluding of necessary financial agreements, as well as any other measures required.

(4) In case the Romanian Immigration Office decides to take part in a joint flight for removal of aliens, organized by an EU Member State, it shall inform competent authorities of the organizing state on the intention to participate, specifying the number of persons who are subject to removal, and ensures a sufficient number of escorting staff. In the case in which escort is ensured only by the organizing state, the Romanian Immigration Office shall ensure the presence of at least 2 representatives on board of the aircraft, who shall be responsible for handing over the aliens in their responsibility to the state of destination.

(5) The Romanian Immigration Office ensures both to the aliens who are subject to removal measures, as well as to its own escort staff, valid travel documents, visas and any other necessary documents and requests, through the General Directorate of Consular Affairs, the necessary assistance from the diplomatic missions of Romania.

(6) At the request of the national, international and non-government organizations and bodies having duties in the field of migration, the Romanian Immigration Office shall supply information regarding the organization of joint flights with the EU Member States in order to remove aliens, ensuring the possibility of their representatives to supervise the manner in which such flights are carried out.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
[Official Gazette No. 533/2011](#);

ARTICLE 92

Interdiction of Removal

(1) Removal shall be prohibited in following cases:

- a) the alien is underage, and his parents hold a right to residence in Romania;
- b) the alien is a parent of an underage Romanian citizen, if the minor is in his care or if there is the obligation to pay child support, which is regularly fulfilled by the alien;
- c) the alien is married to a Romanian citizen, with the exception of the following situations:
 - 1. (i)
when it is determined that the marriage is one of convenience;
 - 2. (ii)
when it is determined that the spouses no longer have an actual conjugal relationship or a family relationship on the territory of Romania;
- d) the alien is married to another alien citizen who has a long-stay right on the territory of Romania and the marriage is not one of convenience;
- e) the alien is aged over 80;
- f) there are justified reasons to believe that the alien's life is in danger or that he would be exposed to torture, inhuman or degrading treatments in the state he is going to be sent to.

(2) The persons mentioned by paragraph (1) may be granted or, if the case, extended the right to residence in Romania, by the Romanian Immigration Office, for one of the purposes mentioned in Chapter IV, without the need to previously obtain a long-stay visa.

(3) The provisions of paragraphs (1) and (2) shall not apply to the aliens who represent a danger to public order, national security or who suffer from a disease which endangers public health and refuse to be subject to treatment ordered by medical authorities, except for those provided for in paragraph (1)(f).

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 92¹

Suspension of Removal

(1) The enforcement of the removal measures shall be suspended if the alien:

a) is the parent of a minor taking the classes of a public or private education institution, accredited or temporarily authorized according to law, until the end of the school year;

b) is married to a foreign citizen who has permission to remain on the territory of Romania, granted in accordance with this emergency ordinance or by the courts of law, and the marriage is not one of convenience, until the date when the permission to remain on the territory of Romania ceases;

c) is in one of the situations provided for by Art. 15 (1), until the date when the reasons for not being allowed to leave Romania cease;

d) he has a health condition that renders impossible the enforcement of the removal measure, until his condition improves.

(2) The persons provided for in paragraph (1) may be granted tolerance to remain on the territory of Romania.

(3) The alien shall be informed in writing of the suspension of the removal and the granting of the tolerance on the Romanian territory.

(4) the aliens who represent a danger to public order, national security or who suffer from a disease which endangers public health and refuse to be subject to treatment ordered by medical authorities shall be excepted from the provisions of paragraph (1).

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 93

Assisted Voluntary Humanitarian Repatriation

(1) The aliens on the Romanian territory may request the support of the Romanian Immigration Office and of the international or non-governmental organizations having duties in the field of for the voluntary repatriation to the country of origin if they do not have any financial means.

(2) The Romanian Immigration Office together with international organizations with competence in these fields as well as with specialized non-governmental organizations shall carry out common programs for identifying the concrete means of supporting the aliens provided for in paragraph 1 with a view to their humanitarian voluntary repatriation to the countries of origin, as well as the financial resources in this respect.

(3) Aliens included in assisted voluntary repatriation programmes shall be issued by the Romanian Immigration Office repatriation certificates.

(4) Aliens mentioned by paragraph (1) may individually benefit only once from the support granted by the National Immigration Office, though the programmes mentioned by paragraph (2), for assisted voluntary repatriation for humanitarian purposes.

SECTION 4

Expulsion of Aliens

ARTICLE 94

Carrying out Expulsion of Aliens

(1) Against the alien who has committed an offence on the territory of Romania it is possible to dispose the measure of expulsion in the conditions provided for by the Criminal Code and the Criminal Procedure Code.

(2) The right of stay of the alien ceases de jure on the date on which the measure of expulsion has been decided.

(3) Abrogated.

(4) If the alien does not possess a travel document or sufficient financial means, the Romanian Immigration Office shall proceed according to the provisions of [Art. 88](#) (3), (5) and (6).

(5) Abrogated.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 95

Interdiction of Expulsion

(1) An alien cannot be expelled to a state where there are justified reasons to believe that his life is in danger or that he will be subjected to torture, 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 [Art. 15](#) (1).

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

(4) The establishment of the situations provided for in paragraphs 1 and 2 falls under the competence of the court after the notification made by the Romanian Immigration Office.

ARTICLE 96

Recognition of the Decisions of Removal of Aliens from the Territory of EU Member States

(1) The decisions of removal of aliens, citizens of third countries, from the territory of EU Member States, shall be recognized by the Romanian state and enforced by the Romanian Immigration Office under the conditions of this emergency ordinance, in following cases:

a) the decision of removal is made for reasons of public order and national security, as follows:

1. (i)

when the alien has been convicted for an offence for which the law provides sentence by imprisonment of more than one year;

2. (ii)

as a result of the fact that the alien carries out or of indications that the alien plans to carry out activities which may endanger public order or national security;

b) the decision of removal is made as a result of the alien's failure to fulfil the conditions regarding entry and stay on the territory of the Member State under reference.

(2) The criteria and practical arrangements for compensation of financial imbalance resulted from the recognition of decisions for removal mentioned by paragraph (1) shall be established by Government decision.

(3) In order to be enforced, it is necessary that the decisions for removal mentioned by paragraph (1) should not have been revoked or suspended by the issuing authorities.

(4) Exceptions to the provisions of paragraph (1) are aliens' family members of Romanian citizens, as well as family members of citizens of EU Member States.

(5) In order to enforce this article, the Romanian Immigration Office cooperates and exchanges information with competent authorities of EU Member States.

(6) Expenses incurred by the Romanian Immigration Office for the purpose of removal of aliens, based on the decisions mentioned in paragraph (1), shall be covered by the budget of income and expenses approved to the Ministry of the Interior and Administrative reform for the Romanian Immigration Office, for this purpose.

(7) The amounts representing the expenses mentioned by paragraph (6), recovered from the EU Member State who issued the decision of removal, represent reallocations of budgetary credits, if the expenses have been performed for the current year, or become an income to the state budget, if the expenses have been performed during previous years.

(8) The Romanian Immigration Office shall reimburse the expenses performed by other EU member states which enforce the decisions of removal up to a period of 4 years after these having been issued by the Romanian authorities, within the limit of the budget for income and expenditures approved the Ministry of the Interior and Administrative reform for the Romanian Immigration Office with this destination.

(9) Requests for reimbursement of the expenses performed by the EU member state may be denied by the Romanian Immigration Office when they are performed more than one year after the measure of removal has been carried out.

(10) In case of removal decisions forming the object of paragraph (1), the alien may contest the measure related to the enforcement of the removal in accordance with the provisions of this emergency ordinance.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

SECTION 5

Transfer of Aliens into Public Custody. Accommodation Centres

ARTICLE 97

Transfer of Aliens into Public Custody

(1) Transfer into public custody is a measure of temporary restriction of the freedom of movement on the territory of the Romanian state, ordered by the magistrate against the alien who could not be removed under escort within the term provided for by the law, in one of the following situations:

- a) there is a risk of circumvention of the removal procedure;
- b) the alien did not observe the voluntary return term granted by the return decision;
- c) the alien was declared an undesirable person on the territory of Romania;

- d) the alien avoids or hinders the preparation or return or the removal process;
- e) the alien is subject to the safety measure of expulsion ordered by the court of law.

(2) the measure of transfer to public custody shall be ordered by the specially designated prosecutor from the Prosecutor's Office within the Bucharest Court of Appeal, for a period of 30 days, upon request of the Romanian Immigration Office, in order to fulfil the necessary measures for the escorted removal.

(3) The measure may also be ordered by the court of law together with the decision whereby the alien is declared undesirable or his expulsion is ordered. In such case the taking into public custody shall be ordered until the removal from the territory of Romania, but not more than 18 months.

(4) Extension of the duration for transfer into public custody of aliens mentioned by paragraph (2), who could not be removed from the territory of Romania within 30 days shall be decided upon by the court of appeal in whose area of territorial competence the accommodation centre is situated, upon motivated request of the Romanian Immigration Office. The court shall decide before the expiry of the term of transfer into public custody previously ordered, and the court decision shall be irrevocable.

(5) The duration for public custody for aliens against whom a return measure has been ordered may not exceed 6 months.

(6) The period provided for in paragraph (5) may be extended by exception, in the conditions provided for in paragraph (4), for an additional period which cannot exceed 12 months, if the Romanian Immigration Office was unable to remove the alien because of:

- a) his actions preventing the removal process;
- b) the delay in obtaining the documentation necessary for his removal from the third countries.

(7) In the case when, subsequent to an alien's transfer into public custody, the existence of one of the cases mentioned by [Art. 92](#) (1) or by [Art. 92¹](#) (1) is found or the alien requests for the first time a form of protection, the measure of transfer into public custody shall cease *de jure*. In formulating a second request to access a form of asylum, the measure of public custody ceases at the date of granting the access to a new procedure.

(8) Exceptions to the provisions of paragraph (7) are situations in which, for reasons of national security or public order, it is necessary to remove the aliens

from the territory of Romania or maintain the alien in public custody up to the finalization of the procedure for granting a form of protection.

(9) Aliens against whom the transfer into public custody has been ordered, under the conditions provided for in paragraph (2), may submit within a limit of 5 days a complaint to the court of appeal having jurisdiction in the area where the accommodation place is located, which has the obligation to process it within 3 days from the date of registration. The complaint filed shall not suspend the removal procedure.

(10) Aliens taken under public custody, as well as those removed under escort within the 24 hours, shall be fingerprinted and photographed.

(11) If the Romanian Immigration Office, ex officio or at the request of the alien, determines that the alien can no longer be removed within the period for which the measure of public custody was ordered, it shall order the cancellation of the measure and granting tolerance. The decision to deny the application of the alien may be challenged within 5 days to the court of appeal having jurisdiction in the area where the accommodation place is located, which has the obligation to process it within 3 days from the date of registration. The court decision shall be final and irrevocable.

(12) The Romanian Immigration Office shall analyze the opportunity of maintaining the measure of taking in public custody, at intervals of maximum 3 months. In the case of families with minor children taken in public custody, the analysis shall be performed at intervals of maximum one month.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 97¹

Ordering Derogatory Measures in Exceptional Situations

(1) In the situations where an exceptionally large number of aliens has to be returned, which situation represents an unforeseen and difficult task for the capacity of the accommodation centres or for its own personnel, the Romanian Immigration Office may order the application of the derogatory measure from the provisions of [Art. 98](#) (1) and (2) and of [Art. 101](#) (3), for the duration of the exceptional situation.

(2) For the duration of the derogatory measures provided for in paragraph (1), the terms established in [Art. 97](#) (9) may be exceeded by maximum 30 days.

(3) The Romanian Immigration Office shall inform the European Commission with regard to the measures ordered in accordance with paragraph (1), as well as with regard to the cessation of their application.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 98

Accommodation Centres

(1) Aliens taken into public custody shall be placed into accommodation centres, further on referred to as *centres*.

(2) The centres are closed spaces, especially equipped for this purpose, under administration of the Romanian Immigration Office, and serve the purpose of temporary accommodation for aliens who have been declared undesirable or against whom the measures of return or expulsion have been ordered and they have been transferred into public custody.

(3) Abrogated.

(4) Centres are set up, organized, authorized for sanitary standards, furnished and equipped in order to offer adequate conditions of accommodation, catering, medical assistance and personal hygiene.

(5) National, international and non-governmental organizations and bodies having duties in the field of migration, authorized or accredited according to law, shall be ensured the possibility to visit the centres, based on the protocols concluded with the Romanian Immigration Office or on a prior authorization. In exceptional or strongly justified cases, the possibility to visit the centres within 48 hours may be ensured.

amended by

Law No. 158/2013 – for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 15 May 2013, Official Gazette No. 280/2013;

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 99

Rights and Obligations of the Aliens Accommodated in Centres

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

(2) The aliens accommodated in centres shall have the right to legal, 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, with their family members, as well as with the legal representative.

(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) Abrogated.

(7) Minors accommodated in centres accompanying at least one of the parents or the legal representative taken in public custody shall have free access to the compulsory education system.

(8) The vulnerable persons accommodated in the centres are entitled to medical care and treatment adequate to their special situation.

(9) Upon their introduction in the centres, the aliens have the obligation to submit to corporal and medical control, fingerprinting and photographing, as well as to hand over any dangerous objects or prohibited by law, the valuables, the amounts of money held and mobile means of communication.

(10) During their accommodation in the centres, the aliens have the obligation to observe the daily program, the individual and collective hygiene rules, not to destroy the goods in the centres, to comply with the orders of the centre personnel, given in the exercise of their professional duties, and to submit to the medical investigations and treatment if they have medical illnesses that may jeopardize the health of the other persons in the centre.

(11) During their accommodation in the centres, the aliens are prohibited to carry out actions that may prejudice the centre's interior security and order or to instigate to such actions, to consume alcoholic drinks or prohibited substances, to trade food, equipment or any other goods within the centres.

(12) If the aliens fail to observe their obligations, the necessary measures, including the use of force, may be taken to protect the life or physical integrity of the centre personnel, of the aliens or of other persons, to prevent material prejudice, the unauthorized leave of the centre or to restore internal order. The measures shall be applied gradually and proportionally to the danger to be eliminated.

(13) The interior order rules that the aliens accommodated in the centres have the obligation to observe, as well as the organization modality of access, security, surveillance and accompanying of the aliens to and from the centres are provided for by the regulation approved by order of the ministry of internal affairs, published in the Official Gazette of Romania, Part I.

amended by

[Law No. 158/2013](#) - for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 15 May 2013, [Official Gazette No. 280/2013](#);

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 100

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 Interior Affairs and Administrative Reform or of the Ministry of Public Health. The expenses shall be discounted by the Ministry of Interior and Administrative Reform, by the budget allocated to the Romanian Immigration Office, especially provided for in this respect.

ARTICLE 101

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 are under public custody, the travel outside the accommodation centres shall be made under escort.

(3) The families taken into public custody shall be accommodated separately, being ensured an appropriate level of privacy.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011,
Official Gazette No. 533/2011;

SECTION 6

Tolerance for Remaining on the Romanian Territory

ARTICLE 102

Granting Tolerance

(1) Toleration of stay on the territory of Romania, further on called toleration, is the permission to stay on the territory of the country, granted by the Romanian Immigration Office to alien who do not have a right to reside and do not leave the territory of Romania for objective reasons, materialized by the issuance of a tolerance document.

(2) Objective reasons, in the meaning of this emergency ordinance, means such circumstances which are independent of the alien's will, cannot be foreseen and removed, which do not allow the alien to leave the territory of Romania.

(3) Denial to grant toleration by the Romanian Immigration Office may be appealed against within 5 days from notification, at the territorially competent court of appeal. The court shall pronounce within 30 days, the court decision being irrevocable.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 103

Situations of Tolerance on the Territory of Romania

(1) Aliens mentioned by [Art. 102](#) (1) may be tolerated in following instances:

a) when they fall under the situations mentioned by [Art. 15](#) (1) and do not fulfil the conditions provided for by the law to be granted a residence permit;

b) when the measure of taking into public custody ordered against them ceased;

c) when their temporary presence on Romanian territory is required by important public interest. In such case, the tolerance shall be granted at the request of the public authorities or institutions;

d) when they are in a situation of interdiction of removal and cannot be granted or extended the right of stay;

e) when there are serious reasons to believe that the aliens are victims of trafficking of human beings. In this case, toleration shall be granted upon request of the prosecutor or of the court;

f) when the suspension of the measure of removal from the territory of Romania was ordered;

g) when the removal under escort cannot be performed within 24 hours, but there are serious reasons to believe that they are not required to be taken into public custody;

h) when the Romanian Immigration Office determines that the aliens are temporarily unable to leave the territory of Romania for other objective reasons.

(2) If the aliens who meet the conditions provided for in paragraph (1) form the object of an alert entered in the Schengen Information Center by another Schengen state for the purpose of interdicting entrance, tolerance may only be granted for grounded reasons, particularly for humanitarian reasons or due to international obligations and only after consulting the Schengen state that entered the alert, in accordance with the procedure provided in the Sirene Manual.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 104

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.

(1¹) Tolerance shall cease in the following situations:

a) by granting or extending a right of stay in accordance with this emergency ordinance;

b) in case of granting the permission to remain on the territory of Romania, according to [Law No. 122/2006](#) regarding asylum in Romania, as subsequently amended and supplemented;

c) when the alien leaves Romania.

(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, except for those being in one of the situations provided for in paragraph (1¹)(a) and (b).

(3) Abrogated.

(4) Upon the ceasing of the reasons which were at the basis of granting tolerance, the alien who is not in one of the situations provided for in paragraph (1¹)(a) and (b) shall be immediately removed from the Romanian territory, in accordance with this emergency ordinance.

(5) In the case of the persons provided for in [Art. 103](#) (1)(e), the prosecutor, by ordinance or, as the case may be, the court, by decision, may order the extension of tolerance if the presence of the persons is necessary for a good procedure of the criminal trial. In this case, tolerance shall be extended successively, under the conditions provided for in paragraph 1, to the moment the criminal trial ends.

(5¹) During the period when they were granted tolerance to remain on the territory of Romania, the aliens shall have access to the Romanian labour force, in the conditions provided for by law for Romanian citizens.

(5²) The right to work granted to aliens who were given tolerance to remain on the territory of Romania shall cease as of right in all cases where tolerance ceases.

(6) The alien shall be bound to present himself every 60 days or whenever he is called to the territorial group of the Romanian Immigration Office 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 Romanian Immigration Office 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 for in paragraph 6 and 7, the measure of taking into public custody of the alien may be ordered.

(9) In the case of the aliens provided for in [Art. 103](#) (1)(b), if the reasons for which they could not be removed from the territory of Romania in the previous public custody period ceased, then they may be taken into public custody again, in accordance with the provisions of [Art. 97](#) (2), in order to be removed from the territory of Romania.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

SECTION 7

Interdiction of Entering Romania

ARTICLE 105

Applying the Interdiction of Entering Romania

- (1) At the same time as issuing the decision to return or enforcing the measure of expulsion, the Romanian Immigration Office may order under the law the interdiction of entering Romania for a determined period.
- (2) The measure provided for in paragraph (1) may be ordered by the Romanian Immigration Office or by the General Inspectorate of Border Police, under legal conditions, even in the situation when the alien was not subject to any measure of removal or against aliens mentioned by Art. 8 (1)(b) to (d) and Art. 8 (2)(a) to (b¹).
- (2¹) If the alien against whom the measure of interdiction to enter the country shall be taken holds a stay permit issued by another Schengen state, then the state that issued the permit shall be consulted in accordance with the procedure of the Sirene Manual.
- (3) Enforcement of the measure of prohibition of entry shall be performed by initiating nominal consensus at state border crossing points and, if possible, by applying into the travel documents of a stamp indicating the duration of the measure.
- (4) Initiation of the measure of prohibition of entry to Romania shall be communicated to aliens, in writing, by the body that has decided on the measure and includes the *de facto* and *de jure* reason, as well as information regarding the available ways of appeal.
- (5) The interdiction to enter Romania may be appealed against by the alien within 10 days at the court of appeal responsible for the area where the body, which decided the measure, is located. The appeal does not suspend performance of removal measures. Decision of the instance shall be irrevocable.

(6) All the cases in which interdiction to enter Romania has been ordered shall be entered in the National Alien Record System by the Ministry of Administration and Interior, by the Romanian Immigration Office.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 106

Determining the Duration of the Interdiction to Enter Romania

(1) Against aliens who have legally entered Romania, but whose stay has subsequently become illegal, the duration of prohibition of entry to Romania shall be as follows:

a) one year, in the case of:

1. (i)

an illegal stay from 30 days to one year, for aliens who did not leave the territory of Romania on expiry of the right to residence conferred by the visa or on the basis of international conventions or normative documents for unilateral cancelling of the visa regime;

2. (ii)

an illegal stay from 3 months to one year, for aliens who held a temporary residence permit;

3. (iii)

aliens who failed to respect the return decision and have been removed under escort;

b) 2 years - in the case of an illegal stay from 1 year to 2 years;

c) 3 years - in case of an illegal stay from 2 to 3 years;

d) 5 years - in case of an illegal stay of over 3 years.

(2) The limits of prohibitions mentioned by paragraph (1) shall be reduced to a half for aliens who:

- a) request assisted voluntary humanitarian repatriation, under the conditions provided for by [Art. 93](#);
- b) cover the expenses incurred by their removal from the territory of Romania;
- c) reimburse subsequently to the Romanian Immigration Office the expenses incurred by their removal from the territory of Romania;
- d) do not require any expenses related to international transport for their removal from the territory of Romania;

(2¹) In the case of aliens whose visa or right of stay was revoked or annulled for failure to observe the purpose declared before the authorities, the duration of the interdiction shall be 6 months.

(2²) In the case of aliens who requested or obtained the visa or a temporary right of stay or a long term right of stay by using false information, false or forged documents or by other illegal means, the duration of the interdiction shall be 2 years.

(3) In case of aliens against whom the court has ordered the safety measure of expulsion, the duration of the interdiction shall be equal to the duration of the punishment they have been sentenced to, but not less than 3 years.

(3¹) Against the aliens who entered Romania during the interdiction period, the duration of the interdiction shall be the one previously ordered but not less than 5 years.

(4) Against aliens who have or attempted to illegally cross the stat border, the duration of interdiction shall be of 5 years.

(5) Against aliens mentioned by [Art. 105](#) (2) the duration of interdiction shall be as follows:

- a) 15 years - for aliens mentioned by [Art. 8](#) (1)(b) to (d);
- b) 5 years - for aliens mentioned by [Art. 8](#) (2)(a) to (b¹).

(6) In cases strongly justified, at the request of aliens who prove that they could not leave the territory of Romania in full observance of the return decision, the Romanian Immigration Office may withdraw or suspend the interdiction to enter Romania.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

CHAPTER VI

Documents to be Issued to Aliens

SECTION 1

Residence Permits

ARTICLE 107

Issue of Residence 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 Romanian Immigration Office through its territorial units, a residence permit as follows:

a) *temporary residence permit* to the alien who was granted or, as the case may be, extended the temporary right to stay;

b) *residence permit for employment* to the alien who was granted or, as the case may be, extended the temporary right to stay and the right to work;

b¹) The EU Blue Card to the alien, holder of a valid work authorization for highly qualified workers, who was granted or, as the case may be, extended the temporary right to stay and the right to work;

c) long-stay permit to the alien who was granted the long-stay right.

(2) The provisions regarding the temporary right of stay shall apply accordingly to the residence permit for employment purposes and the EU Blue Card.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 108

Regime of the Residence Permit

(1) The residence permit issued to the alien under the conditions of this emergency ordinance is proof of identity, of the address of residence and attests the existence of the right to residence in Romania, as well as the duration and purpose for which this right has been granted.

(2) The holder of the residence permit has the obligation to carry the document with him at all times, not to transfer it to other persons and to present it to the bodies of competent authorities as often as he is requested.

ARTICLE 109

Temporary Residence Permit

(1) The temporary residence permit shall be issued to aliens upon granting or extension of the right to temporary residence. The temporary residence permit shall mention the address declared by the alien as his residence on the territory of Romania.

(2) The temporary residence permit has a limited validity for the duration for which the right to temporary residence has been granted or extended. The temporary residence permit shall be renewed each time upon extension of the right to temporary residence.

ARTICLE 110

Permanent Residence Permit

(1) The permanent residence permit shall be issued to aliens, on the basis of obtaining the long-stay right:

a) to the aliens family members of Romanian citizens, for a period of 10 years, and shall be successively renewed for the same period;

b) to the other categories of aliens, for a period of 5 years, and shall be successively renewed for the same period.

(2) The permanent residence permit shall mention the address declared by the alien to be his domicile on the territory of Romania.

(2¹) The long-stay permits issued to the holders of a long-stay right, obtained further to holding an EU Blue Card, shall mention "Former holder of an EU Blue Card".

(3) The request for granting the permanent residence permit shall be lodged by the holder of the right to permanent residence to the territorial unit of the Romanian Immigration Office in the competence area of which the alien legally resides and shall be supported by following documents:

a) the state border crossing document, in original and in copy;

b) documents which proved legal possession of the place of accommodation at the address declared by the alien as his domicile on the territory of Romania, in original and copy.

(4) For the renewal of the permanent residence permit, the applicant shall submit, at least 30 days before expiry of the document's validity, an application supported by the documents to prove legal possession of the place of accommodation at the address declared by the alien as his domicile on the territory of Romania.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 111

Annulment of the Residence Permit

In case the right to permanent residence of the holder of the residence permit is revoked or annulled, the document shall be annulled on the date of the decision

and shall be withdrawn the latest on the date on which the decision has been communicated to the.

ARTICLE 112

Theft, Loss, Deterioration or Destruction of the Residence Permit

(1) The holder of the residence permit has the obligation to notify the territorial unit of the Romanian Immigration Office which has issued the document about its theft, loss, deterioration or destruction, within a limit of 5 days from ascertaining one of these situations.

(2) The alien shall be issued by the territorial unit of the Romanian Immigration Office a new resident permit to replace the stolen, lost, damaged, or destroyed one.

(3) The residence permits the validity of which has expired, as well as the damaged ones shall be cancelled by the competent territorial unit of the Romanian Immigration Office.

ARTICLE 113

Form and Content of Residence Permits

The form and contents of the residence permits shall be established by decision of the Government of Romania.

SECTION 2

Residence Cards for Aliens Who Are Family Members of Romanian Citizens

ARTICLE 114

Issuance of Residence Cards

Abrogated.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 115

Validity of Residence Cards

Abrogated.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 116

Regime of Residence Cards

Abrogated.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 117

Annulment of Residence Cards

Abrogated.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

SECTION 2¹

Documents to be Issued to Aliens who are Tolerated on the Territory of Romania

ARTICLE 117¹

The Regime of the Tolerance Document

(1) The alien who was granted tolerance shall be issued a document attesting the existence of the permission to remain on the territory of Romania, the period for which he benefits from such permission and that attests to his address of residence on the territory of Romania.

(2) During the validity of the document, the holder thereof shall have access to the labour market in the same conditions as the Romanian citizens.

(3) The validity of the tolerance document is limited to the period for which the permission to stay on the territory of Romania was granted to its holder and shall be renewed each time upon the extension of such permission.

(4) the holder of the tolerance document has the obligation to permanently hold the document with him, not to alienate it and to present it to the bodies of the competent authorities whenever requested.

(5) The holder of the tolerance document has the obligation to inform the Romanian Immigration Office of the theft, loss, deterioration or destruction of the document, within maximum 5 days from becoming aware of any of such situations.

(6) The alien shall be issued by the competent territorial unit of the Romanian Immigration Office a new tolerance document to replace the one that was stolen, lost, deteriorated or destroyed.

(7) The form and contents of the tolerance document shall be established by Government decision.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

SECTION 3

Travel Documents to be Issued to Aliens

ARTICLE 118

Types of Travel Documents to be Issued to Aliens

(1) The Romanian Immigration Office, through its territorial units or, by case, the Ministry of Foreign Affairs, through the diplomatic missions and consular offices of Romania abroad, may issue, upon request, following types of travel documents:

a) *laissez-passer* - to following categories of aliens:

1. (i)

stateless aliens resident abroad, temporarily staying on the territory of Romania, who are no longer in the possession of a travel document and, for objective reasons, cannot be issued such a document by the diplomatic mission of the residence country;

2. (ii)

foreign citizens staying on the territory of Romania, who are no longer in the possession of a national passport and, for objective reasons, cannot obtain a travel document from the diplomatic mission of their state;

3. (iii)

stateless persons permanently residing in Romania with residing temporarily abroad, who are no longer in the possession of the Romanian travel documents;

b) passport for persons without citizenship - to stateless persons permanently residing in Romania, as well as to stateless persons of Romanian origin, who are repatriated on the basis of international agreements to which Romania is a party of.

(2) For students residing on the territory of Romania, who intend to travel or transit an EU member state in the framework of a school trip, in conformity with Council Decision No 94/795/JHA on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on the European Union concerning travel facilities for school pupils from third countries resident in a Member State, published in the Official Journal of the European Communities No 327 of 19 December 1994, the Romanian Immigration Office shall confirm the resident status of the aliens included in the list of participants and the authenticity of data presented in such document.

(3) Notification of member states with regard to the status of the list of participants as travel document by students who reside on the territory of Romania shall be performed by the Ministry of Foreign Affairs.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 119

Issuing a Laissez-Passer

(1) For persons mentioned by [Art. 118](#) (1)(a)(i) and (ii) the laissez-passer shall be issued by the Romanian Immigration Office through its territorial unity and

shall be valid for a single travel, for a period of 30 days, with possibility of extension for another 30 days.

(2) For persons mentioned by [Art. 118](#)(1)(a)(iii) the laissez-passer shall be issued by diplomatic missions or consular offices of Romania abroad, with the approval of the Romanian Immigration Office, for the purpose of their return to Romania. Upon return to the country, the laissez-passer shall be handed over by the holder to the territorial unit of the Romanian Immigration Office where the holder resides.

ARTICLE 120

Regime of Passports for Stateless Persons

(1) Passports for stateless persons are proofs of identity and of the quality of a stateless person with residence in Romania and enables the holder to enter and leave the country through any of the state border crossing points open for persons' travel.

(2) When abroad, the passport for stateless persons ensures the holder the right to receive assistance and protection from the diplomatic missions and consular offices of Romania.

(3) Passports for stateless persons are property of the Romanian state.

ARTICLE 121

Issuing Passports for Stateless Persons

Passports for stateless persons shall be issued by the Romanian Immigration Office through its territorial units, upon request, for a period of 5 years, which may be extended only once, without exceeding 10 years from the date of issue.

ARTICLE 122

Conditions with regard to the Request for Issuing Passports for Stateless Persons

(1) The request for issue of a passport for stateless persons shall be lodged by the persons mentioned by [Art. 118](#) (1)(b) to the territorial units of the Romanian Immigration Office and shall be supported by the following documents:

a) valid permanent residence permit, for stateless persons with a right to permanent residence in Romania;

b) valid temporary residence permit, in case of stateless persons of Romanian origin, who are repatriated on the basis of international agreements Romania is a party to.

(2) Passports shall be issued within a term of 30 days from submission of the request.

ARTICLE 123

Annulment of Passports for Stateless Persons

In case the holder of the passport for stateless persons loses his quality as a stateless person with permanent residence in Romania or obtains the citizenship of a state, he has the obligation to submit the document to the competent territorial unit of the National Immigration Office, which shall withdraw and annul the document.

ARTICLE 124

Theft, Loss, Damage or Destruction of the Passports for Stateless Persons

(1) The holder of the passport for stateless persons has the obligation to notify the territorial unit of the Romanian Immigration Office that has issued the document, about its loss, theft, damage or destruction, within maximum 5 days from ascertaining any of such situations.

(2) The alien shall be issued, upon request, under the conditions stipulated by [Art. 120](#), a new document to replace the one he declared as stolen, lost, damaged or destroyed, within a term of maximum 30 days.

(3) Passports for stateless persons, which have been damaged, shall be withdrawn and annulled by the territorial office of the Romanian Immigration Office.

ARTICLE 125

Form and Contents of Travel Documents

The form and contents of travel documents stipulated in this section shall be determined by decision of the Government of Romania.

CHAPTER VII

Processing and Protection of Aliens' Personal Data

ARTICLE 126

Institutions with Competencies in Processing Personal Data of Aliens

Abrogated.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 127

Organizing the Records

Abrogated.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

CHAPTER VIII

Legal Regime Applicable to Special Categories of Aliens

ARTICLE 128

Aliens with Long-Stay Right in EU Member States

(1) Aliens who are citizens of third countries or stateless persons and enjoy a long-stay right in EU Member States may enter and stay on the territory of the Romanian state for the duration of 90 days within 6 months, without the need to obtain an entry visa.

(2) Persons mentioned by paragraph (1) may be extended the right to temporary residence, without previously having to fulfil the condition of obtaining a long-stay visa, under the conditions stipulated by this Emergency Ordinance.

(3) Persons mentioned in paragraph (1) shall enjoy equal treatment in the fields and under the conditions stipulated by Art. 75.

(4) By exception to the provisions of paragraph (3), access to the labour market for aliens holding a long-stay right in an EU Member State shall be possible taking into account relevant labour legislation and the need to occupy vacancies mentioned within the register of occupations in deficit on the territory of Romania, established by the specialized structure within the Ministry of Labour, Family and Equal Opportunities.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 128¹

Readmission of Aliens Holding an EU Blue Card

The holder of an EU Blue Card who was denied the application to move to a second Member State shall be admitted immediately, without formalities, on the territory of Romania. The readmission shall be accepted immediately, without formalities, for his family members as well.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 129

Family Members of Aliens Holding a Long-Stay Right in EU Member States

(1) Family members of aliens mentioned by [Art. 128](#), who hold a long-stay right in an EU Member State for the purpose of family reunification, may enter Romania on the basis of a long-stay visa granted for the same purpose by diplomatic missions or consular offices of Romania, while fulfilling the general conditions for granting visas, as well as presenting proof of the right to residence on the territory of the EU Member State in this quality.

(2) Family members of the aliens mentioned by [Art. 128](#), who do not hold a right to temporary residence in an EU Member State for the purpose of family reunification, shall fall under the provisions of [Art. 46](#).

(3) Aliens mentioned in paragraph (1) may be extended the right to residence while fulfilling general conditions stipulated by the law, if they:

a) present the residence permit in an EU Member State;

b) prove the fact that they have resided as family members of an alien with a long-stay right in an EU Member State;

c) prove the availability of subsistence means to the monthly amount equivalent to the minimum wage at national economy level.

(4) Aliens mentioned by paragraph (2) may be extended the right to residence, according to the provisions of [Art. 62](#).

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 130

Granting the Right to Temporary Residence to Aliens Who are Victims of Trafficking of Human Beings, Trafficking of Immigrants or of the Offence Stipulated by Art. 141, of the Offence Stipulated by Art. 264 (3) or by Art. 265 off Law No. 53/2003 – "the Labor Code"

(1) Aliens who are victims of trafficking of human beings, trafficking of immigrants or the offence stipulated by Art. 141, of the offence stipulated by Art. 264 (3) or by Art. 265 of Law No. 53/2003 – the Labor Code, republished, may be granted a right to temporary residence, even if they have entered illegally, upon request of the prosecutor or the court of law, under following conditions:

- a) they show a clear intention to cooperate with the Romanian authorities in order to facilitate the identification and prosecution of participants to the offences the victims of which they have been;
- b) they have stopped relations with persons suspected of committing offences the victims of which they are;
- c) granting the right to reside is favourable to carrying out judicial investigations;
- d) their stay in Romania does not present a danger to public order and national security.

(2) The right to residence may be granted, for the duration of 6 months, with the possibility of extension for new periods, under similar conditions.

(3) The right to residence may be revoked in following situations:

- a) the conditions stipulated in paragraph (1) are no longer fulfilled;
- b) the holder of the right to reside has renewed, with intention, the contacts to the persons suspected to have committed the offences stipulated by paragraph (1);

c) if ascertained that the alien intentionally mislead the competent authorities with regard to the quality of a victim or to the data and information provided;

d) when the victim stops cooperation;

e) when competent authorities ascertain the existence of one of the cases stipulated by [Art. 10](#) of the [Criminal Procedure Code](#).

(4) The residence permit for the persons mentioned by paragraph (1) shall be issued free of charge.

(5) If the persons provided for in paragraph (1) were not granted a right of stay on the territory of Romania, they cannot form the object of an interdiction to enter Romania unless they represent a threat to the public order or national security or they did not observe the decision to return.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 131

Legal Regime Applicable to Unaccompanied Underage Aliens

(1) In the situation of underage aliens who enter the territory of Romania unaccompanied or who remain unaccompanied after them having entered the territory of Romania, the Romanian Immigration Office and its territorial unity shall proceed as follows:

a) define their identity as well as the way by which they have entered the country;

b) without regard of the manner in which they have entered Romania, they shall be ensured representation by a competent institution according to the law, which shall also ensure necessary protection and care, including accommodation in special centres for protection of minors under the same conditions as for Romanian minors;

c) measures to identify the parents shall be initiated, without regard of the parents' place of residence, for the purpose of family reunification;

d) before the parents have been identified, minors of school age shall be granted access to the education system;

e) the removal of an unaccompanied underage alien may be performed, after a prior evaluation, by the competent authorities, only if the minor is sent to his parents, when they were identified and they do not reside on the territory of Romania, to the family members, with their consent, to the appointed guardian or to appropriate accommodation centres in the return state;

f) in the case the parents or any other family members cannot be identified or if the minor is not accepted by the country of origin, he/she shall be granted the right to temporary residence on the territory of Romania.

(2) (2) For the purpose of identification of adequate solutions, the Romanian Immigration Office shall cooperate with other institutions, as well as with national and international organizations, specialized in the field of minor's protection.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 132

Access to Education of Underage Aliens

(1) Underage aliens who reside in Romania shall have free access to compulsory education, under the same conditions as underage Romanian citizens.

(2) The Ministry of Education, Research and Youth shall determine, according to the law, the limits and conditions for the recognition of studies carried out in the country of origin, in order to enrol foreign students into the national education system.

CHAPTER IX

Contraventions and Offenses

ARTICLE 133

Legal Liability in Case of Infringement of the Provisions of this Emergency Ordinance

Legal liability in case of infringement of the provisions of this emergency ordinance Infringement of the provisions of this emergency ordinance shall entail, by case, criminal, civil, contravention related or administrative responsibility of the guilty person.

ARTICLE 134

Contraventions

Following actions are considered to be contraventions:

1. failure of the carrier to respect the interdictions stipulated by [Art. 7](#) (1);
2. failure of the alien to leave the territory of Romania after the date when the right to reside in Romania stipulated by [Art. 11](#) ceases;
3. failure of the alien to respect the obligation to register with the territorially competent police authority within a maximum of 3 days from the term stipulated by [Art. 12](#) (1);
4. failure of the alien to respect the obligation stipulated by [Art. 13](#) (2);
5. failure to provide the information stipulated by [Art. 13](#) (1) and (3), within the time limits stipulated by [Art. 13](#) (4);
6. granting permission to leave the country to aliens who fall into one of the situation of prohibition to leave the country stipulated by [Art. 15](#) (1);
7. failure to respect the term for submission of the request for extension of the right to temporary residence, stipulated by [Art. 51](#) (1);
8. failure of the aliens to respect obligations stipulated by [Art. 50](#) (3);
9. failure of the employer to respect the obligation to notify on the nominal situation, stipulated by [Art. 57](#) (2);

10. failure of the alien to respect the obligation to appear before the territorial unit of the Romanian Immigration Office, within the time limit of 30 days stipulated by [Art. 73](#)(5);

11. failure of the alien to respect the obligation with regard to the residence permit, stipulated by [Art. 108](#) (2), with regard to the tolerance document, provided for by [Art. 117](#)¹(4), as well as failure to present travel documents, in case of aliens staying in Romania on the basis of a visa or of international conventions or normative documents for unilateral cancellation of the visa regime;

12. failure to respect the term for submission of the request for renewal of the residence permit, stipulated by [Art. 110](#) (4);

13. failure to respect the term for notification of theft, loss, damage or destruction of the residence permit, stipulated by [Art. 112](#) (1), or of the tolerance document, stipulated by [Art. 117](#)¹(5);

14. failure to respect the term for notification of the theft, loss, damage, or destruction of the passport for stateless persons, stipulated by [Art. 124](#) (1);

15. withholding the state border crossing document of an alien or the residence permit by unauthorized persons;

16. facilitation, in any form, of the illegal stay of aliens on the territory of Romania.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 135

Sanctions

Contraventions mentioned by [Art. 134](#) shall be sanctioned as follows:

a) by fine between RON 100 and RON 500, those provided for at points 3, 4, 5, 7, 8, 10, 11, 12, 13, and 14;

b) by fine between RON 500 and RON 1,000, that provided for at point 6;

c) by fine between RON 2,000 and RON 3,000, those provided for at points 9, 15, and 16;

d) by fine between RON 8,000 and RON 15,000, that provided for at point 1, calculated for each alien carried;

e) in the case of the contravention stipulated by point 2, the fine shall be applied as follows:

1. (i)

between RON 400 and RON 700, in case of a stay of up to 30 days after conclusion of the right to residence;

2. (ii)

Between RON 600 and RON 1,000, in case of a stay of up to 60 days after conclusion of the right to residence;

3. (iii)

Between RON 800 and RON 1,200, in case of a stay of more than 60 days after conclusion of the right to residence.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 136

Ascertaining Contraventions

Ascertaining contraventions and enforcement of sanctions shall be performed by specially designated staff from the Ministry of the Interior and Administrative reform or, by case, by specially designated agents on behalf of other institutions, according to the competencies.

ARTICLE 137

Regime of Contraventions

(1) (1) The provisions of this emergency ordinance shall be supplemented by the provisions of the Government Ordinance No 2/2001 on the legal regime of contraventions, approved with updates and amendments by Law No. 180/2002, as subsequently amended and supplemented.

(2) In the case of contraventions stipulated by Art. 134 points 5, 11, and 16, the contravening person may pay, immediately or within a term of 48 hours from the conclusion of the minutes or, by case, from the date of communication, half of the minimum fine stipulated by Art. 135, the ascertaining agent mentioning this in the minutes.

ARTICLE 138

Elusion from Measures of Removal from the Territory of Romania

Bad-faith elusion from enforcement of the obligations imposed by the competent authorities by the alien subject to the measure of expulsion, return or to any of the measures of interdiction to remain on the territory of the country or temporary establishment of residence in certain areas or places shall be considered an offence and shall be punished by imprisonment from 6 months to 5 years.

ARTICLE 139

Fraudulent Entry of the Alien Who had Been Declared Undesirable or Subject to the Measure of Interdiction to Enter the Territory of Romania

(1) Entering the territory of Romania by illegal border crossing or by using another identity, by the alien who has been declared undesirable or who has been interdicted, in any manner, the right to enter or stay in the country, is considered an offence and shall be punished by imprisonment for a period between 2 and 6 years.

(2) If the act stipulated by paragraph (1) has been performed repeatedly, the punishment shall be imprisonment for a period between 3 and 7 years.

ARTICLE 140

Carrying out Activities Prohibited by Law

(1) Setting up by aliens, on the territory of Romania, of political parties or any other organizations or groupings as stipulated by Art. 4 (2), or joining by an alien of one of these organizations, as well as initiation, organization and participation to rallies or meetings which endanger public order and national security shall be considered an offence and shall be punished with imprisonment from 3 months to 2 years or with a fine.

(2) The penalty stipulated by paragraph (1) shall also apply to the aliens who finance political parties, organizations, groups, or rallies or meetings as stipulated by Art. 4 (3).

(3) Amounts of money, goods of any nature or any other valuables received while having infringed the provisions of Art. 4 (3) shall be seized.

ARTICLE 141

Facilitating the Illegal Stay of Aliens on the Territory of Romania

(1) Intentional facilitation, in any possible way, of the illegal stay of aliens on the territory of Romania shall constitute an offence and shall be punished by imprisonment between 6 months to 5 years.

(2) The deed stipulated by paragraph (1), carried out under the following circumstances:

a) by two or more persons, jointly;

b) caused to aliens a severe violation of their life and physical integrity, shall be punished with imprisonment from 2 to 8 years.

(3) If the deed led to decease of the alien, the punishment shall be imprisonment from 3 to 15 years.

(4) If the deed mentioned by paragraph (1) is carried out by a person who belongs to an organized group or who has produced or obtained for himself important material benefits, the special maximum of the punishment shall be increased by 3 years.

(5) The attempt shall be punished.

ARTICLE 142

Liability of Legal Persons

(1) If the offence mentioned by Art. 141 has been committed in the name or in the interest of a legal person, by its bodies or representatives, it shall be punished by a fine between RON 15,000 and RON 30,000.

(2) The same punishment shall be applied for the offence mentioned by Art. 141, if it has been carried out in the interest of a legal person, as a result of the failure of the persons mentioned by paragraph (1) of their control attributions, by any person falling under their authority.

(3) The liability of the legal person shall not exclude the penal liability of natural persons taking part to the offence stipulated by Art. 141.

CHAPTER X

Final and Transitory Provisions

ARTICLE 143

Romanian Immigration Office

In applying the provisions of this emergency ordinance, the officers of the Romanian Immigration Office are enabled:

- a) to perform ascertaining acts in order to notify the prosecution bodies when they ascertain offences related to the regime of aliens;
- b) to identify, to apprehend, to take over from the headquarters of other authorities and to accompany to the headquarters of the territorial units those aliens who infringe legal provisions on the regime of aliens in Romania or those whose identity cannot be established, to verify and decide on the legal measures within a maximum of 24 hours from apprehension;
- c) to organize and carry out, under legal conditions, controls in places and environments frequented by aliens, in public and private institutions, as well as within the premises of companies, regardless of the owner or holder thereof, when there are data or indications on the existence in such places of aliens who do not respect legal provisions on the regime of aliens in Romania;

d) to use, free of charge, public means of transport and rail transportation, for work purposes, in order to carry out missions which cannot be carried out in a different manner.

amended by

[Law No. 157/2011](#) - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, [Official Gazette No. 533/2011](#);

ARTICLE 144

Covering Expenses

- (1) Expenses incurred by removal from the territory of Romania of aliens who possess financial means shall be carried by those provided that, after the payment of such expenses, they are left with an amount equal to at least EUR 50, necessary to cover his own expenses during the removal.
- (2) If the alien does not possess financial means and has entered Romania on the basis of an invitation, expenses incurred by removal shall be covered by the natural or legal person who has issued the invitation. The invitation shall be an executory title in the situation the alien invited shall not leave Romania before the date the right to residence granted by the visa has expired. The amounts to be reimbursed shall be determined by the Romanian Immigration Office by establishing a note of ascertaining expenses incurred by the removal of the alien invited.
- (3) The employer, natural or legal person, shall be obliged to cover the expenses for removal of the alien whom he has employed illegally or whose residence permit is no longer valid.
- (4) The unit for research-development shall be obliged to cover the expenses incurred by the removal of the alien who has been accepted by this to carry out activities of scientific research within the framework of a project, in case the alien continues to stay on the territory of Romania after the right to residence has expired. The liability of the institute of research and development shall cease after 6 months after the expiry of the validity of the agreement of accepting the researcher.
- (5) Expenses incurred by the removal of aliens who do not possess sufficient means in this respect, those for the transport, food, subsistence and accommodation within centres, those incurred with the destruction by the aliens

of the goods in the centres, as well as those for medical assistance, hospitalization and ensuring the communication with the diplomatic and consular representatives of the state of origin, with their family members and legal representative shall be covered from the budget of the Ministry of Internal Affairs, within the limit of the funds allocated in this respect.

(6) Costs related to the construction, equipment, maintenance and functioning of centres shall be covered from the budget of the Ministry of the Interior and Administrative reform.

(7) Necessary funds to cover the expenses mentioned by paragraphs (5) and (6) shall be provided by the state budget for the Ministry of the Interior and Administrative reform.

(8) The norms for equipment of the centres, those referring to materials for subsistence and personal hygiene, as well as the norms for food for aliens transferred into public custody shall be determined by Government decision.

amended by

Law No. 158/2013 - for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania of 15 May 2013, Official Gazette No. 280/2013;

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 144¹

Assigning a Personal Number Code

(1) Each alien who was extended the temporary right of stay or was granted a long term right of stay shall be assigned by the Romanian Immigration Office a personal number code, which shall be mentioned in his residence permit.

(2) At the justified request of the interested public institutions, the Romanian Immigration Office may assign a personal number code also to aliens who do not benefit from a right of stay on the territory of Romania, obtained in accordance with this emergency ordinance, for the exercise of certain legal rights and obligations and only with their express consent.

(3) In justified cases, the Romanian Immigration Office may assign a personal number code also to aliens who were granted tolerance, at their request, which shall be mentioned in the tolerance document.

amended by

Law No. 157/2011 - amending and supplementing certain normative acts regarding the regime of aliens in Romania of 11 July 2011, Official Gazette No. 533/2011;

ARTICLE 145

Granting Medical Assistance in Special Cases

In special situations and for humanitarian purposes, the competent territorial body of the Ministry of the Interior and Administrative Reform may request the competent authorities granting of medical assistance for aliens under the conditions stipulated by Art. 100.

ARTICLE 146

Exceptions to the Enforcement of this Emergency Ordinance

The Government may establish, by decision, the exemption of aliens who are citizens of states for which there are no visa requirements for entry to Romania, from fulfilling the condition stipulated by Art. 6 (1)(c), as well as of conditions for the extension of the right to residence provided for by this emergency ordinance.

ARTICLE 147

Enforcement of Special Provisions

The provisions of Law No. 122/2006 on the asylum in Romania shall be applied with priority against the provisions of this emergency ordinance, with the exception of situations in which reasons of national security or public order impose their removal from the territory of Romania.

ARTICLE 148

Procedural Provisions

In all complaints and requests addressed to the court instances on the basis of this emergency ordinance, to which the Romanian Immigration Office is a party, participation of the prosecutor is compulsory.

ARTICLE 149

Time Limits for Enforcement of this Emergency Ordinance regarding Some Categories of Aliens

Starting with the date of Romania's accession to the European Union, the provisions of this emergency ordinance shall no longer be applied to citizens of EU and EEA Member States.

ARTICLE 150

Provisions Applicable from the Date of Accession of Romania to the EU

The provisions of [Art. 5](#) (3) and (4), Articles 90, 91, 96, 128 and of [Art. 129](#) shall come into force from the date of accession of Romania to the European Union.

ARTICLE 151

Transitional Provisions

(1) Within 3 months from the date this emergency ordinance comes into force, aliens with illegal stay may request the Romanian Immigration Office to issue an order for leaving the territory.

(2) The issuance of an order to leave the territory, under the conditions provided for in paragraph (1), shall not be accompanied by a measure of interdiction of entry into Romania.

(3) All the situations under processing at the date this emergency ordinance comes into force shall be finalized according to its provisions.

ARTICLE 152

Coming into Force

(1) This emergency ordinance shall come into force within 30 days from the date of its publication in the Official Gazette of Romania.

(2) On the date this emergency ordinance comes into force, Law No. 123/2001 on the regime of aliens in Romania, published in Official Gazette of Romania Part I No. 168 of 3 April 2001, and Government Decision No. 476/2001 for the approval of the Methodological rules for the enforcement of Law No. 123/2001 on the regime of aliens in Romania, published in Official Gazette of Romania Part I No. 276 of 29 May 2001, as well as any other contrary orders shall be abrogated.

NOTE:

Below we enclose the provisions of Art. II and the mention to transpose the Community rules from Law No. 56/2007 for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania, as well as Art. 8 and the mention to transpose the community rules from Government Emergency Ordinance No 55/2007 on the establishment of the Romanian Immigration Office by the reorganization of the Authority for Aliens and the National Office of Refugees, as well as the amendment and supplementation of certain normative acts, approved as amended and supplemented by Law No. 347/2007, texts which have not been included into the republished version of Government Emergency Ordinance No 194/2002:

-Law No. 56/2007:

Art. II. – (1) Within the term of 6 months from the date this law shall come into force, aliens who do not hold a right to reside in Romania may request the Authority for Aliens to issue an order for return, without interdiction of entry to Romania.

(2) All the situations under processing at the date this law shall come into force shall be finalized according to the provisions of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania, republished, as subsequently amended and supplemented, as amended and supplemented hereby.

(3) Ordinances for declaring aliens as being undesirable, issued by the prosecutor especially designated by the Prosecutor's Office of the Bucharest

Court of Appeal, which have not been enforced yet, shall become ineffective on the date the provisions of this Law come into force.

– This law transposes Council Directive 2003/86/EC on the right to family reunification, published in the Official Journal of the European Union (OJEU) L 251/12 of 3 October 2003, Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, published in the Official Journal of the European Communities (OJEU) L 16 of 23 January 2004, Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air, published in the Official Journal of the European Union (OJEU) L 321 of 6 December 2003, and Council Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, published in the Official Journal of the European Union (OJEU) L 375/12 of 23 December 2004.

– Government Emergency Ordinance No 55/2007:

Art. 8. – Within the contents of valid normative documents, the terms «Authority for Aliens» and «National Office for Refugees » shall be correspondingly replaced by the term «Romanian Immigration Office».

– This Emergency Ordinance transposes the Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research, published in the Official Journal of the European Union L 289 of 3 November 2005.

Footnotes:

Republished based on Art. 7 of Government Emergency Ordinance No 55/2007 on the establishment of the Romanian Immigration Office by the reorganization of the Authority for Aliens and the National Office of Refugees, as well as the amendment and supplementation of certain normative acts, published in Official Gazette of Romania Part I No. 424 of 26 June 2007, approved as amended and supplemented by Law No. 347/2007, published in Official Gazette of Romania Part I No. 851 of 12 December 2007, the texts being renumbered.

Government Emergency Ordinance No 194/2002 was republished in Official Gazette of Romania Part I No. 201 of 8 March 2004 and was further amended and supplemented by:

–Law No. 309/2004 on the free circulation on the territory of Romania of the citizens of the Member States of the European Union and the European

Economic Area, published in [Official Gazette of Romania Part I No. 593 of 1 July 2004](#), abrogated by Government Emergency Ordinance No 102/2005 on the free circulation on the territory of Romania of the citizens of the Member States of the European Union and the European Economic Area, published in [Official Gazette of Romania Part I No. 646 of 21 July 2005](#), approved as amended and supplemented by [Law No. 260/2005](#);

–[Law No. 482/2004](#) for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania, published in [Official Gazette of Romania Part I No. 1.116 of 27 November 2004](#);

– Government Emergency Ordinance No 113/2005 for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania, published in [Official Gazette of Romania Part I No. 658 of 25 July 2005](#), approved as amended and supplemented by [Law No. 306/2005](#), published in [Official Gazette of Romania Part I No. 962 of 31 October 2005](#);

–[Law No. 56/2007](#) for the amendment and supplementation of Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania, published in [Official Gazette of Romania Part I No. 201 of 26 March 2007](#).

[Law No. 300/2004](#) was abrogated by [Government Emergency Ordinance No. 44/2008](#) on the carrying out of economic activities by authorized natural persons, individual enterprises and family enterprises, published in [Official Gazette of Romania Part I No. 328 of 25 April 2008](#).