

Reset of the legislative framework governing the employment of foreigners. Significant new obligations for employers

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Summary of legislative changes

Emergency Ordinance no. 32/2026 on the access of foreign nationals to the labour market in Romania, as well as amending and supplementing certain legislative acts ("**GEO no. 32/2026**"), adopted in April this year and expected to take full effect from August 2026, resets the legal framework governing the employment of foreign nationals in Romania.

Essentially, it replaces the traditional employment authorisation procedure with a digital procedure based on a "single application", creates two types of work visa (D/AM1, for special categories, including highly skilled workers, and D/AM2, for permanent, seasonal and cross-border workers) and makes the recruitment of D/AM2 workers conditional upon the use of an authorised recruitment agency or direct authorisation of the employer, subject to the fulfilment of certain legal criteria.

Furthermore, GEO no. 32/2026 introduces the concept of a List of Shortage Occupations, so that ordinary recruitment from third countries is, in principle, possible only for occupations included on this list, establishes the electronic platform *WorkinRomania.gov.ro*, introduces mandatory authorisation, financial guarantees and extended obligations for recruitment agencies, as well as a number of additional obligations for employers.

At the same time, the mobility of foreign workers is restricted, particularly during the first 6 months, and for those recruited through an agency, during the first 2 years.

Furthermore, financial guarantees and the recovery of repatriation costs are regulated, the rules governing the automatic termination of a foreign national's individual employment agreement are amended, the fee for a long-stay visa is increased to EUR 300, and a temporary regularisation procedure is introduced for certain foreign nationals in Romania without a valid right of residence.

Last but not least, specific administrative offences and substantial penalties are regulated.

GEO no. 32/2026 lays the foundations for the use of a special electronic system, accessible via the *WorkinRomania.gov.ro* platform, on which employers must register or obtain authorisation in order to employ foreign nationals. This system is due to be implemented, provided that the *WorkinRomania.gov.ro* electronic platform becomes available as estimated by the authorities, from August 8, 2026 (until that date, the platform has been/will be available for testing purposes only).

The full implementation of the new legal framework depends on the adoption of subsequent legislation, Government Decisions and Ministerial Orders.

1. Scope of the new legal framework

Essentially, GEO no. 32/2026 applies to the employment of foreign nationals:

- highly skilled workers, persons carrying out activities requested by ministries /central authorities, teaching, scientific, specially qualified or artistic staff, professional sportspeople, and citizens of the Republic of Moldova, Ukraine and the Republic of Serbia employed on full-time employment contracts.

For this category of workers, a long-stay work visa of type D/AM1 must be obtained.

They may only be employed by a registered employer (who is required to register on the *WorkinRomania.gov.ro* electronic platform). To employ them, the registered employer does not need to enter into a standard service contract with an authorised foreign labour placement agency.

- permanent, seasonal and cross-border workers may be employed in Romania only if their occupation is included in the List of Shortage Occupations; shortage occupations are limited to those specified in major groups 3–9 of the Classification of Occupations in Romania.

For this category of workers, a long-stay work visa of type D/AM2 is required.

In order for a Romanian employer to hire these categories of foreign nationals, it must:

- be registered on the *WorkinRomania.gov.ro* online platform and enter into a standard service contract with an authorised foreign worker recruitment agency, which is listed in the Register of Foreign Worker Recruitment Agencies (available on the *WorkinRomania.gov.ro* online platform)

or

- be an authorised employer who posts firm job offers directly on the *WorkinRomania.gov.ro* platform (and therefore does not need to enter into a standard service contract with an authorised foreign recruitment agency).

To obtain a long-stay visa for employment, the foreign recruitment agency or the authorised employer must fill in a single application on the *WorkinRomania.gov.ro* platform.

It should be noted that, for the recruitment of permanent, seasonal and cross-border workers, employers are required to declare vacancies to the National Agency for Employment – a requirement that must be included in the firm job offer.

According to the 2026 Methodology for drawing up and updating the List of Shortage Occupations, approved by Order 987/2026 of the Ministry of Labour, Family, Youth and Social Solidarity, the number of vacancies forms the basis for compiling the List of Shortage Occupations.

Although the scope of this legislative act is intended to be very broad and applies to a wide range of foreign nationals, we would point out that Government Emergency Ordinance no. 32/2026 does not apply to the employment of foreign nationals falling within the categories set out in Article 132[^]1 para. (1), points a)-h) and (j)-m) of GEO no. 194/2002, namely:

- a) foreign nationals holding a long-term right of residence in Romania;
- b) sas family members of a Romanian citizen;
- c) foreign nationals holding a temporary right of residence for study purposes;
- d) foreign nationals holding a temporary right of residence granted in accordance with the provisions of art. 130 on the grounds that they are victims of criminal offences;
- e) foreign nationals holding a valid temporary residence permit, granted for the purpose of family reunification, who have previously benefited from a right of residence in Romania as family members of a Romanian citizen and who are in one of the situations provided for in Article 64 para. (2);
- f) foreign nationals who have been granted a form of protection in Romania;
- g) asylum seekers from the date on which they are entitled to access the labour market in accordance with the provisions of Law no. 122/2006 on asylum in Romania, provided they are still subject to the procedure for determining a form of protection;
- h) foreign nationals who have been granted tolerated stay;
- i) foreign nationals holding a temporary right of residence for religious activities who are to be employed within Romania in places of worship;
- j) foreign nationals holding a valid EU Blue Card, issued by a Member State of the European Union, who are due to carry out work-related activities in Romania as highly skilled workers under a mobility scheme;

- k) foreign nationals holding a valid EU Blue Card, following 12 months of lawful employment in Romania as a highly skilled worker;
- l) foreign nationals holding a right of long-term residence granted by another Member State of the European Union, who hold a long-term residence permit bearing the endorsement "Former holder of an EU Blue Card".

2. Conditions for the registration and authorisation of employers on the *WorkinRomania.gov.ro* platform

2.1. Conditions for registering an employer on the platform:

The conditions for an employer to register on the *WorkinRomania.gov.ro* platform are:

- a) it has no outstanding debts to the consolidated general budget and does not pose a risk of money laundering or terrorist financing at national level,
- b) it actually carried out uninterrupted economic activity for at least one year prior to registration in fields of activity compatible with the occupation listed in the List of Shortage Occupations – this condition does not need to be met in the case of employing foreign nationals for whom a D/AM1 visa is required;
- c) in the past 6 months prior to the decision on the registration application, it has not been penalised for employing a foreign national residing illegally in Romania (with or without a written individual employment agreement), for employing one or more persons without concluding an individual employment agreement or without submitting the details of the individual employment agreement to the general register of employees no later than the day before the start of work, or for failing to submit the relevant data to Reges-online,
- d) in the past 12 months preceding the date of the application, it has not been finally convicted of offences:
 - consisting of preventing, in any way, the competent authorities from entering, under the conditions laid down by law, the premises, sites, spaces, land or means of transport used by the employer in the course of its professional activities, in order to carry out checks regarding the application of general and specific regulations in the field of labour relations, health and safety at work,
 - including the employment of a minor in breach of the statutory age requirements or the use of a minor to carry out activities in breach of the legal provisions relating to the employment of minors,



- consisting of employing a person residing illegally in Romania, knowing that they are a victim of human trafficking, and has not been finally convicted abroad of an offence involving the obstruction of the competent authorities in verifying compliance with regulations relating to labour relations or health and safety at work, for an offence relating to non-compliance with the rules on the employment of minors or for an offence relating to the employment of a person residing illegally who is a victim of human trafficking;
- e) has not been finally convicted (in Romania or abroad) of an intentional offence under the Criminal Code;
- f) the legal representatives of the registered employer, its directors, partners and shareholders have not been finally convicted of the offences referred to in points d) and e) above; they are not listed in the National Automated Register of Persons Who Have Committed Sexual Offences, Offences Involving the Exploitation of Persons or Offences Against Minors, nor are they reported as being involved in activities that constitute a threat to national security.

2.2. Conditions for authorising an employer on the platform:

In order to be authorised to employ foreign nationals, employers must upload an application to the platform for each firm job offer, accompanied by proof of a financial guarantee of EUR 1,000 / foreign national, as well as sworn statements and documents demonstrating that:

- a) it has no outstanding liabilities to the consolidated general budget, has no entries in its tax record for offences under tax, accounting, customs or financial discipline legislation, and does not pose a risk of money laundering or terrorist financing at national level,
- b) it has actually carried out uninterrupted economic activity for at least 24 months prior to submitting the application for authorisation in a field of activity compatible with the occupation listed in the List of Shortage Occupations;
- c) the average number of employees recorded in the year prior to the submission of the application for authorisation was at least 50 employees;
- d) in the year prior to submitting the application for authorisation, the company employed foreign nationals, and no more than 20% of them can be in a situation where they no longer have the right of residence due to the expiry of their permit or no longer hold a valid long-stay visa due to its cancellation or revocation;
- e) in the past 24 months preceding the date of submission of the application for authorisation or for the extension of the authorisation's validity, the employer has not been fined for breaches of health and safety at work regulations, has not been penalised



for undeclared work, for obstructing IGI inspectors from carrying out checks, or for employing a foreign national residing illegally in Romania (whether or not they have a written individual employment agreement), for failing to fulfil the obligation to provide accommodation for seasonal workers or for automatically deducting rent from wages, for failing to comply with the prohibition on employing a foreign national under an individual employment agreement with another employer solely on a part-time basis, with a maximum working time of 4 hours/day, for breaching the obligation to notify the General Inspectorate for Immigration, within no more than 10 days of the date on which the foreign national commenced work in Romania, by sending a copy of the individual employment agreement, as well as documents certifying that the foreign national falls within one of the categories exempted by GEO no. 32/2026, or for the employer's failure to comply with the obligation regarding the foreign national's performance of work corresponding to the COR code specified in the individual employment contract;

- f) in the past 12 months prior to the date of submitting the application for authorisation or for the extension of the authorisation's validity, the employer has not been finally convicted of offences:
 - consisting of preventing, in any way, the competent authorities from entering, under the conditions laid down by law, the premises, sites, spaces, land or means of transport used by the employer in the course of its professional activities, in order to carry out checks regarding the application of general and specific regulations in the field of labour relations, health and safety at work,
 - consisting of employing a minor in breach of the statutory age requirements or using them to carry out activities in breach of the legal provisions relating to the employment of minors,
 - consisting of employing a person residing illegally in Romania, knowing that they are a victim of human trafficking, and has not been finally convicted abroad of an offence involving the obstruction of the competent authorities in verifying compliance with regulations in the field of labour relations or occupational health and safety, for an offence relating to non-compliance with the rules on the employment of minors or for an offence relating to the employment of a person residing illegally who is a victim of human trafficking;
- g) has not been finally convicted (in Romania or abroad) of an intentional offence under the Criminal Code;
- h) its legal representatives, directors, partners and shareholders have not been finally convicted of the offences referred to in points f) and g) above, they are not listed in the National Automated Register of Persons Who Have Committed Sexual Offences,



Offences Involving the Exploitation of Persons or Offences Against Minors, nor are they reported as being involved in activities that constitute a threat to national security.

3. The obligations of registered and authorised employers in relation to foreign nationals whom they employ or wish to employ in Romania

The newly regulated obligations of a registered or authorised employer that employs foreign nationals towards these employees are, in essence, as follows:

3.1. Obligations of a registered employer towards a foreign employee:

3.1.1. Before the foreign worker's arrival or recruitment, the employer must:

- provide a firm, complete and genuine offer of employment, containing at least:
 - the role/occupation and the requirements of the post, including the place of work;
 - the duration of employment in months/days, the terms and conditions of employment, termination or re-employment, as well as the start date, if possible;
 - the maximum working hours, the minimum duration of regular rest periods, and compensation for overtime;
 - gross and net remuneration or gross and net monthly salary, as applicable, as well as the hourly rate, the methods of payment and the dates of payment of the salary or remuneration, as applicable;
 - the national minimum gross wage guaranteed under Romanian law and the applicable collective labour agreement, where applicable;
 - bonuses and other salary-related entitlements;
 - the circumstances in which salary rights may be pursued;
 - the minimum duration of paid annual leave, the manner in which it is granted and the financial entitlements relating to annual leave, as provided for by law and the applicable collective labour agreement, where applicable;
 - working conditions and measures relating to health and safety at work, hygiene in the workplace and social security;



- the taxes, duties and contributions levied on foreign workers' income, ensuring, where applicable, that double taxation or the double levying of social security contributions is avoided;
- the provision of compensation in the event of occupational diseases, accidents at work or death;
- if accommodation is provided, the conditions of accommodation and the provision of meals must be specified, and the cost of rent may not exceed 25% of the net salary/remuneration;
- if transport is provided, the conditions for transport from the country of origin to Romania, transport from the accommodation to the place of work within Romania, and the conditions for transport and repatriation, including in the event of occupational diseases, accidents at work or death, must be specified;
- draw up the individual employment agreement in a bilingual format, in Romanian and the foreign national's native language or an internationally recognised language which they understand or can reasonably be expected to understand.

Order no. 655/2026 on the approval of the model framework for contracts used in the placement of foreign workers, issued by the Ministry of Labour, Family, Youth and Social Solidarity, established, amongst other things, model frameworks for the firm job offer and for the foreign national's individual employment contract.

3.1.2. Obligations during the term of the employment relationship:

- not charge the worker any recruitment or placement fees.
- comply fully with the conditions promised in the offer and in the placement contracts.
- pay remuneration or wages into a bank account in Romania (this obligation is linked to the ability of Romanian banks to open a bank account for the foreign national on the basis of a long-stay visa for work purposes, a residence permit or any other document attesting to the right of residence in Romania).
- ensure that working conditions are identical to those applicable to Romanian employees in comparable situations.
- provide health and safety training in a language understood by the worker and ensure the provision of personal protective equipment and safe and healthy working conditions.



- provide Romanian language and cultural/social integration courses for a minimum period of 6 months from the date of commencement of work in Romania, with a minimum duration of 6 hours/week.
- ensure that foreign nationals have access to procedures for lodging complaints and reporting abuse (this obligation is linked to the requirement that the tripartite placement contract must include the contact details of the Labour Inspectorate, the General Inspectorate for Immigration, the Romanian Police, the National Agency against Trafficking in Persons and the National Agency for Employment, where foreign nationals can report violations of their rights and freedoms).
- retain documents proving the legality of the worker's residence and employment at the registered office or place of business throughout the duration of the employment relationship and for a period of at least 5 years following its termination.
- notify the agency responsible for the placement of foreign nationals and the General Inspectorate for Immigration if the worker is absent without valid reason for more than 3 consecutive working days; if the contract is terminated; if there are suspicions that the foreign national is in danger, is being exploited, or if it is found that the conditions on which the right to work and reside in Romania was granted have not been met (this obligation also applies to the authorised employer, with slight modifications in accordance with point 3.2.2, paragraph 2, below).

3.2. Obligations of the authorised employer towards the foreign employee

The authorised employer has all the above obligations and, in addition, the following direct obligations towards the foreign worker:

3.2.1. Prior to the foreign worker's arrival/recruitment, the authorised employer must:

- ensure that, prior to their arrival in Romania, the foreign workers they have employed hold all the documents required to enter the country and exercise their right to work in Romania,
- ensure that, at least 10 days prior to their arrival in Romania, the foreign nationals have information regarding:
 - o working conditions, including pay and measures to protect against dismissal or other unfavourable treatment by the employer, any outstanding payments to be made by employers in respect of any



outstanding remuneration, as well as health and safety at work requirements;

- access to all forms and levels of education and vocational training, including the award of study grants; the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
 - social security;
 - social assistance and social protection;
 - public health care;
 - deductions from total income tax and tax exemptions;
 - access to public goods and services, including access to housing;
 - the right to strike and to take collective action, freedom of association, affiliation and membership of a trade union or professional organisation, including in relation to the rights and benefits conferred by such organisations, linked to the exercise of the right to collective bargaining and the implementation of collective labour agreements concluded;
 - services provided by employment agencies.
- provide transport from the point of entry into Romania to the place of work and/or accommodation, if required by law or contract;
 - where the authorised employer discovers that one or more foreign employees are missing, it must immediately inform the General Inspectorate for Immigration;
 - immediately report to the competent authorities any potential cases of human trafficking of which it has been informed by the foreign nationals employed;

3.2.2. Obligations during the employment relationship:

- notify the National Agency for Employment, the General Inspectorate for Immigration and the Labour Inspectorate, as appropriate, within a maximum of 3 working days of discovering or being notified of any failure by the foreign employees to comply with the conditions on which their right of residence and work was granted;
- notify the National Agency for Employment, within 5 days of the date of discovery or the date of the report, of any situation involving the employed foreign national's unjustified absence from work exceeding 3 consecutive working days;



3.2.3. Obligations upon termination of the employment relationship:

- in the event of the termination of the individual employment agreement before the term specified therein, to identify and put the foreign national in touch with an employment agency for foreign nationals with a view to concluding an individual employment agreement with another employer; the foreign national's refusal shall be recorded in writing, and the employer shall notify the General Inspectorate for Immigration and the National Agency for Employment;
- to bear the costs of return/repatriation where the foreign national, whose employment relationship has been terminated before the expiry of the term specified in the individual employment agreement, does not enter into an employment agreement with another employer;
- to bear the costs incurred in the procedure for the return or expulsion of foreign nationals, up to a limit of EUR 2,000 per each person, by enforcing the financial guarantee;
- not to employ foreign nationals on behalf of other employers within Romania.