



employment - legal changes published in January 2022

Law no. 22/2022 for amending and supplementing the Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania was published in the Official Gazette of Romania, Part I, no. 45 of January 14, 2022, in force starting with January 17, 2022.

The law regulates amendments and supplementations to the Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania regarding (i) the introduction of a new term, that of "*digital nomad*", (ii) the conditions for granting a long-stay visa to digital nomads, (iii) the conditions for extending the right of temporary residence for digital nomads and (iv) new particulars referred to in the residence permit.

The digital nomad represents *a foreigner who is employed under an employment agreement by a company established outside Romania and who provides services by using information and communication technology or who owns a company established outside Romania, for which he/she provides the work remotely, through the use of information and communication technology.*

Therefore, the legal regulation concerns both the hired foreigners under an employment agreement abroad, and the foreigners who own companies abroad, as long as they perform the activity by using information and communication technology in Romania.

The law offers to the digital nomads the possibility to request and, with the fulfilment of the conditions provided by the law, to obtain a long-stay visa, when they choose to stay in Romania while obtaining income from activities conducted remotely if they fulfill cumulatively the conditions to: 1) have an income from the performed activity, in amount of at least three times the average gross monthly salary in Romania for each of the last six months before submitting the visa request, as well as for the whole period written in the visa and 2) to perform activities from which they obtain income, remotely, by using information and communications technology.

In order to extend the right of residence, the digital nomads shall provide an income certificate issued by the competent tax authorities.

The extension of the right of temporary residence for the digital nomads shall be made if they prove that they are working remotely for the foreign company or if they prove that they own a company for at least three years prior to applying for a visa. Therefore, from now on, the digital nomads will be entitled to a long-stay visa, under the essential condition to produce monthly gross income for at least three times higher than the average gross monthly salary, for the period for which an extension of the right of residence is requested.

The temporary residence permit received by the digital nomad shall have the indication "*digital nomad*".

Government Decision no. 132/2022 on establishing the quota of newly admitted foreign workers on the labour market in 2022, was published in the Official Gazette of Romania, Part I, no. 90 of January 28, 2022, in force from the same date.

In 2022, the quota of newly admitted foreign workers on the labour market was set at 100,000.



Order of the Minister of labour no. 94/2022 for the approval of the template of the documents provided in article 2 para. (1) of Government Emergency Ordinance no. 2/2022 on the establishment of social protection measures for employees and other professional categories in the context of prohibition, suspension or limitation of economic activities, determined by the epidemiological situation generated by the spread of Covid-19, as well as for amending and supplementing normative acts, was published in the Official Gazette, Part I no. 99 of January 31, 2022, in force from the same date.

The Order approved the template of the application, the sworn declaration and the list of persons to be paid the allowance for the period of temporary suspension of the individual labour contract on the employer's initiative, as provided in article 1 para. (1) of Government Emergency Ordinance no. 2/2022 on the establishment of social protection measures for employees and other professional categories in the context of prohibition, suspension or limitation of economic activities, determined by the epidemiological situation generated by the spread of Covid-19, as well as for amending and supplementing normative acts.