

LAW no. 56 of March 13, 2007

for the amendment and completion of Government Emergency Ordinance no. 194/2002 regarding the regime of foreigners in Romania

ISSUER **parliament**

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The Romanian Parliament adopts this law.

Article I

Government emergency ordinance no. 194/2002 regarding the regime of foreigners in Romania, republished in the Official Gazette of Romania, Part I, no. 201 of March 8, 2004, with subsequent amendments and supplements, is amended and supplemented as follows:

1. In article 2, letters b¹) and b²) will have the following content:

b¹) resident - the foreigner holder of a temporary residence permit or a residence card, granted under the conditions of this emergency ordinance;

b²) permanent resident - the foreigner holder of a permanent residence permit or a permanent residence card, granted under the conditions of this emergency ordinance;".

2. In article 2, after letter b²), two new letters are inserted, letters b³) and b⁴), with the following content:

b³) sponsor - the foreigner with legal residence on the territory of Romania, who submits an application for family reunification under the conditions of this emergency ordinance;

b⁴) National Visa Center - specialized structure within the General Directorate of Consular Affairs of the Ministry of Foreign Affairs, which contributes to the establishment and implementation of Romania's national visa policy, together with the other institutions of the central public administration, according to the powers established by law; ".

3. In article 2, after letter h), two new letters are inserted, letters i) and j), with the following contents:

i) interview - the discussion conducted by a representative of the Romanian authorities with the person requesting the granting of the Romanian visa or the extension of the right of residence under the conditions of this emergency ordinance, in order to obtain additional information regarding the data entered in the requests, the reasons for the travel and stays in Romania and the veracity of the documents presented;

j) interview officer - the worker within the Authority for foreigners, with attributions in ascertaining the existence of the elements of a marriage of convenience;".

4. Article 5 paragraph (1), letter b) is repealed.

5. In Article 6 paragraph (1), after letter e), two new letters are inserted, letters e¹) and e²), with the following contents:

e¹) they did not previously, unjustifiably, violate the stated purpose when obtaining the visa or, as the case may be, when entering the territory of Romania or did not try to cross the Romanian border with false documents;

e²) no alerts have been entered on their behalf in the Schengen Information System for the purpose of denying entry;".

6. Article 6, paragraph (2) will have the following content:

"(2) Foreign citizens - family members of Romanian citizens, as well as foreigners holding a right of permanent residence on the territory of the member states of the European Union are

allowed to enter the territory of Romania without fulfilling the conditions set out in paragraph (1) letter c) and d)."

7. Article 7, paragraph (2) will have the following content:

"(2) In case of non-compliance with the provisions of paragraph (1), the respective transport company is obliged to ensure the immediate transport of the foreigners in question to the place of embarkation or to another place that the foreigners accept and where they are accepted. If this this is not possible, the carrier is obliged to ensure the expenses regarding accommodation and maintenance, as well as all other expenses determined by the removal from the territory of Romania, hereinafter referred to as removal."

8. Article 8 paragraph (2), letter c) is repealed.

9. In article 18, after paragraph (1), a new paragraph, paragraph (2), is inserted, with the following content:

"(2) The right of residence granted by visa can only be exercised during the validity period of the visa."

10. In article 23, after paragraph (1), a new paragraph, paragraph (1¹), is inserted, with the following content:

"(1¹) In the event that the date of entry into the territory of Romania cannot be established based on the entries in the foreigner's travel document, the Authority for Foreigners shall proceed according to the provisions of art. 11 of Regulation of the European Parliament and of the Council no. 562/2006 regarding the creation of a community code on the rules underlying the free movement of people across borders (the Schengen Borders Code), published in the Official Journal of the European Union (OJEU) No. L105 of April 13, 2006."

11. Article 24 paragraph (1), letter d) will have the following content:

"d) employment - for foreigners who are going to enter Romania with a view to employment. The visa granted for this purpose will also be issued to athletes who are going to perform in clubs or teams in Romania, based on an individual employment contract or of a civil agreement under the law;"

12. Article 24 paragraph (1), letter g) is repealed.

13. Article 24 paragraph (1), letter i) will have the following content:

"i) other purposes."

14. In article 27 paragraph (2), after letter b), three new letters are inserted, letters b¹)-b³), with the following content:

"b¹) in the name of the foreigner, no alert regarding the refusal to issue a visa has been entered in the Integrated Information System on migration, asylum and visa issues;

b²) in the name of the foreigner, no notifications were received regarding the non-allowance of entry from the representatives of the member states of the European Union, the European Economic Area, as well as the states party to the Agreement on the gradual elimination of controls at the common borders, signed in Schengen on June 14 1985, hereinafter referred to as the Schengen Agreement, in the framework of consular cooperation;

b³) there are no reasons to consider that the visa is requested for the purpose of illegal migration;"

15. In article 29, after paragraph (2), two new paragraphs are inserted, paragraphs (2¹) and (2²), with the following content:

"(2¹) When submitting the application for the granting of the Romanian visa, the applicant is, as a rule, called for an interview.

(2²) The application for the granting of an entry visa to Romania is not accepted in the following cases:

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

b) following the interview, the good faith of the applicant was not demonstrated or it turned out that the foreigner does not meet the general and special conditions for granting the Romanian visa provided by this emergency ordinance."

16. In article 29, paragraph (4) will have the following content:

"(4) I can make an exception from the provisions of para. (2¹) and (3) prominent personalities of social, cultural, political or economic life or cases where foreigners have to travel a very long distance to present themselves at the mission diplomatic or consular office and only if there is no doubt about the good faith of the applicant, as well as in the case of organized groups, when a recognized and trustworthy body is responsible for the good faith of the applicants."

17. Article 30 will have the following content:

"ARTICLE 30

The competent bodies to grant the Romanian visa

(1) The Romanian visa is granted by the diplomatic missions and consular offices of Romania.

(2) The short-stay visa is granted by the diplomatic missions and consular offices of Romania, as follows:

a) without the prior approval of the National Visa Center, for foreigners who do not need a visa to enter the territory of the member states of the European Union;

b) with the prior approval of the National Visa Center, for foreigners who need a visa to enter the territory of a member state of the European Union.

(3) The list of states whose citizens need a visa to enter the territory of Romania is established by the Ministry of Foreign Affairs, in accordance with the regulations of the European Union.

(4) In order to approve applications for the granting of short-stay visas, the National Visa Center requests the approval of the Authority for foreigners only in the cases established by protocol approved by joint order of the Minister of Foreign Affairs and the Minister of Administration and Interior.

(5) The opinion of the Authority for foreigners provided for in para. (4) ascertains the fulfillment of the conditions provided for in art. 6 para. (1) lit. a), e), e¹), e²) and f), art. 8 para. (1) lit. b)-d), as well as art. 27 para. (2) lit. b¹) and b³).

(6) The authority for foreigners issues the opinion within up to 7 working days from the date of receipt of the request of the National Visa Center. In thoroughly justified situations, the deadline can be extended by up to 7 working days.

(7) The long-stay visa is granted by the diplomatic missions and consular offices of Romania, with the approval of the National Visa Center, only after obtaining the approval of the Authority for foreigners.

(8) The opinion of the Authority for foreigners provided for in para. (7) ascertains the fulfillment of the conditions provided for in art. 6 para. (1) lit. a), e), e¹), e²) and f), art. 8 para. (1) lit. b)-d), art. 27 para. (2) lit. b¹) and b³), as well as the special conditions for each type of visa.

(9) The authority for foreigners issues the opinion within 30 days from the date of receipt of the request of the Ministry of Foreign Affairs.

(10) Long-stay visas for foreigners who are family members of Romanian citizens are granted by diplomatic missions and consular offices of Romania, without payment of consular fees."

18. After article 30, a new article is inserted, article 30¹, with the following content:

"ARTICLE 30¹

Issuance of the Romanian visa

The visa is issued by the diplomatic missions and consular offices of Romania only if, on the date of issuance of the visa, the conditions that were the basis of its approval are still met."

19. In Article 31 paragraph (1), after letter f), a new letter, letter g), is inserted, with the following content:

"g) for humanitarian reasons, for reasons of national interest or due to obligations assumed by Romania through international documents."

20. In article 31, after paragraph (1), a new paragraph, paragraph (1¹), is inserted, with the following content:

"(1¹) The transit visa can be granted at the state border crossing points and in the case of foreigners who do not meet the conditions set out in art. 6 paragraph (1) letters a)-d), but are in possession a residence permit or a visa issued by a member state of the European Union or the European Economic Area, in order to enter that state."

21. In article 32, paragraph (4) will have the following content:

"(4) The decision to cancel or, as the case may be, to revoke the visa is communicated to the foreigner, in writing, together with the reasons that were the basis for it, by the diplomatic mission or the consular office that granted the visa, when the applicant is abroad, by the border police bodies, when he is at the state border crossing point, and by the Foreigners Authority, through the return decision provided for in Article 80, when the person in question is in Romania. From the date of communication, the cancellation produces retroactive effects, and the revocation produces effects only for the future."

22. In Article 35 paragraph (1), letters a), b) points (i) and (iv), letters c) and d) - points (iii) and (iv) will have the following content:

"a) mission - the visa is granted to foreigners who prove that they have one of the qualities provided for in art. 23 paragraph (3) letter a) and move to Romania by virtue of these qualities;

b) tourism - the visa is granted to foreigners, if they present:

.....

(i) voucher or firm reservation at a tourist accommodation unit and the travel itinerary;

.....

(iv) proof of means of maintenance in the amount of 50 euros/day for the entire period, but not less than 500 euros or the equivalent in convertible currency;

c) visit - the visa is granted to foreigners, if they present:

(i) travel ticket valid until the destination or the driver's license, green card and registration documents of the means of transport, in the case of drivers;

(ii) medical insurance;

(iii) authenticated invitation from the visited person, from which it follows that he will cover the costs regarding the removal, if the invited foreigner does not leave Romania until the date on which the right of residence established by the visa ends, as well as, when the person visited, means of maintenance and accommodation of the foreigner are required;

(iv) proof of means of maintenance in the amount of 50 euros/day for the entire period, but not less than 500 euros or the equivalent in convertible currency, if the person visited does not provide the means of maintenance;

(v) proof of ensuring the accommodation conditions, in the form of a firm reservation at an accommodation unit, a deed of ownership or rental of a house in Romania in the name of the applicant, if the person visited does not provide accommodation;

d) business - the visa is granted to foreigners, if they present:

.....
(iii) invitation from a commercial company or public authority to participate in meetings, conferences, fairs or congresses related to trade or industry, from which it follows that the respective commercial company or public authority will ensure the costs regarding the removal, in if the invited foreigner does not leave Romania until the date on which the right of residence established by visa or other documents proving the purpose of the trip ends;

(iv) proof of means of maintenance in the amount of 50 euros/day for the entire period, but not less than 500 euros or the equivalent in convertible currency;"

23. In article 35, after paragraph (2), a new paragraph, paragraph (3), is inserted, with the following content:

"(3) The refusal to grant a short-stay visa cannot be contested."

24. In article 36, paragraph (1) will have the following content:

"(1) The granting of short-stay visas to foreigners from the states provided in the list established by the Ministry of Foreign Affairs is done according to the provisions of art. 27-29, with the observance of the special conditions of this section."

25. In Article 37 paragraph (1), the introductory part and letter a) will have the following content:

"(1) Foreigners in the category provided for in art. 36 paragraph (1), holders of simple passports, can be granted a short-stay visa with one or more trips, if they present to diplomatic missions and consular offices a written invitation from a natural or legal persons, from which it can be concluded that this will cover the removal costs, if the invited foreigner does not leave Romania until the date on which the right of residence established by the visa ends, for the following purposes:

a) visit - Romanian citizens or foreigners holding a valid residence permit can make invitations, with the presentation, as appropriate, of the following documents:

(i) identity card or passport, for Romanian citizens, residence permit, for foreigners, in original and in copy;

(ii) proof of accommodation conditions;

(iii) proof of the possibilities of ensuring the maintenance of the foreigner in the amount of at least 30 euros/day for the entire period for which he is invited;

(iv) copy of the state border crossing document belonging to the invited foreigner;

(v) two 3 x 4 cm photographs of the invited foreigner;"

26. Article 37 paragraph (1), letter b) - point (vi) and letter c) - point (vi) are repealed.

27. In Article 37, paragraphs (5), (6) and (8) will have the following content:

"(5) In the case of approval, a copy of the invitation will be handed to the inviting person, for the purpose of transmission to the invited foreigner in order to present the original at the diplomatic mission or the consular office where the Romanian visa is requested.

(6) The foreigner may request the granting of the visa within 30 days from the approval of the invitation.

.....
(8) Visas are granted with a right of stay of up to 90 days, depending on the period for which the foreigner is invited."

28. In article 38, paragraph (1) will have the following content:

"(1) The form, content and security elements of the invitation provided for in this section are established by the Ministry of Administration and Interior, with the approval of the Ministry of

Foreign Affairs. The Ministry of Administration and Interior will ensure, through the Authority for Foreigners, the preparation of the forms."

29. Article 39 is repealed.

30. Article 40 will have the following content:

"ARTICLE 40

Exceptions to the invitation procedure

(1) The National Visa Center may approve the granting of visas, with the prior approval of the Authority for Foreigners, without fulfilling the conditions set forth in this section, for the following categories of foreigners:

- a) the minor foreigner whose parent is in possession of a residence permit in Romania, provided that it is valid for at least 90 days from the date of granting the entry visa;
- b) the foreigner's spouse and parents who are in possession of a residence permit in Romania, provided that it is valid for at least 90 days from the date of granting the entry visa;
- c) the adult foreigner whose parent is a Romanian citizen;
- d) the foreigner, parent of a Romanian citizen.

(2) The National Visa Center can approve the granting of visas, without the approval of the Authority for foreigners and without fulfilling the conditions set out in this section, for the following categories of foreigners:

- a) foreigners married to Romanian citizens;
- b) foreign minor children of Romanian citizens;
- c) foreigners holding a residence permit valid in one of the member states of the European Union, the European Economic Area or in the states party to the Schengen Agreement, without the validity of the visa exceeding the validity of the residence permit;
- d) foreigners holding a valid residence permit in countries whose citizens do not require an 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;
- e) foreigners who have applied in the state border crossing document visas of the member states of the European Union, the European Economic Area, of the states party to the Schengen Agreement or of states whose citizens do not require an entry visa to these states. The Romanian visa cannot exceed the validity of this visa;
- f) foreigners who are going to come to Romania for business purposes, at the request of the administrative authorities, as well as of the commercial companies that assume, through a letter of guarantee addressed in the original to the National Visa Center, the obligation to bear the expenses regarding material, medical assistance and those of removal;
- g) foreigners who are going to come to Romania for the purpose of visiting, at the request of diplomatic missions or foreign consular offices accredited in Romania;
- h) foreigners for whom a visa was requested, in writing, at diplomatic missions or consular offices, from the central public authorities or foreign chambers of commerce;
- i) the persons for whom a visa was requested at the National Visa Center from the following institutions in Romania: the Presidential Administration, Parliament, Government and other central and local public authorities, the Chamber of Commerce and Industry of Romania and the Municipality of Bucharest, as well as those territorial and prefectures, which assumes the obligation to bear the expenses regarding material, medical and removal assistance, through a letter of guarantee sent in original;
- j) TIR drivers;

k) personalities from the Romanian diaspora and their descendants."

31. In Article 43, paragraphs (1), (2) and (5) will have the following content:

"(1) This type of visa is granted, based on the opinion of the Romanian Foreign Investment Agency, to foreigners who are shareholders or associates, with management or administrative duties, of some commercial companies, Romanian legal entities.

(2) The approval of the Romanian Agency for Foreign Investments is granted to the foreigners provided for in paragraph (1), which meet the following conditions:

a) the existence of a business plan that includes data related to the nature, location, duration of the activity in mind, the estimated labor force needs, as well as the projection of the financial activity during the investment amortization period;

b) prove, through an account statement issued by a bank in Romania, in the name of the natural person foreign citizen, requesting the approval, that they have the necessary funds to carry out the activity, in the amount of at least 100,000 euros, if they are shareholders in a joint-stock company, and 70,000 euros, if they are associated in a limited liability company;

c) the investment that the company will make in the future, according to the business plan provided for in letter a), to assume contributions of capital or technology in the minimum amount of 100,000 euros for a joint-stock company or 70,000 euros for a limited liability company;

d) alternative to the investment provided for in letter c) it can be the creation of at least 10 jobs for a limited liability company and at least 15 jobs for a joint-stock company.

.....

(5) The approval of the Romanian Agency for Foreign Investments is valid for 6 months from the date of issuance and is aimed at ascertaining the fulfillment of the technical conditions and economic utility of the activity to be carried out by the foreigner."

32. In article 43, after paragraph (2), two new paragraphs are inserted, paragraphs (2¹) and (2²), with the following content:

"(2¹) In the case of companies with two or more associates or shareholders, which request the approval, the conditions provided for in paragraph (2) will have to be analyzed for each applicant separately, the value of the investment that the company is going to make or the number of jobs to be created, increasing accordingly, depending on the number of permit applicants.

(2²) Foreigners who have previously obtained an opinion from the Romanian Agency for Foreign Investments may request the issuance of another opinion only if they prove the objective impossibility of realizing the previous business plan."

33. In article 44, after paragraph (4), a new paragraph, paragraph (5), is inserted, with the following content:

"(5) The long-stay visa for employment is not granted to foreigners who in the last 2 years have had a right of residence for carrying out commercial activities and have not complied with the business plan provided for in art. 43 paragraph (2) letter . a)."

34. Article 45 will have the following content:

"ARTICLE 45

Long stay visa for studies

(1) The long-stay visa for studies can be granted, upon request, to foreigners who apply to enter Romania as a student or who participate in a student exchange program.

(2) Foreigners accepted to study by a state or private educational institution, accredited according to the law, have the status of student, including for participation in doctoral courses.

(3) The request must be accompanied by the following documents:

a) in the case of students:

(i) proof of acceptance to studies issued by the Ministry of Education and Research, from which it follows that he will follow a form of full-time education;

(ii) proof of payment of the study fee for at least one year of studies;

(iii) proof of means of maintenance, in the amount of at least the net minimum monthly salary for the country, for the entire period entered in the visa;

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

(v) medical insurance for the period of validity of the visa;

(vi) consent of the parents or the guardian regarding the stay for the purpose of studies in the territory of Romania, if the foreigner is a minor;

b) in the case of foreigners participating in a student exchange program:

(i) proof of acceptance to studies issued by the Ministry of Education and Research, from which it follows that he will follow a form of full-time education;

(ii) proof of participation in a student exchange program, carried out by an organization established under the terms of the law and recognized for this purpose;

(iii) proof from the organization that carries out the exchange of students, from which it can be seen that it will provide the means of maintenance and possible costs regarding the removal;

(iv) medical insurance for the period of validity of the visa;

(v) proof of accommodation with a family selected by the organization that carries out the exchange of students and that owns a living space considered normal for a family from Romania;

(vi) consent of the parents or the guardian regarding the stay for the purpose of studies in the territory of Romania, if the foreigner is a minor.

(4) Foreigners participating in a student exchange program must be between the ages of 7 and 19, as a rule.

(5) Foreign stockholders of the Romanian state, as well as those of Romanian origin, are not required to present the documents provided for in paragraph (3) lit. a) point (iii).

(6) The visa provided for in para. (1) it is also granted to foreigners accepted for studies on the basis of international documents to which Romania is a party."

35. Article 46 will have the following content:

"ARTICLE 46

Long-stay visa for family reunification

(1) The sponsor holder of a temporary residence permit valid for one year, of a permanent residence permit or beneficiary of refugee status or subsidiary protection may request family reunification for:

a) husband/wife;

b) the unmarried minor children of the sponsor or the spouse, including those adopted and who are in the effective maintenance of the sponsor or the spouse.

(2) The authority for foreigners can approve, if the conditions stipulated by law are met, family reunification for the following categories:

a) first-degree relatives in the ascending line of the sponsor or the spouse, if they cannot support themselves and do not enjoy adequate family support in the country of origin;

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

(3) Unaccompanied minors, beneficiaries of refugee status or subsidiary protection, may request family reunification for:

a) first degree relatives in ascending line or legal guardian; OR

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

(4) The foreigners provided for in para. (1), holders of a right of residence for the purpose of studies, may request family reunification for their spouse and unmarried minor children, provided that the date of marriage is prior to obtaining the right of residence.

(5) Foreign beneficiaries of refugee status or subsidiary protection may request family reunification for their spouse only if the date on which the marriage was concluded is prior to obtaining one of these forms of protection.

(6) The standard application is submitted to the territorial formation of the Authority for foreigners in whose radius the applicant legally resides and will be accompanied by the following documents:

a) marriage certificate or, as the case may be, proof of kinship;

b) the applicant's declaration, in authentic form, showing that the family members will live with him;

c) copy of the document certifying the right of residence on the territory of Romania;

d) proof of legal ownership of the living space;

e) proof of means of maintenance;

f) the applicant's medical insurance.

(7) If there are doubts about the kinship relationship, the Authority for Foreigners may request other evidence to establish it.

(8) The request is approved if the following conditions are met:

a) that there is no state of bigamy or polygamy;

b) the applicant must own a living space considered normal for a similar family in Romania;

c) the applicant must have means of maintenance, in addition to those necessary for his own maintenance according to the law, in the amount corresponding to the minimum net salary on the economy for each family member.

(9) For beneficiaries of refugee status or subsidiary protection, who request family reunification, it is not mandatory to present the documents provided for in paragraph (6) lit. d)-f) and not fulfilling the conditions provided for in para. (8) lit. b) and c).

(10) The request will be resolved within a maximum of 3 months from the date of submission.

(11) The approval of the application will be communicated in writing to the applicant, in order to transmit it to the interested family members, who present it to the diplomatic mission or the consular office together with the application for the granting of the Romanian visa.

(12) In case of rejection of the application, the reasons will be communicated to the foreigner in writing.

(13) The visa is issued by the diplomatic missions or consular offices of Romania in the country where the family members have their residence or domicile.

(14) The visa application must be accompanied by the following documents:

- a) the communication of the Authority for foreigners, provided for in para. (11);
- b) proof of medical insurance for the period of validity of the visa;
- c) the criminal record certificate or other document with the same legal value, issued by the authorities in the foreigner's country of domicile or residence.

(15) The following categories of persons can apply for a family reunification visa:

- a) foreigners married to Romanian citizens;
- b) unmarried foreigners who live with unmarried Romanian citizens, if they have at least one child together, hereinafter referred to as partners;
- c) the children of the Romanian citizen, of the spouse or partner, including those adopted, who have not reached the age of 21 or who are dependent on the Romanian citizen, of the spouse or partner;
- d) first-degree relatives in ascending line of the Romanian citizen or his/her spouse.

(16) The visa application submitted by the persons referred to in para. (15) will be accompanied by the marriage certificate or, as the case may be, by the proof of the existence of the relationship or the quality of partner.

(17) The adoption must be ordered by a decision of a competent Romanian authority, under the law, or by a decision of an authority of another state, which produces legal effects on the territory of Romania.

(18) The granting of a long-stay visa for family reunification can be refused when the request is based on a previously established marriage of convenience, under the conditions of this emergency ordinance."

36. Article 48 paragraph (1), letter b¹) will have the following content:

"b¹) to those designated as administrators of a commercial company, if they prove that they cumulatively meet the following conditions:

- (i) have the capacity of administrator;
- (ii) at the date of the request, they are not associates or shareholders of the commercial company in question or of another Romanian legal entity and have not had these qualities in the last 2 years;
- (iii) at the commercial company in question there is no longer another foreigner who has obtained a right of residence for this purpose;
- (iv) the commercial company in question made a capital contribution of at least 50,000 euros, which materialized in the construction or purchase of constructions intended to carry out the activities provided for in the Classification of Activities in the National Economy - CAEN or in technology transfer;".

37. In Article 48 paragraph (1), after letter b¹), two new letters are inserted, letters b²) and b³), with the following content:

"b²) to those who apply to enter the territory of Romania for the purpose of unpaid professional training within a public or private sector enterprise or within an accredited professional training provider, if they prove that they cumulatively meet the following conditions:

- (i) have concluded a training contract for unpaid participation in a form of training within a public or private sector enterprise or within an accredited professional training provider;
- (ii) have means of maintenance in the amount of at least the average net monthly salary for the economy for the entire period entered in the visa;
- (iii) have the consent of the parents or the guardian regarding the stay on the territory of Romania for this purpose, if the foreigner is a minor;

b³) to those who carry out activities within volunteer programs, if they prove that they cumulatively meet the following conditions:

(i) have concluded a voluntary contract with a non-profit public or private legal entity, hereinafter referred to as the host organization, in which mention is made of the activity to be carried out, the conditions in who are supervised in the performance of tasks, as well as during working hours;

(ii) the host organization provides accommodation, means of maintenance and medical insurance for the entire period of validity of the visa, as well as any costs related to removal;

(iii) are over 14 years of age inclusive;

(iv) have the consent of the parents or the guardian regarding the stay on the territory of Romania for this purpose, if the foreigner is a minor."

38. Article 49 is repealed.

39. In Article 50 paragraph (2), letters a) and f) will have the following content:

"a) the conditions regarding entry into Romania, provided for in art. 6 paragraph (1) letter c), e), e¹), e²) and f) are still met;

.....

f) proves the legal ownership of the living space at the address at which he declares that he resides on the territory of Romania, with the exception of the family member of the Romanian citizen for whom a declaration of the Romanian citizen is sufficient, by which he assumes the responsibility of ensuring the living space the stranger;"

40. In Article 51, paragraphs (1), (2) and (5) will have the following content:

"(1) Requests for the extension of the right of temporary stay are submitted personally by the applicants, at least 30 days before the expiration of the term for which their stay was approved, to the territorial formations of the Authority for foreigners at the place of residence.

(2) The request will be accompanied by the document for crossing the state border, in original and in copy, by the medical certificate issued by a public or private health institution, from which it can be concluded that he does not suffer from diseases that may endanger public health , proof of legal ownership of the living space at the address at which he declares that he resides on the territory of Romania, proof of social health insurance and means of maintenance, as well as the other documents provided for in this chapter, depending on the purpose for which he applies approval of stay in Romania.

.....

(5) If necessary, the applicant may be called for an interview."

41. In article 52, paragraph (2) will have the following content:

"(2) The decision to refuse the extension of the right of stay, as well as the reasons that were the basis for it, are communicated to the applicant through the return decision provided for in art. 80."

42. Article 55 will have the following content:

"ARTICLE 55

Extending the right of residence for carrying out commercial activities

(1) The right of temporary residence may be extended to the foreigner who entered Romania for the purpose of carrying out commercial activities, under the following conditions:

a) has the approval of the Romanian Agency for Foreign Investments;

b) legally owns the space for the registered office;

c) is a shareholder or associate of the commercial company, with management or administration duties;

d) has means of maintenance in the amount of at least 700 euros per month, if he is a shareholder, and 500 euros per month, if he is an associate.

(2) Subsequent extensions of the right of temporary residence may be granted if the foreigner meets the following conditions:

a) the activity of the commercial company is carried out in accordance with the business plan;

b) the object of the activity carried out is the initial one or a continuation or a result thereof;

c) legally owns the space for the registered office;

d) is a shareholder or associate of the commercial company, with management or administration duties;

e) the investment is realized either in capital contribution in the amount of 70,000 euros, in the case of the shareholder, or 50,000 euros, in the case of the associate, or, alternatively, in the creation of at least 15 jobs, in the case of the shareholder, and 10, in the case of the case of the associate. In the case of creating jobs, they must be staffed with full-time employees, in accordance with the law;

f) has means of maintenance in the amount of at least 700 euros per month, if he is a shareholder, and 500 euros per month, if he is an associate, obtained from the activity carried out on the territory of Romania.

(3) Proof of the fulfillment of the conditions provided for in this article is made with the following documents:

a) the business plan approved by the Romanian Agency for Foreign Investments;

b) documents certifying that the activity is carried out in accordance with the business plan;

c) the ascertaining certificate, which shows the quality of the applicant, the name, the registered office and the main object of activity of the commercial company, the mentions made in the communication to the courts, the duration of the commercial company's operation;

d) the entries of mentions provided by law, corresponding to the changes made regarding the constitutive act of the commercial company;

e) the certificate containing the main economic-financial indicators, issued by the territorially competent financial administration, which includes, according to the annual balance sheet, data related to total immobilized assets, turnover, net profit or losses;

f) certificate issued by the territorial labor inspectorate, showing the number of employed persons or employment contracts registered with this institution.

(4) In the case of investments of at least 100,000 euros or if at least 25 jobs have been created, proof of means of maintenance can also be provided with other legal documents. For investments of at least 200,000 euros or if at least 50 jobs have been created, proof of means of maintenance is not required.

(5) The right of temporary residence for this purpose is successively extended for periods of one year, and in the case of foreigners who prove that they have made investments of at least 500,000 euros or have created more than 50 full-time jobs, the right of residence it is extended for periods of 3 years. The amount of the investment and the number of jobs are calculated according to the participation rate of the associate or shareholder in the commercial company."

43. Article 56 paragraph (1), letter b) will have the following content:

"b) present the individual employment contract approved by the territorial labor inspectorate in whose area the employer is based or a civil agreement concluded with a sports structure, under the law, if the foreigners carry out activities as a professional athlete;"

44. Article 58 will have the following content:

"ARTICLE 58

Extension of the right of temporary residence for studies

(1) Foreigners who have entered Romania for studies may request the extension of their right of residence, as follows:

a) in the case of students or pupils, for successive periods of up to one year, if:

(i) are enrolled in studies at a state or private educational institution, accredited according to the law, full-time education, including for participation in doctoral courses;

(i) prove that they have paid their tuition fees;

(iii) provide proof of means of maintenance, in the amount of at least the minimum net salary per economy, during the period of validity of the residence permit;

b) in the case of foreigners participating in a student exchange program, for a period not exceeding one year, if:

(i) are enrolled in a state or private educational unit accredited according to the law, form day education;

(ii) participates in a student exchange program, carried out by an organization established under the terms of the law and recognized for this purpose;

(iii) if the organization carrying out the exchange of students assumes responsibility for providing accommodation, means of maintenance and possible costs regarding the removal.

(2) Foreigners of Romanian origin may be extended the right of temporary residence for studies, without fulfilling the condition provided for in para. (1) lit. a) point (iii).

(3) The right of temporary residence for studies can be extended by no more than 90 days after graduation, in order to finalize the school or university situation and to approve the study documents."

45. In Article 61, paragraph (2) will have the following content:

"(2) Residence permits for this category of foreigners are granted for a period equal to the total duration of studies and with exemption from the payment of consular fees."

46. Article 62 will have the following content:

"ARTICLE 62

Extending the right of temporary residence for family reunification

(1) Foreigners entering Romania in accordance with the provisions of art. 46, with the exception of the persons provided for in art. 46 para. (15), their right of residence can be extended, as follows:

a) for the sponsor's spouse, if:

(i) present documents from which the existence of the marriage results;

(ii) there is no state of bigamy or polygamy;

(iii) spouses live together;

(iv) provide proof of means of maintenance at least at the level of the minimum net salary for the economy;

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

(i) present documents from which the existence of the family relationship results;

- (ii) live with the sponsor, in the case of minors;
 - (iii) provide proof of means of maintenance at least at the level of the minimum net salary for the economy.
- (2) For the family members of the beneficiaries of refugee status or of subsidiary protection who request the extension of the right of temporary residence for family reunification, it is not mandatory to fulfill the conditions set out in paragraph (1) lit. a) point (iv), respectively in para. (1) lit. b) point (iii).
- (3) Foreign family members of a Romanian citizen may have their right of residence extended, if the Romanian citizen is domiciled in Romania, as follows:
- a) for foreigners married to Romanian citizens, if:
 - (i) presents the marriage certificate, under the conditions provided by law;
 - (ii) there is no state of bigamy or polygamy;
 - b) for partners, if:
 - (i) presents the child's birth certificate;
 - (ii) both the foreigner and the Romanian citizen prove that they are unmarried;
 - (iii) provide proof of cohabitation with the Romanian citizen;
 - c) for the children of the Romanian citizen, spouse or partner, including those adopted, who have not reached the age of 21 or who are dependent on the Romanian citizen, spouse or partner, if:
 - (i) present documents from which the existence of the family relationship results;
 - (ii) live together with the Romanian citizen;
 - d) for first-degree relatives in the ascending line of the Romanian citizen or his/her spouse, if they present documents from which the existence of the relationship results.
- (4) In the case of finding the existence of a state of bigamy or polygamy, the applicant is denied the extension of the right of residence.
- (5) The right of temporary residence is extended individually, for each family member, for the same period for which the right of residence was granted to the sponsor. The spouse and family members of a Romanian citizen or the sponsor holding a right of permanent residence may have their right of temporary residence extended for periods of up to 5 years.
- (6) Extending the right of temporary residence for foreigners provided for in para. (3) is carried out with exemption from the payment of consular fees."

47. Article 63 is repealed.

48. Article 64 will have the following content:

"ARTICLE 64

The marriage of convenience

- (1) The authority for foreigners refuses to extend the right of residence obtained on the basis of marriage if, following the checks carried out, it turns out that that marriage is of convenience.
- (2) The elements on the basis of which it can be established that a marriage is of convenience can be the following:
 - a) matrimonial cohabitation does not exist;
 - b) the spouses did not know each other before marriage;
 - c) lack of an effective contribution to the fulfillment of the obligations born of marriage;

- d) the spouses do not speak a language understood by both;
- e) there are data that previously one of the spouses concluded a marriage of convenience;
- f) spouses are inconsistent in declaring personal data, the circumstances in which they met or other relevant information about them;
- g) the conclusion of the marriage was conditioned by the payment of a sum of money between the spouses, with the exception of sums received as dowry.

(3) Finding the elements provided for in para. (2) is carried out by the interviewing officer. These elements can result from:

- a) the data obtained after the interview;
- b) documents;
- c) statements of those concerned or of third parties;
- d) checks at the marital home or other additional checks."

49. In article 65, paragraphs (1) and (4) will have the following content:

"(1) The foreigner, holder of a right of residence for family reunification, may be extended the right of temporary residence independently in the following cases:

- a) for the sponsor's family members, if:
 - (i) become of age;
 - (ii) the sponsor is deceased;
 - (iii) the dissolution of the marriage was pronounced;
- b) for family members of the Romanian citizen, if:
 - (i) turn 21 years old;
 - (ii) the Romanian citizen has died;
 - (iii) the dissolution of the marriage was pronounced.

.....
(4) Subsequent extensions of the right of residence are granted under the conditions and for the purposes provided for in this emergency ordinance, without the need to leave the territory of Romania."

50. In Article 67, paragraphs (2) and (3) will have the following content:

- "(2) The foreigner who requests the extension of the right of residence for humanitarian or religious activities does not have to prove the means of maintenance.
- (3) The right of residence for this purpose is extended for a period equal to the duration of the notice."

51. In Article 68 paragraph (1), letters a), b¹) and c) will have the following content:

"a) posted foreigners - with the presentation of a work permit issued under the law. The right of residence for this purpose can be extended for the entire period of validity of the work permit, for subsequent extensions the legal provisions regarding the extension of the right of residence of foreigners are applicable employed;

-
- b¹) foreigners appointed as administrators of a commercial company, with cumulative fulfillment of the following conditions:
 - (i) prove the quality of administrator;
 - (ii) prove that, at the time of the request, they are not associates or shareholders of the commercial company in question or of another Romanian legal entity and that they have not

had these qualities in the last 2 years;

(iii) there is no other foreigner who has obtained a right of residence for this purpose at the commercial company in question;

(iv) provide proof that the commercial company in question has made a capital contribution of at least 50,000 euros, which has materialized in the construction or purchase of constructions intended for carrying out the activities provided for in the Classification of Activities in the National Economy - CAEN or in the transfer of technology ;

c) foreigners who carry out other activities that do not contravene Romanian laws - with the approval of the competent authorities, when necessary, or if they present documents justifying the necessity of staying in Romania;"

52. In Article 68 paragraph (1), after letter b¹), two new letters are inserted, letters b²) and b³), with the following content:

"b²) foreigners who entered the territory of Romania for the purpose of unpaid professional training within a public or private sector enterprise or within an accredited professional training provider - with presentation of the training contract for unpaid participation in a form of professional training ;

b³) foreigners who carry out activities within the framework of volunteering programs - with the presentation of the volunteering contract concluded with the host organization, which mentions the activity they are going to carry out, the conditions under which they are supervised in fulfilling tasks, as well as during working hours;"

53. In article 68, paragraph (3) will have the following content:

"(3) When granting or extending the right of temporary residence, the foreigners referred to in paragraph (1) letter a), b), b²), b³) and c) must provide proof of means of maintenance, the at least at the level of the average net salary for the economy, those provided for in paragraph (1) letter b¹), in the amount of at least 500 euros per month from the activity carried out as an administrator."

54. In article 68, after paragraph (4), a new paragraph, paragraph (5), is inserted, with the following content:

"(5) The right of residence for foreigners provided for in paragraph (1) letters b²) and b³) is granted for a maximum period of one year, without the possibility of extension. In exceptional cases, for foreigners provided for in paragraph (1) letter b²) the right of residence can be extended only once for a period of up to 6 months, in order to acquire a qualification in the profession in which they trained."

55. The title of the 2nd section of Chapter IV will have the following content:

"SECTION 2

Granting the right of permanent residence"

56. Article 69 will have the following content:

"ARTICLE 69

The right of permanent residence

(1) The right of permanent residence is granted, upon request, under the conditions of this emergency ordinance, for an indefinite period, to foreigners holding a right of residence.

(2) The right of permanent residence is not granted to the following categories of foreigners:

- a) holders of the right of temporary residence for studies;
- b) asylum seekers;
- c) beneficiaries of temporary humanitarian protection or temporary protection;
- d) holders of the right of residence conferred by the diplomatic or service visa.

(3) The right to permanent residence ceases in the following situations:

- a) in case of cancellation or revocation;
- b) in case of obtaining a right of permanent residence 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, except for the situation in which, during this period, the foreigner benefited from a right of temporary residence in a member state of the European Union;
- d) in case of absence from the territory of the Romanian state for a period of more than 6 consecutive years, even if during this period he benefited from a right of temporary residence in a member state of the European Union.

(4) In the situation where, upon termination of the right of permanent residence, the foreigner is on the territory of Romania, and his presence does not constitute a threat to public order or national security, he may request the issuance of a temporary residence permit for the purposes and in the conditions provided for in this emergency ordinance.

(5) The foreigner whose right of permanent residence has ceased under the conditions of para. (3) lit. b) or c) may be granted a new right of permanent residence, under the conditions of this emergency ordinance, after a legal and continuous stay on the territory of Romania for 12 months."

57. Article 70 will have the following content:

"ARTICLE 70

Conditions for granting the right of permanent residence

(1) The right of permanent residence is granted to foreigners provided for in art. 69 para. (1), if they cumulatively meet the following conditions:

a) have had a continuous and legal stay on the territory of Romania in the last 5 years prior to submitting the application, as follows:

(i) the stay will be considered continuous when the period of absence from the territory of Romania is less than 6 consecutive months and does not exceed 10 months in total;

(ii) the stay will be considered legal when no measure of removal from the national territory has been ordered against the foreigner;

(iii) when determining the period of continuous and legal stay, half of the stay for the purpose of studies is taken into account;

(iv) when establishing the period of continuous and legal stay, the stay granted by the diplomatic or service visa is not taken into account, nor the stay obtained for carrying out activities as a seasonal worker;

b) provide proof of having the means of maintenance at the level of the minimum net salary for the economy, with the exception of foreign family members of Romanian citizens;

c) provide proof of social health insurance;

d) provide proof of legal ownership of the living space, with the exception of foreign family members of Romanian citizens;

e) know the Romanian language at least at a satisfactory level;

f) does not pose a danger to public order and national security.

(2) Foreigners 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 right of permanent residence without fulfilling the conditions set out in paragraph (1) lit. a)-e).

(3) Minors whose parents are holders of a right of permanent residence may be granted the same status without fulfilling the conditions set forth in paragraph (1). If only one of the

parents is the holder of a right of permanent residence, the consent of the other parent, in authentic form, is required.

(4) Foreigners who prove that they have made investments of at least 1,000,000 euros or have created more than 100 full-time jobs may be granted the right of permanent residence without fulfilling the conditions set out in paragraph (1) lit. a) and b)."

58. Article 71 will have the following content:

"ARTICLE 71

The request for the right of permanent residence

(1) The foreigners provided for in art. 69 para. (1) must personally submit a standard application accompanied by the following documents to the territorial formations of the Authority for foreigners:

- a) the state border crossing document;
- b) documents proving the legal ownership of the living space;
- c) supporting documents regarding means of maintenance;
- d) proof of social health insurance;
- e) criminal record certificate, issued by the Romanian authorities.

(2) On the occasion of submitting the application, the applicants will take an interview in order to establish the level of knowledge of the Romanian language."

59. Article 72 will have the following content:

"ARTICLE 72

Approval of the right of permanent residence

(1) The right of permanent residence is approved by the head of the Authority for foreigners.

(2) The applications are analyzed by a specially constituted commission, by order of the head of the Authority for foreigners, which formulates reasoned proposals for each individual case.

(3) The deadline for resolving requests is a maximum of 6 months from the date of registration. For objective reasons, the head of the Authority for foreigners can extend this term by another 3 months, with notification to the applicant.

(4) The approval is communicated in writing to the applicant, within 15 working days after the application is settled.

(5) Within 30 days of receiving the communication, the foreigner who has been approved for the right of permanent residence in Romania is obliged to present himself at the territorial formation of the Authority for foreigners where the application was registered, in order to issue the permanent residence permit .

(6) The granting of the right of permanent residence for foreign family members of Romanian citizens is carried out with exemption from the payment of consular fees."

60. Article 73 will have the following content:

"ARTICLE 73

Refusal to grant the right of permanent residence

(1) If it is found that the conditions provided for in this section are not met, the commission established according to art. 72 para. (2) proposes to the head of the Authority for foreigners the refusal to grant the right of permanent residence.

(2) The refusal, as well as the reasons that were its basis, are communicated in writing to the applicant, within 15 working days from the settlement of the application.

(3) The refusal to grant the right of permanent residence can be appealed within 30 days from the date of communication, at the Bucharest Court of Appeal.

(4) The refusal to grant the right of permanent residence does not produce legal effects on the right of residence of the applicant."

61. Article 74 will have the following content:

"ARTICLE 74

Equal treatment

Holders of a right of permanent residence benefit, under the law, from equal treatment with Romanian citizens in terms of:

a) access to the labor market, including employment and work conditions, to independent economic activities and to professional activities, with the appropriate application of the provisions of [Law no. 300/2004](#) regarding the authorization of natural persons and family associations that carry out economic activities independently, with subsequent amendments and additions, provided that the activity carried out does not, even occasionally, involve the exercise of some prerogatives of the public authority;

b) access to all forms and levels of education and professional training, including the granting of scholarships;

c) the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;

d) social security, assistance and social protection;

e) public health assistance;

f) global income tax deductions and tax exemptions;

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

h) freedom of association, affiliation and membership in a trade union or professional organization."

62. After article 74, a new article is inserted, article 74¹, with the following content:

"ARTICLE 74¹

Establishing the domicile of foreigners in Romania

Foreign holders of a right of permanent residence have the right to establish or change their domicile on the territory of Romania under the same conditions as Romanian citizens."

63. Article 75 will have the following content:

"ARTICLE 75

Cases of cancellation and revocation

(1) The authority for foreigners cancels, by reasoned decision, the right of permanent or temporary residence in Romania, if it is later found that:

a) on the date of granting the right of permanent residence or the extension of the right of temporary residence, the foreigner did not meet the conditions provided by law in this regard;

b) the right of permanent residence or the extension of the right of temporary residence was/was obtained by using false information, false or falsified documents or other illegal means;

c) the right of residence was obtained on the basis of a marriage of convenience, ascertained under the conditions of art. 64;

d) the foreigner was previously removed from the territory of Romania and re-entered, under another identity, during the prohibition period.

(2) The authority for foreigners revokes, by reasoned decision, the right of permanent residence when it is established that the permanent resident constitutes a threat to public order, as a result of crimes committed on the territory of Romania.

(3) The authority for foreigners revokes, by reasoned decision, the right of temporary residence when:

a) following checks carried out by the Authority for foreigners or reports received from other competent authorities, according to the law, it is found that the foreigner no longer meets the conditions on the basis of which the right of residence was extended or no longer respects the purpose for which it was granted this right;

b) it is found that the foreigner violated the regulations regarding the state border or those regarding the employment of foreigners;

c) it is found that the foreigner suffers from a disease that endangers public health and does not submit to the medical treatment measures established by the competent authorities."

64. Article 76 will have the following content:

"ARTICLE 76

Communication of the cancellation or revocation decision

The decision to cancel or revoke the right of residence is communicated:

a) by the Authority for Foreigners, to the foreigner who is on the territory of Romania, through the return decision provided for in art. 80;

b) by the Romanian Border Police, to the foreigner who presents himself at the border with the purpose of entering Romania, by means of the communication of refusal of entry."

65. Article 79 will have the following content:

"ARTICLE 79

The removal of foreigners from the territory of Romania

(1) Against foreigners whose stay on the territory of Romania has become illegal, whose right of stay has been canceled or revoked, as well as against those who have been refused the extension of the right of temporary stay, the Authority for Foreigners can order the measure of return from the territory of Romania .

(2) In the case of foreigners declared undesirable, as well as against those for whom the court ordered the safety measure of expulsion, the removal from the territory of Romania is done by implementing the provisions of the court decision by which the respective measure was ordered."

66. Article 80 will have the following content:

"ARTICLE 80

The decision to return foreigners from the territory of Romania (1) The decision to return constitutes the administrative act of the Authority for foreigners or of its territorial formations, by which the foreigners provided for in art. 79 para. (1) are obliged to leave the territory of Romania.

(2) The return decision is drawn up in two copies, each in Romanian and in an international language.

(3) The return decision enables the foreigner to leave the country unaccompanied, as follows:

a) within 15 days, for:

(i) the alien whose stay has become illegal;

- (ii) the foreigner whose visa has been canceled or revoked;
- (iii) former asylum seekers for whom the asylum procedure has been completed;
- b) within 30 days, for the foreigner whose right of temporary residence was canceled or revoked or the extension of this right was refused;
- c) within 90 days, for:
 - (i) the foreigner whose right of temporary residence to carry out commercial activities was canceled or revoked or the extension of this right was refused, if he has to liquidate the investment;
 - (ii) the foreigner whose right of permanent residence has ceased.

(4) The terms provided for in para. (3) run from the date on which the return decision was brought to the foreigner's attention, under the conditions of this emergency ordinance.

(5) The return decision can be accompanied, under the law, by taking into public custody, in the case of foreigners who have illegally crossed the state border, as well as in situations where foreigners do not possess a valid travel document or do not have the possibility to pay his transportation expenses."

67. Article 81 will have the following content:

"ARTICLE 81

Communication of the return decision

(1) The return decision is communicated by the Authority for foreigners or by its territorial formations by sending a copy of it.

(2) The remittance can be done by handing the copy, under signature, when the foreigner is present, or by sending it by post, with confirmation of receipt, to the address where the foreigner declared that he lives, when the foreigner is not present.

(3) If remittance is not possible, communication of the return decision is done by displaying a copy of it at the headquarters of the Authority for Foreigners or its territorial formations.

(4) It is assumed that remission is not possible in the following situations:

- a) the foreigner refuses to receive the copy handed or sent by post;
- b) the foreigner no longer lives at the declared address;
- c) the foreigner has not disclosed the address at which he lives."

68. Article 82 will have the following content:

"ARTICLE 82

Appealing the return decision

(1) The return decision can be challenged within 10 days from the date of communication at the Bucharest Court of Appeal, if it was issued by the Authority for Foreigners, or at the court of appeal in whose jurisdiction it is the territorial formation that issued the return decision. The court resolves the request within 30 days from the date of its receipt. The court decision is irrevocable.

(2) In the case of foreigners provided for in art. 80 para. (5), the return decision can be contested at the territorially competent court of appeal within whose radius the accommodation center is located, within 3 days from the date of communication. The court pronounces itself within 5 days, the decision being irrevocable. (3) The appeal provided for in para. (1) suspends the execution of the return decision.

(4) Contesting the return decision made by foreigners taken into public custody does not suspend the measure of taking into public custody."

69. Article 83 will have the following content:

"ARTICLE 83

Declaration as undesirable

(1) The declaration as undesirable is a measure ordered against a foreigner who has carried out, is carrying out or there are solid indications that he intends to carry out activities likely to endanger national security or public order.

(2) The measure provided for in para. (1) it is ordered by the Bucharest Court of Appeal, upon referral to the specific prosecutor appointed by the Prosecutor's Office attached to the Bucharest Court of Appeal. The prosecutor notifies the court, at the proposal of the institutions with competences in the field of public order and national security that hold data or substantial evidence, in the sense of what is provided in paragraph. (1).

(3) The data and information on the basis of which it is proposed to be declared as undesirable for national security reasons are made available to the court, under the conditions established by the normative acts that regulate the regime of activities related to national security and the protection of classified information.

(4) The notification provided for in para. (2) it is judged in the council chamber, with the summoning of the parties. The court informs the foreigner of the facts that form the basis of the notification, in compliance with the provisions of the normative acts that regulate the regime of activities related to national security and the protection of classified information.

(5) The Court of Appeal of Bucharest pronounces, by means of a reasoned decision, within 10 days from the referral made under the conditions of para. (2). The court decision is final. When the declaration of the foreigner as undesirable is based on reasons of national security, the content of the decision does not mention the data and information that were the basis of its motivation.

(6) The decision is communicated to the foreigner, as well as, if the court orders the declaration as undesirable, to the Authority for Foreigners, in order to be enforced.

(7) The foreigner's right of residence ceases from the date of the pronouncement of the decision by which he was declared undesirable.

(8) The enforcement of the decision by which the foreigner was declared undesirable is carried out by escorting the foreigner to the border or to the country of origin, by the specialized staff of the Authority for Foreigners.

(9) The period for which a foreigner can be declared undesirable is from 5 to 15 years, with the possibility of extending the term for a new period between these limits, if it is found that the reasons that determined the taking of this measure have not ceased . The extension of the term is done under the conditions provided for in paragraph (2).

(10) Persons declared undesirable will be communicated by the Authority for Foreigners to the General Directorate of Consular Affairs."

70. Article 84 is repealed.

71. Article 85 will have the following content:

"ARTICLE 85

The appeal against the decision provided for in art. 83 para. (5)

(1) The decision provided for in art. 83 para. (5) can be appealed, within 10 days from the date of communication, to the High Court of Cassation and Justice. The court pronounces itself within 5 days from the date of receipt of the request.

(2) Exercising the right of appeal provided for in para. (1) does not have a suspensive effect on the execution of the decision by which the foreigner was declared undesirable. In thoroughly justified cases and in order to prevent imminent damages, the foreigner can ask

the court to order the suspension of the execution of the decision by which he was declared undesirable, until the resolution of the appeal. The court will resolve the request for emergency suspension, the decision pronounced in this case being enforceable by law."

72. The title of the 3rd section of Chapter V will have the following content:

"SECTION 3

Escorted removal of foreigners"

73. Article 86 will have the following content:

"ARTICLE 86

Escorted removal of foreigners

(1) Escorted removal is carried out, under the conditions of this emergency ordinance, by the specialized staff of the Authority for foreigners, for the following categories of foreigners:

- a) who did not voluntarily leave the territory of Romania at the expiration of the return decision term provided for in art. 80 para. (3);
- b) who illegally crossed the state border;
- c) who were declared undesirable;
- d) against whom expulsion was ordered.

(2) Escorted removal can also be carried out in the case of foreigners who present physical or mental disabilities or constitute a danger to public health."

74. Article 86¹ is repealed.

75. Article 87 will have the following content:

"ARTICLE 87

Escorted removal procedure

(1) Escorted removal requires the foreigner to be accompanied by the specialized staff of the Authority for Foreigners to the border or to the country of origin, transit or destination.

(2) If foreigners possess a valid state border crossing document, financial means and no other formalities are required, escorted removal will be carried out within 24 hours.

(3) Foreigners who do not possess state border crossing documents will be presented to the diplomatic missions or consular offices accredited in Romania of the states of which they are citizens, for the issuance of the documents.

(4) The applicable procedures in case of non-cooperation of some diplomatic representations in connection with the issuance of travel documents for the removal of foreigners from the territory of the Romanian state are established by joint order of the Minister of Foreign Affairs and the Minister of Administration and Interior.

(5) For foreigners from states that do not have diplomatic missions or consular offices in Romania, documents for crossing the state border from the country of origin will be requested, through the General Directorate of Consular Affairs within the Ministry of Foreign Affairs.

(6) In the event that the document for crossing the state border cannot be obtained under the conditions provided for in para. (5), The Authority for Foreigners can issue a travel document, according to the law.

(7) When there are solid indications that the removal under escort cannot be carried out within 24 hours, the foreigner will be taken into public custody."

76. Article 88 will have the following content:

"ARTICLE 88

Escorted removal under readmission agreements

(1) The foreigners provided for in art. 86 can be removed under escort and based on the readmission agreements concluded by Romania with other states, under the conditions stipulated therein.

(2) At the request of one of the states that have concluded readmission agreements with Romania, the transit of the territory of Romania by the foreigner who is the subject of a readmission procedure to a third state may be allowed, provided that he is escorted and presents guarantees that he can continue his journey and may enter the destination state."

77. Article 88¹ will have the following content:

"ARTICLE 88¹

Assistance measures between the member states of the European Union in the case of removal of foreigners by air (1) In the event that removal is not possible by using direct flights to the country of destination, the Authority for Foreigners may request airport transit from other states.

(2) In order to carry out the removal of the foreigner by air, the Authority for Foreigners orders the escorting of foreigners to the country of transit or destination in the following cases:

- a) the country of transit or destination requests that the foreigner be escorted;
- b) it is necessary to provide medical assistance to the foreigner during removal measures;
- c) the foreigner must be supervised in order to prevent the commission of criminal acts during the removal measures;
- d) there are solid indications that the foreigner will not comply with the removal measure or that he intends to stay in the transit country;
- e) the Romanian authorities with powers in the field of public order and national security request that the foreigner be escorted.

(3) During the removal measures, the members of the escort are not armed and wear civilian clothes. They are obliged to comply with the legislation of the transit state, to use force only in case of self-defense or for the purpose of preventing the foreigner from fleeing, injuring himself, injuring the bodily integrity of other persons or causing material damage when the representatives of the transit state they are not present or it is necessary to provide them with support.

(4) The authority for foreigners undertakes the necessary steps for the return of foreigners to the country if, during the removal by air, one of the following situations occurred:

- a) the airport transit authorization was refused or revoked;
- b) the foreigner entered the territory of the requested state during transit;
- c) removal of the foreigner to another transit country or to the country of destination or boarding the connecting flight was not completed;
- d) airport transit is no longer possible.

(5) The General Inspectorate of the Border Police can approve transit requests for foreigners who are subject to removal measures, addressed by the competent authorities of the member states of the European Union.

(6) The transit request provided for in para. (5) can be refused if:

- a) the foreigner is accused or indicted in a criminal case or has to serve a custodial sentence, as a result of committing a crime on the territory of Romania;
- b) transit to other states or entry into the country of destination is not allowed;

- c) during transit, transport to another airport located on the territory of Romania is necessary;
 - d) the foreigner represents a threat to national security, order and public health or international relations of the Romanian state;
 - e) the requested assistance is impossible at that moment for objective reasons; in this case, the General Inspectorate of the Border Police informs, in the shortest possible time, the requesting authorities about a date as close as possible to the one originally requested, in which transit assistance can be granted.
- (7) In the event that, after the approval of the transit, the situations provided for in para. (6), the authorizations already issued can be revoked, with the information of the requesting authorities on the reasons that determined the revocation.
- (8) The transit request must be submitted in writing no later than two days before the transit. This term can be shortened in urgent and justified cases.
- (9) The form and content of the transit request are established by order of the Minister of Administration and the Interior, which is published in the Official Gazette of Romania, Part I.
- (10) The decision will be communicated to the requesting member state within two days. The term can be extended, in justified cases, by a maximum of 48 hours.
- (11) The General Inspectorate of the Border Police establishes contact points in all important transit areas.
- (12) The transit operation must not exceed 24 hours. If, for objective reasons, additional assistance measures are necessary to continue the transit operation, this term can be extended by a maximum of 48 hours.
- (13) Within the limits of the available means and in accordance with the relevant international standards, the General Inspectorate of the Border Police will ensure the necessary assistance measures from landing until leaving the airport to the foreigner's country of destination, regarding:
- a) meeting the foreigner to the aircraft and escorting him to the airport perimeter, especially to the connecting flight;
 - b) providing emergency medical treatment to the foreigner and, if applicable, to the persons accompanying him;
 - c) provision of food for the foreigner and, if applicable, for the persons in his escort;
 - d) receiving, keeping and handing over travel documents, especially in the case of unaccompanied foreigners;
 - e) in the case of unaccompanied foreigners, informing the requesting state about the place and time of the foreigner's departure from the territory of the Romanian state;
 - f) informing the requesting state about any serious incidents that occur during transit;
 - g) during the stationing at the transit airport, the head of the border crossing point can order the foreigner to be accommodated in specially arranged spaces and the use of legal means to prevent or hinder any attempt by the foreigner to resist the transit.
- (14) The costs of services provided according to para. (13) shall be borne by the requesting state."

78. Article 88² will have the following content:

"ARTICLE 88²

Organization of joint flights with the member states of the European Union in order to remove foreigners

- (1) The authority for foreigners can organize or participate in joint actions with the competent authorities from one or more member states of the European Union, for the removal of foreigners who are subject to removal measures.
- (2) When the Authority for foreigners decides to organize a flight to remove foreigners, in which other member states of the European Union could also participate, it informs the competent authorities of these states.
- (3) In order for the flight to run smoothly, the Authority for Foreigners undertakes measures to select the carrier, according to the legal provisions, obtain the necessary authorizations from the transit and destination states, establish jointly with the competent authorities of the other participating states the number of personnel of the necessary escort, the conclusion of the necessary financial agreements, as well as other necessary measures.
- (4) If the Authority for foreigners decides to participate in a flight for the removal of foreigners organized by a member state of the European Union, it informs the competent authorities of the organizing state about the intention to participate, specifying the number of persons subject to removal, and ensure a sufficient number of people for the escort. If the escort is carried out only by the organizing state, the Authority for Foreigners ensures the presence of at least 2 representatives on board the aircraft, who are responsible for handing over the foreigners for whom the authorities of the destination states are responsible.
- (5) The authority for foreigners ensures both foreigners subject to removal measures and their escort personnel with valid travel documents, visas and other necessary documents and, through the General Directorate of Consular Affairs, requests the necessary assistance from the diplomatic representations of Romania ."

79. Article 89 will have the following content:

"ARTICLE 89

Prohibition of removal

(1) Removal is prohibited in the following cases:

- a) the foreigner is a minor, and his parents have the right of residence in Romania;
- b) the foreigner is the parent of a minor who has Romanian citizenship, if the minor is dependent on him or if there is an obligation to pay alimony, an obligation that the foreigner fulfills regularly;
- c) the foreigner is married to a Romanian citizen, and the marriage is not of convenience;
- d) the foreigner has exceeded the age of 80;
- e) there are justified fears that his life is in danger or that he will be subjected to torture, inhuman or degrading treatment in the state where the foreigner is to be sent;
- f) removal is prohibited by the international documents to which Romania is a party.

(2) The persons referred to in para. (1) they may be granted or, as the case may be, extended the right of residence in Romania by the Authority for Foreigners, for one of the purposes provided for in ch. IV.

(3) The enforcement of removal measures is suspended in the case of foreigners who are in one of the situations provided for in art. 15 para. (1), until the date on which the reasons for not allowing exit from Romania cease.

(4) I make an exception from the provisions of para. (1), (2) and (3) foreigners who constitute a danger to public order, national security or who suffer from a disease that threatens public health and refuse to submit to the measures established by the medical authorities."

80. Article 90 will have the following content:

"ARTICLE 90

Assisted Voluntary Humanitarian Repatriation

(1) Foreigners on the territory of Romania can request the support of the Authority for Foreigners, as well as of international or non-governmental organizations with attributions in the field for assisted voluntary humanitarian repatriation, if they do not have financial means.

(2) The authority for foreigners, jointly with international organizations with attributions in the field, as well as with specialized non-governmental organizations, will carry out joint programs to identify concrete ways of supporting foreigners provided for in paragraph. (1), with a view to their assisted voluntary humanitarian repatriation, as well as the necessary financial resources in this regard.

(3) Foreigners included in assisted voluntary humanitarian repatriation programs are issued repatriation certificates by the Authority for Foreigners.

(4) The foreigners provided for in para. (1) can benefit, individually, only once from the support granted by the Authority for foreigners, through the programs provided for in para. (2), for assisted voluntary humanitarian repatriation."

81. In Article 91, paragraph (4) will have the following content:

"(4) If the foreigner does not possess a state border crossing document or sufficient financial means, the Authority for Foreigners shall proceed according to the provisions of Article 87 paragraph (3), (5) and (6)."

82. In article 91, after paragraph (4), a new paragraph, paragraph (5), is inserted, with the following content:

"(5) If the expulsion measure cannot be enforced within 24 hours, the foreigner will be taken into public custody according to the provisions of art. 93 paragraph (10)."

83. In article 92¹, after paragraph (1), a new paragraph, paragraph (1¹), is inserted, with the following content:

"(1¹) The criteria and practical arrangements for compensating the financial imbalances resulting from the recognition of the removal decisions provided for in paragraph (1) shall be established by a decision of the Government."

84. In article 92¹, after paragraph (4), four new paragraphs are inserted, paragraphs (5)-(8), with the following content:

"(5) The expenses committed by the Authority for foreigners for the purpose of removing foreigners, based on the decisions provided for in paragraph (1), are borne from the revenue and expenditure budget approved by the Ministry of Administration and Interior for the Authority for foreigners with this destination.

(6) The amounts representing the expenses provided for in para. (5), recovered from the member state of the European Union that issued the removal decision, represent reconstitutions of budget credits, if the expenses were incurred for the current year, or revenue is made to the state budget, if the expenses were incurred in previous years.

(7) The authority for foreigners settles the expenses incurred by other member states of the European Union that implement removal decisions until the completion of a period of 4 years from the date of their issuance by the Romanian authorities, within the limits of the income and expenses budget approved by the Ministry Administration and the Interior for the Authority for foreigners with this destination.

(8) Requests for reimbursement of expenses incurred by the member state of the European Union may be rejected by the Authority for foreigners when they are made after a period of more than one year from the implementation of the removal measure."

85. In Article 93, paragraphs (1), (2), (4), (5), (8) and (9) will have the following content:

"(1) Taking into public custody is a measure of temporary restriction of freedom of movement on the territory of the Romanian state, ordered by the magistrate against the foreigner who could not be removed under escort within the term provided by law, as well as against the foreigner who was declared undesirable or in respect of which the court ordered the expulsion.

(2) In the case of foreigners who could not be removed under escort within the term stipulated by law, the public custody is ordered by the specifically appointed prosecutor from the Prosecutor's Office attached to the Bucharest Court of Appeal, for a period of 30 days, at the request of the Authority for foreigners or its territorial formations.

.....
(4) The taking into public custody of foreigners declared undesirable is ordered by the court that ordered the measure of declaration as undesirable by the decision provided for in art. 83 para. (5).

(5) Extending the duration of taking foreigners into public custody provided for in para. (2) and (4), who could not be removed from the territory of Romania within 30 days, is ordered by the court of appeal in whose territorial jurisdiction the place of accommodation is located, upon the reasoned request of the Authority for strangers. The court must rule before the expiration of the previously ordered public custody term, and the court's decision is irrevocable.

.....
(8) Foreigners against whom public custody was ordered, under the conditions provided for in para. (2), they can submit, within 5 days, a complaint to the Bucharest Court of Appeal, which is obliged to resolve it within 3 days from the date of receipt.

(9) Foreigners taken into public custody, as well as those removed under escort within 24 hours, are fingerprinted and photographed."

86. In article 95, after paragraph (6), a new paragraph, paragraph (7), is inserted, with the following content:

"(7) Minors placed in accommodation centers have free access to the compulsory education system."

87. In article 96, paragraph (2) will have the following content:

"(2) The medical services provided for in paragraph (1) are ensured, as the case may be, by the medical service of the accommodation centers or by the sanitary units of the Ministry of Administration and Interior or of the Ministry of Public Health. The settlement of expenses is ensured by the Ministry of Administration and Interiors, through the budget allocated to the Authority for foreigners, specially provided for this purpose."

88. In article 98, after paragraph (2), a new paragraph, paragraph (3), is inserted, with the following content:

"(3) The non-granting of tolerance by the Authority for foreigners can be challenged within 5 days from the communication to the competent territorial court of appeal. The court pronounces itself within 30 days, the court's decision being irrevocable."

89. Article 99 will have the following content:

"ARTICLE 99

Situations of tolerance on the territory of Romania

Foreigners provided for in art. 98 para. (1) can be tolerated in the following situations:

a) when he is in the situations provided for in art. 15 para. (1) and do not meet the conditions provided by law for granting a residence permit;

- b) when foreigners taken into public custody, against whom the measure of return was ordered, could not be removed within 6 months;
- c) when foreigners taken into public custody, against whom the court ordered expulsion, could not be expelled within 2 years from the date on which they were taken into public custody;
- d) when their temporary presence on Romanian territory is required by important public interests. In this case, tolerance is granted at the request of the competent state bodies;
- e) when there are serious reasons to consider that foreigners are victims of human trafficking. In this case, tolerance is granted at the request of the prosecutor or the court;
- f) when the Authority for foreigners finds that they are unable to temporarily leave Romania for other objective reasons."

90. In article 100, after paragraph (8), a new paragraph, paragraph (9), is inserted, with the following content:

"(9) In the case of foreigners provided for in art. 99 letters b) and c), if the reasons why they could not be removed from the territory of Romania during the period of public custody have disappeared, they can be taken back into public custody , for a maximum period of 30 days, under the conditions of art. 93 paragraph (2), in order to be removed from the territory of Romania."

91. Article 101 will have the following content:

"ARTICLE 101

Disposition of the ban on entry into Romania

(1) Concurrently with the issuance of the return decision or the implementation of the expulsion measure, the Authority for Foreigners may order, under the law, the prohibition of entry into Romania for a determined period.

(2) The measure provided for in para. (1) may be ordered by the Authority for foreigners or the General Inspectorate of the Border Police, under the law, and in the situation where the foreigner was not the object of a removal measure or against the foreigners provided for in art. 8 para. (1) lit. b)-d) and para. (2) lit. a) and b).

(3) The application of the entry ban measure is carried out in all cases by establishing the nominal record at the state border crossing points and, when possible, by applying the stamp specifying the duration of the state border crossing documents this one.

(4) The establishment of the measure of banning entry into Romania is communicated to foreigners, in writing, by the body that took the measure, along with the reasons that were the basis of its disposition.

(5) The ban on entry to Romania can be contested by the foreigner within 10 days from the communication to the court of appeal in whose jurisdiction is the formation that ordered this measure. The appeal does not suspend the execution of removal measures. The court decision is irrevocable.

(6) All cases in which a ban on entry to Romania was ordered will be communicated by the institution that ordered this measure to the General Directorate of Consular Affairs of the Ministry of Foreign Affairs."

92. In Article 102 paragraph (1) letter a), point (iii) will have the following content:

"(iii) foreigners who did not comply with the return decision and who were removed under escort;"

93. Article 102 paragraph (2), letter a) will have the following content:

"a) requests assisted voluntary humanitarian repatriation, under the conditions provided for in art. 90;"

94. Article 102 paragraph (2), letter d) is repealed.

95. In article 102, paragraphs (3), (4) and (4¹) will have the following content:

"(3) In the case of foreigners against whom the court ordered the safety measure of expulsion, the duration of the ban will be equal to the duration of the sentence to which they were sentenced, but not less than 3 years.

(4) Against foreigners who crossed illegally or attempted to fraudulently cross the state border with false or falsified documents, the duration of the ban will be 5 years.

(4¹) Against the foreigners provided for in art. 101 para. (2) the duration of the ban will be as follows:

a) 15 years - for the foreigners provided for in art. 8 para. (1) lit. b)-d);

b) 5 years - for the foreigners provided for in art. 8 para. (2) lit. a) and b)."

96. Article 103 paragraph (1), letter b) will have the following content:

"b) permanent residence permit for the foreigner who has been granted the right of permanent residence."

97. Article 103, paragraph (2) is repealed.

98. In article 104, paragraph (1) will have the following content:

"Art. 104 - (1) The residence permit issued to the foreigner under the conditions of this emergency ordinance proves the identity, the address of residence or domicile on the territory of Romania and certifies the existence of the right of residence in Romania, as well as the duration and purpose for which it is was granted this right."

99. Article 105 will have the following content:

"ARTICLE 105

Temporary residence permit

(1) The temporary residence permit is issued to foreigners upon granting or extending the right of temporary residence. In the temporary residence permit, the address at which the foreigner declares that he resides on the territory of Romania is entered.

(2) The temporary residence permit has a validity limited to the period for which the right of temporary residence was granted or, as the case may be, extended. The temporary residence permit is renewed each time on the occasion of extending the right of temporary residence."

100. Article 106 will have the following content:

"ARTICLE 106

Permanent residence permit

(1) The permanent residence permit is issued to foreigners, based on obtaining the right of permanent residence, for a period of 5 years and is successively renewed for the same period.

(2) In the permanent residence permit, the address at which the foreigner declares that he is domiciled on the territory of Romania is entered.

(3) The application for the granting of a permanent residence permit is submitted by the holder of the right of permanent residence to the territorial formation of the Authority for foreigners in whose jurisdiction the applicant legally resides and must be accompanied by the following documents:

a) the state border crossing document, in original and in copy;

b) the documents that prove the legal ownership of the living space at the address at which the foreigner declares that he is domiciled on the territory of Romania, in original and in copy.

(4) For the renewal of the permanent residence permit, the applicant must submit, at least 30 days before the expiration of the document's validity, an application accompanied by the documents that prove the legal ownership of the living space at the address at which the foreigner declares that he has residence on the territory of Romania."

101. Article 107 will have the following content:

"ARTICLE 107

Cancellation of the residence permit

If the holder of the residence permit is revoked or his right of residence is cancelled, the document is canceled on the date of the decision and withdrawn at the latest on the date on which this decision is brought to the attention of the foreigner."

102. In article 108, paragraphs (2) and (3) will have the following content:

"(2) The foreigner shall be issued by the territorial formation of the competent Authority for foreigners a new residence permit in place of the one declared stolen, lost, damaged or destroyed.

(3) Residence permits whose validity has expired, as well as damaged ones, are canceled by the territorially competent formation of the Authority for foreigners."

103. In chapter VI, after section 1, a new section is introduced, section 1¹, containing articles 109¹-109⁴, with the following content:

"SECTION 1¹

Residence cards for foreign family members of Romanian citizens

Article 109¹

Issuance of residence cards

(1) The foreigner, a family member of a Romanian citizen, who has been granted or, as the case may be, extended the right of residence in Romania, is issued by the Authority for Foreigners, through its territorial formations, a residence card, after as follows:

- a) residence card for foreign family members - the foreign family member of the Romanian citizen, who was granted or, as the case may be, extended the right of temporary residence;
- b) permanent residence card for foreign family members - the foreign family member of the Romanian citizen, who was granted the right of permanent residence.

(2) In the residence card and in the permanent residence card, the address where the foreigner declares that he has his residence or domicile on the territory of Romania is entered.

(3) The form and content of residence cards are similar to those issued to family members of European Union citizens, with the appropriate application of the provisions of [Government Decision no. 1,864/2006](#) for the approval of the Methodological Norms for the application of the [Government Emergency Ordinance no. 102/2005](#) regarding the free movement on the territory of Romania of the citizens of the member states of the European Union and the European Economic Area and for establishing the form and content of the documents issued to the citizens of the European Union and their family members.

(4) The materials necessary for the production of residence cards issued to foreign family members of Romanian citizens are provided from the stocks purchased by the Ministry of Administration and Interior for the production of identity cards for Romanian citizens, according to [art. 23 para. \(1\) from Government Ordinance no. 84/2001](#) regarding the establishment, organization and operation of community public services for records of

persons, approved with amendments and additions by [Law no. 372/2002](#) , with subsequent amendments and additions.

Article 109²

Validity of residence cards

(1) The residence card is issued upon the granting or extension of the right of temporary residence and has a validity limited to the period for which the right of temporary residence was granted or, as the case may be, extended.

(2) The permanent residence card is issued based on obtaining the right of permanent residence, for a period of 10 years, and is successively renewed for the same period.

Article 109³

Residence card regime

(1) The residence card proves the identity of the foreign family member of a Romanian citizen and certifies the exercise of the right of residence in Romania.

(2) The holder of the residence card has the obligation not to alienate it and to present it to the competent authorities whenever requested.

(3) It is prohibited to give, receive or request the documents provided for in art. 109¹ as a guarantee for the provision of services, for the entrustment of goods or values, for the payment of debts or for other purposes.

(4) Any modification, addition or mention, other than that provided by law, entered in the documents provided for in art. 109¹, is prohibited and entails their nullity.

(5) In the situations provided for in para. (4), the nullity is established by the staff of the Authority for foreigners.

(6) The police officer who finds one of the situations provided for in para. (4) is obliged to retain the respective document and transmit it to the nearest territorial formation of the Authority for foreigners.

(7) The holder of the residence card is obliged to present himself to the competent territorial formation of the Authority for foreigners, in order to issue a new document, in the following situations:

- a) when there have been changes regarding the name, surname, citizenship and address;
- b) in case of destruction or damage of the residence card;
- c) in case of loss or theft, only after reporting the event to the competent territorial police body.

Article 109⁴

Cancellation of residence cards

If the holder of the residence card is revoked or his right of residence is cancelled, the document is canceled on the date of the decision and withdrawn at the latest on the date on which this decision is brought to the attention of the foreigner."

104. Article 110 letter a), point (iii) and letter b) will have the following contents:

"(iii) stateless persons with permanent residence in Romania temporarily abroad, who are no longer in possession of Romanian state border crossing documents;

b) passport for the person without citizenship - stateless persons with permanent residence in Romania, as well as stateless persons of Romanian origin, who are repatriated on the basis of international agreements to which Romania is a party."

105. In article 112, paragraph (1) will have the following content:

"(1) The passport for a stateless person proves the identity and quality of a stateless person with the right of residence in Romania and gives the holder the right to exit and enter the country through any of the state border crossing points open to international traffic of people."

106. Article 114 paragraph (1), letter a) will have the following content:

"a) valid permanent residence permit, in the case of stateless persons with the right of permanent residence in Romania;"

107. Article 115 will have the following content:

"ARTICLE 115

Cancellation of the passport for a stateless person If the holder of the passport for a stateless person loses his stateless status with permanent residence in Romania or obtains the citizenship of a state, he has the obligation to submit the document to the competent territorial formation of the Authority for Foreigners, which withdraws it and cancel it."

108. In article 119, paragraphs (1) and (3) will have the following content:

"(1) At the level of the Authority for foreigners, the National System for the Registration of Foreigners is established, as a complex system for processing the personal data of foreigners, necessary to fulfill the legal duties regarding the entry, stay, removal of foreigners and the prohibition of their entry on the territory of Romania.

.....
(3) Every foreigner who has been extended the right of temporary residence or has been granted the right of permanent residence is assigned by the Authority for Foreigners a personal numerical code, which is entered in the residence permit."

109. In article 120¹, after paragraph (2), two new paragraphs are inserted, paragraphs (3) and (4), with the following content:

"(3) The persons provided for in paragraph (1) enjoy equal treatment in the fields and under the conditions provided for in art. 74.

(4) By derogation from the provisions of para. (3), access to the labor market for foreigners with the right of permanent residence in a member state of the European Union will be achieved in relation to the labor legislation in the field and the need to fill jobs that fall into the deficit occupational register on the territory of Romania , established by the specialized structure within the Ministry of Labour, Social Solidarity and Family."

110. In article 120², paragraph (3) will have the following content:

"(3) The foreigners referred to in paragraph (1) may be extended their right of residence upon meeting the general conditions provided for by law, if:

- a) presents the residence permit in a member state of the European Union;
- b) prove that they lived as family members of the foreigner with the right of permanent residence in a member state of the European Union;
- c) provide proof of means of maintenance in the amount of at least the minimum net salary for the economy."

111. In article 120², after paragraph (3), a new paragraph, paragraph (4), is inserted, with the following content:

"(4) The foreigners referred to in paragraph (2) may have their right of residence extended, according to the provisions of art. 62."

112. In article 124, points 9 and 10 will have the following contents:

"9. failure to comply with the foreigner's obligation regarding the residence permit, provided for in art. 104 paragraph (2) and, respectively, regarding the residence card, provided for in

art. 109³ paragraph (2);

10. non-compliance with the deadline for submitting the application for renewal of the residence permit, provided for in art. 106 para. (4);".

113. In article 132, paragraph (2) will have the following content:

"(2) If the foreigner does not have financial means and entered Romania based on an invitation, the costs of removal shall be borne by the natural or legal person who made the invitation."

114. Article 134, paragraph (1) is repealed.

115. After article 134, two new articles are inserted, articles 134¹ and 134², with the following contents:

"ARTICLE 134¹

Application of special regulations

(1) The provisions of [Law no. 122/2006](#) regarding asylum in Romania shall be applied with priority over the provisions of this emergency ordinance, except for situations where reasons of national security or public order require their removal from the territory of Romania.

(2) The provisions of [the Government Emergency Ordinance no. 102/2005](#) regarding the free movement on the territory of Romania of the citizens of the member states of the European Union and the European Economic Area, approved with amendments and additions by [Law no. 260/2005](#), with the subsequent amendments and additions, regarding the family members of the citizens of the member states of the European Union and the European Economic Area shall be applied with priority over the provisions of this emergency ordinance.

Article 134²

Procedural provisions

In all complaints and requests addressed to the courts under this emergency ordinance, in which the Authority for Foreigners is a party, the participation of the prosecutor is mandatory."

Article II

(1) Within 6 months from the entry into force of this law, foreigners without the right of residence in Romania may request the Authority for Foreigners to issue a return decision, without imposing a measure prohibiting entry to Romania.

(2) All situations pending resolution at the date of entry into force of this law will be resolved according to the provisions of [Government Emergency Ordinance no. 194/2002](#) regarding the regime of foreigners in Romania, republished, with subsequent amendments and additions, as amended and supplemented by this law.

(3) The decrees of declaration as undesirable, issued by the specifically appointed prosecutor from the Prosecutor's Office attached to the Bucharest Court of Appeal, which have not been enforced, cease to have effect on the date of entry into force of the provisions of this law.

Article III

[Government emergency ordinance no. 194/2002](#) regarding the regime of foreigners in Romania, republished in the Official Gazette of Romania, Part I, no. 201 of March 8, 2004, with subsequent amendments and additions, as well as with the amendments and additions brought by this law, will be republished, giving the texts a new numbering.

This law transposes Council Directive no. 86/2003 regarding the right to family reunification, published in the Official Journal of the European Communities (JOCE) no. L251 of October 3, 2003, Council Directive no. 109/2003 regarding the status of third-country nationals who are long-term residents, published in the Official Journal of the European Communities (JOCE) no. L16 of January 23, 2004, Council Directive no. 110/2003 regarding transit assistance for the purpose of removal by air, published in the Official Journal of the European Communities

(JOCE) no. L321 of December 6, 2003, and Council Directive no. 114/2004 regarding the conditions for the admission of citizens of third countries for the purpose of studies, student exchange, unpaid training or volunteer services, published in the Official Journal of the European Communities (JOCE) no. L375 of 23 December 2004.

This law was adopted by the Romanian Parliament, in compliance with the provisions of art. 75 and of art. 76 para. (1) from the Constitution of Romania, republished.

THE PRESIDENT OF THE CHAMBER OF DEPUTIES

BOGDAN OLTEANU

THE PRESIDENT OF THE SENATE

NICOLAE VĂCĂROIU

Bucharest, March 13, 2007.

No. 56.