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Employing migrants. Facilities and difficulties

✓ Present challenges for employers and employees in the context of the Ukrainian conflict

The Ukrainian conflict has generated intense migration towards Romania. Due to this exceptional context, apart from a significant number of Ukrainian citizens, an increased number of migrants from Moldova and Russia has also been observed.

Although all three countries mentioned above are *third party countries* (i.e., not members of the European Union), even before the initiation of the conflict, the rules applicable to the access of their citizen to the Romanian labour market differed significantly, due to the fact that certain facilities were established for Moldovan and Ukrainian citizens. By way of Ordinance No. 20/2022, the Romanian Government has recently regulated additional facilities for the integration of Ukrainian citizens.

✓ Most relevant aspects currently regulating the access to the Romanian labour market for the migrant population



- No working permit necessary.
- No visa required to enter Romania. No working visa necessary for the extension of the stay in Romania.
- Statement *in lieu* of professional qualification documentation. Ukrainian citizens can be employed based on their own responsibility statement regarding professional qualification and lack of criminal record for a period of 12 months (that can be subsequently extended for two periods of six months each).



- No working permit necessary for a period of nine months.
- No visa required to enter Romania with a biometric passport. Working visa required for the extension of the stay following the expiry of the first 90 days.
- Documents attesting studies/professional qualification must be submitted with the Romanian authorities in order to obtain their recognition and equivalence. A new piece of legislation in relation to the recognition of diplomas obtained in Moldova is currently on Romania's parliament table.



- Working permit must be obtained by the Romanian employer before the conclusion of the employment agreement.
- A working visa must be obtained to enter and stay in Romania.
- Documents attesting studies/professional qualification must be submitted with the Romanian authorities in order to obtain their recognition and equivalence.

✓ Aspects to be considered

- The facilities recently established for Ukrainian citizens do not apply for regulated professions (e.g., doctor, nurse, dentist, architect), therefore, the access to such professions is actually fairly similar for the three countries: the Romanian Ministry of education must issue a decision in relation to the recognition and equivalence of studies / professional qualification and based on this decision, the migrant can initiate the procedures for the registration with the relevant professional authority (e.g., Colegiul Medicilor in case of doctors).
- The access to the Romanian labour market is similar to the one provided for Romanian citizens if the migrant has obtained the protection of the Romanian state (i.e., either as a refugee or the subsequent protection). Also, the formalities necessary for the recognition and equivalence of studies is less complex in this scenario. However, in practice, a relatively reduced number of migrants solicit asylum in Romania due to the fact that, even if the procedure for granting this statute is supposed to last for 30 days, in practice, this term is usually exceeded, sometimes the formalities lasting for several months. Mention must be made that the facilities recently established for Ukrainian citizen are not applicable if the migrant has applied for asylum.

Contact

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