

# PETERKA PARTNERS

THE CEE LAW FIRM

## NEW PROVISIONS RELATED TO DIGITAL NOMADS IN ROMANIA

CZECH REPUBLIC SLOVAKIA UKRAINE BULGARIA  
RUSSIA POLAND ROMANIA BELARUS HUNGARY

On 17 January 2022, Law no. 22/2022 amending and supplementing Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania entered into force. The legal status of the digital nomads has been recently regulated, along with specific rules and formalities to be followed, within the framework related to the regime of foreigners.

Please find below the relevant takeaways regarding these important amendments.

## **Definition of “digital nomad”**

A “digital nomad” has been officially defined as a foreigner who can perform the following activities remotely, by using information and technology services (“**IT Technology**”):

- (i) being employed through an employment agreement by a company registered outside Romania (“**Foreign Company**”) and providing services via IT Technology; **or**
- (ii) owning a Foreign Company, and providing services via IT Technology.

## **Temporary residence**

### **Substantial conditions**

A long-stay visa for “other purposes” may be granted, upon request, to digital nomads wishing to travel and remain in Romania (while also performing the activities in point 1), by the diplomatic missions and consular offices of Romania, located in the nomads’ countries of residence, upon meeting the following conditions:

- (i) their means of living originate from the performed activity, in the amount of at least three times the average gross monthly salary in Romania (meaning RON 6,095 x 3 = RON 18,285 – about EUR 3,698) for each of the last 6 months prior to the date of filing the visa application, as well as for the entire period registered within the visa;
- (ii) they perform the activities generating their income, remotely, via IT Technology;

### **Relevant formalities**

Further to the above-mentioned substantial conditions, the digital nomads should also fulfil certain formalities, in order to receive the visa, such as, they must: (i) submit the original of the employment agreement concluded with a Foreign Company, (ii) submit a letter of intent, in the original, providing details on the purpose of the trip to Romania and the intended activities on the Romanian territory, (iii) submit the reservation of a valid travel ticket to the destination, or in the case of drivers, their driving licence, green card, registration documents of the means of transport and proof of the itinerary; (iv) submit valid proof of medical insurance for the entire period of validity of the visa, covering an amount of at least EUR 30,000, (v) submit proof of accommodation; (vi) submit a criminal record certificate or other equivalent document, etc.

The competent Romanian authorities may request that additional documents be submitted, on a case-by-case basis. All documents in foreign languages will have to be accompanied by a certified translation into Romanian.

Please note that the documents to be submitted might be subject to specific formalities (e.g., signed in front of a notary, bear an apostille, etc.) and thus, such aspects should be verified before the documentation is submitted to the relevant Romanian authorities.

### **Prolongation of temporary residence**

Temporary residence is valid for 6 months and can be prolonged for another 6 months, if the digital nomad proves he/she is still compliant with the condition under point 2.2. (vii), and thus providing an income certificate issued by the relevant authorities.

PETERKA & PARTNERS Romania remains at your disposal to provide more information and related legal assistance connected to this topic.

## CONTACTS

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