

Legal Alert Temporary Protection for Ukrainian citizens

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Temporary protection is an emergency mechanism that seeks to provide immediate and collective protection for displaced persons who are unable to return to their country of origin.

The aim is to enable displaced persons to enjoy harmonized rights throughout the European Union. These rights include the right of residence, access to the labour market and housing, healthcare and access to education for children.

The temporary protection measure should last for an **initial period of one year**. This period will be extended automatically by six-month periods for a maximum of one year unless it is terminated due to the situation in Ukraine being such as to permit the safe and long-term return of those granted temporary protection.

This implementing decision applies to the following categories of persons displaced from Ukraine on or after 24 February 2022 as a result of the military invasion by Russian armed forces that began on that date:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022;
- (b) stateless persons and nationals of third countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022
- (c) family members of the persons defined in points (a) and (b).

It is therefore expected that the Romanian authorities will implement additional legal provisions to facilitate faster procedures for Ukrainians (a simplified procedure for gaining access to the Romanian labour market, the granting of the right to reside in Romania under a rapid procedure, reduced or no fees when applying for various documents, visas and in general, and the application of a preferential taxation arrangement in Romania). The Romanian Government has already begun drawing up draft laws regarding the measures to provide protection and special assistance for Ukrainians.

As of today, Ukrainian citizens wishing to work on the Romanian labour market without being in possession of a work permit must conclude a full-time employment contract with a Romanian company for a period of at least nine months in one calendar year.

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In addition, Ukrainian citizens will be able to work in Romania as “digital nomads”, a status recently regulated by the authorities (See our Tax and Legal Newsletter from January 2022 m- link). A digital nomad visa allows an individual to obtain a residence permit in Romania while working remotely. The main requirement for obtaining such a visa is that the applicant is an employee of a foreign company or has owned a company registered outside of Romania for more than three years.

Persons entering Romania on the basis of an asylum application will have free access to the labour market either on the basis of a residence permit confirming the form of protection obtained or on the basis of a certificate confirming that their application is currently being processed (in the event that their application is not processed within three months).

We recommend you consult the official sources in order to be sure you are in possession of accurate information. On request, we are able to provide more details of how Romanian companies and citizens should implement the above measures and the new provisions.

Source – COUNCIL IMPLEMENTING DECISION (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection published in Official Journal of the European Union L 71/1 04.03.2022.

This newsletter is a service of TPA.

Kind regards,
Your TPA Team

Contact:

TPA Romania

Str. Grigore Cobălcescu 46, 010196 Bucharest

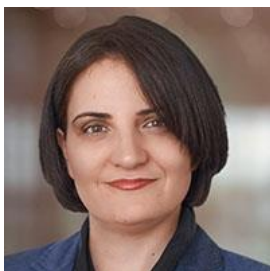
Tel.: +40 21 310 06-69

Fax: +40 21 310 06-68

<http://www.tpa-group.ro>

<http://www.tpa-group.com>

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Cristina Gheorghita
Legal Partner

email: cristina.gheorghita@tpa-group.ro