

Frequently asked questions

28 May 2024

1. Is it compulsory to exchange the old temporary protection permit for the new one? Will any of the temporary protection beneficiaries' rights be affected if they do not change their permit to the new format within 180 days?

Within 180 days from the date of entry into force of Government Decision (HG) no. 505/2024, beneficiaries of temporary protection **may** request the exchange of permit, and **residence permits issued prior to the above-mentioned normative act remain valid** during the period of application of *The Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a massive 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*, as subsequently amended. The General Inspectorate for Immigration (GII) does not grant rights (except for the issuance of a residence permit) to beneficiaries of temporary protection, therefore the question of access to rights should be addressed to the competent institutions.

2. After the 180 days, will there still be the possibility to exchange the residence permit?

The 180-day deadline is not a disqualification term, therefore beneficiaries of temporary protection can apply for the permit to be renewed also after the 180 days from the entry into force of HG 505/2024.

3. Does the calculation of the legal limitation period of 180 days start from the entry into force of the Government decision? What about for beneficiaries of temporary residence permits who will (re)enter Romania in the future?

See answer to question 2.

4. Will the old temporary protection permit continue to be valid after the expiration of the 180 days term?

See answer to question 1.

5. Must beneficiaries of temporary protection update their temporary protection permit if they have the additional proof of address document issued by the General Inspectorate for Immigration (adeverința)?

The exchange of permit is not mandatory, see answer to question 1.

6. Do the old temporary protection permit without an address, accompanied by the proof of address issued by the General Inspector for Immigration (adeverința), and the new temporary protection permit with residence address included, have the same legal force and provide access to the same rights?

Both types of permits (those issued prior to HG 505/2024 - whether or not accompanied by proof of residence, and those issued after this normative act) are valid and prove the identity of the holder (proven or declared) and his/her status and gives permission to stay on the territory of Romania throughout the period of temporary protection implementation. GII does not grant rights (except for the issuance of the

residence permit) to beneficiaries of temporary protection, therefore questions regarding access to other rights should be addressed to the competent institutions.

7. The two new variants of temporary protection permit (with certified address and declared address) have the same legal power and offer access to the same rights?

HR 505/2024 provides for the issuance of the residence permit which will mention, in the residence section, either the residence address which was proven with the documents referred to in this normative act (including all the details of the address), either the one declared by the beneficiary of temporary protection (it will be issued a permit where there will be mentioned the county and the locality, respectively the sector for Bucharest). GII does not grant rights (except for the issuance of the residence permit) to beneficiaries of temporary protection, therefore questions about access to rights should be addressed to the competent institutions.

8. Is there a form that beneficiaries of temporary protection living in collective housing and the managers of these facilities must fill in to certify that they live at the address in question?

In the case of beneficiaries of temporary protection who are institutionalized or received for care or accommodation in welfare institutions, social services centres or educational centres under the administration of the local public authorities, proof of residence shall be provided by a **written declaration of the manager** of said care/welfare institution, social services centre or educational centre, **or the person authorized by the manager**. HG 505/2024 does not provide for a standard format for this declaration.

9. Temporary protection beneficiaries must renew their permit every time they change their residence address? What about those who have to change their residence frequently (e.g. for medical reasons)?

The residence permit must be changed if the beneficiary of temporary protection changes residence according to Article 52 of *HG 1251/2006 for the approval of the Methodological Norms for the application of Law no. 122/2006*, with subsequent amendments and additions).

10. If several members of the same family live at the same address, with the lease contract in one member's name, how can they all register at the same address? What about several beneficiaries who are not members of the same family and who live at the same address with the lease contract in one's name?

In the case of persons of full age (over 18 years old), each person must be the holder of the rental contract. If the spouses live at the same address but only one of them is mentioned in the lease agreement, proof of marriage is also required. In the case of minors, it is presumed that they live with their parents.

If they are not members of the same family (according to the applicable legal provisions), each person must be the holder of the rental contract.

11. Can an applicant prove their residence based on the declaration of the landlord (*declarație de primire în spațiu*) given in front of the registration officer?

No. In this case, the residence is considered declared and the address information will be entered as specified above.

12. Can the request for a new permit be filed on behalf of a member of the family/household by another member of the family/household?

The application for a residence permit must be submitted in person by persons of full age (over 18 years old) and, in the case of minors, by their legal representative (the presence of the minor is mandatory).

13. Does the applicant have to prove that the rental contract is registered with the fiscal authority? If yes, how?

The rental contract must be registered with the fiscal authority, before being submitted to GII for the issuance of the residence permit, according to the general legal provisions applicable to lease contracts. The burden of this registration does not lie with the lessee (the person renting), but with the **lessor** (the person who offered the property for rent) who, after undergoing the necessary procedures, will receive a registration number for the contract from the tax authorities.