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International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	Law nr. 275 /2011 on the Accession of the Republic of Moldova to the UN Convention Relating to the Status of Stateless Persons, 1954, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342052 (Romanian (Moldovan) - RO) UNHCR list of states party: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bbb0abc7&query=1954%20convention
IOB.1.b		If yes, when was ratification/accession?		19/04/12	UNHCR list of states party: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bbb0abc7&query=1954%20convention
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	Yes. Articles 23, 24, 25, 31 will be applied according to national laws. Article 27 will be applied to stateless persons whose status was recognised by the Republic of Moldova and to stateless persons with a resident permit. However, no longer substantive effect as Moldovan law grants all convention rights to recognised stateless people.	Law nr. 275 /2011 on the Accession of the Republic of Moldova to the UN Convention Relating to the Status of Stateless Persons, 1954, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342052 (RO)
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes. If there are inconsistencies between the pacts and treaties on fundamental human rights to which the Republic of Moldova is a party and its internal laws, the international regulations have priority.	Constitution of the Republic of Moldova, Art. 4, available at: https://www.constituteproject.org/constitution/Moldova_2006.pdf?lang=en
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes	Law 252/2011 on the Accession of the Republic of Moldova to the Convention on the Reduction of Statelessness, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341953 (RO)
IOB.2.b		If yes, when was ratification/accession?		19/04/12	UNHCR list of states party: http://www.unhcr.org/protection/statelessness/3bbb24d54/states-parties-1961-convention-reduction-statelessness.html
IOB.2.c		Are there reservations in place? Please list them.	As above	No	Law 252/2011
IOB.2.d		Does the Convention have direct effect?	As above	Yes	Constitution of the Republic of Moldova, Art. 4, available at: https://www.constituteproject.org/constitution/Moldova_2006.pdf?lang=en
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes. Declarations: · Article 7(1)(g), the Republic of Moldova reserves its right to recognise the right to keep the nationality of the Republic of Moldova to a child who has the nationality of the Republic of Moldova, was adopted abroad and who acquired the foreign nationality as a consequence of his or her adoption. · Article 22(b) the Republic of Moldova declares that in the Republic of Moldova the age referred to in Article 22(b) is considered to be the completion of the age of 27. Reservations: · Concerning the application of Article 6(4)(g), the Republic of Moldova declares that it would be able to apply it only after the adoption of the proper legal framework for the definition of refugee status in the Republic of Moldova, but no later than one year after the entry into force of the Convention for the Republic of Moldova. · Article 22(a), the Republic of Moldova reserves its right to recognize that a person who has his habitual residence on the territory of the Republic of Moldova and has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligations in relation to the Republic of Moldova.	Council of Europe, Reservations and Declarations for Treaty No.166 - European Convention on Nationality, available at: http://www.coe.int/en/web/conventions/search-on-states/-/conventions/treaty/166/declarations?p_auth=mgqjnvk Parliament Decision 621/1999 for the ratification of the European Convention on Nationality, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=309366 (RO)

IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. Declaration: · The Republic of Moldova declares that it will be unable to guarantee compliance with the provisions of the Convention in respect of omissions and acts committed by the organs of the self-proclaimed Trans-Dniester republic within the territory actually controlled by such organs, until the conflict in the region is finally settled. Reservation: · In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Republic of Moldova formulates a reservation to Article 5 with a view to retaining the possibility of applying disciplinary sanctions to soldiers in the form of arrest warrants issued by superior officers.	Council of Europe, Reservations and Declarations for Treaty No.005 - Convention for the Protection of Human Rights and Fundamental Freedoms, available at: http://www.coe.int/en/web/conventions/search-on-states/-/conventions/treaty/005/declarations?p_auth=mgqjnvk
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	Yes. No reservations.	Council of Europe, Chart of signatures and ratifications of Treaty 200, Convention on the avoidance of statelessness in relation to state succession: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=2ZsuCNrM
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Republic of Moldova is not a member state of the European Union and is not bound by EU directives, but Law 200/2010 partially transposes EU directives, including Directive 2008/115/EC.	Law 200/2010 on Foreigners in the Republic of Moldova: http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=category&docid=3ae6b4f520&skip=0&category=LEGAL&publisher=NATLEGBOD&coi=MDA&querysi=200&searchin=fulltext&sort=date
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes. No reservations.	Parliament Decision 408/1990, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=308983 (RO)
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	Yes. No reservations.	Parliament Decision 217/1990, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=306843 (RO)
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	Yes. No reservations.	Parliament Decision 217/1990, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=306843 (RO)
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes. No reservations.	Parliament Decision 87/1994, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=309701 (RO)
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. No reservations.	Parliament Decision 473/1995, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=306984 (RO)
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes. Declaration recognising the competence of the Committee for the Elimination of Racial Discrimination to receive and examine communications originating from persons or groups of persons within the jurisdiction of the Republic of Moldova and claim to be victims of violation by the Republic of Moldova of any of the rights established by the Convention, with the proviso that this Committee will not consider any communication without the finding that the same cause is not taken into account or has not already been taken into account under another international investigative or regulatory procedure.	Accession to convention in Parliament Decision 473/1995 Declaration in Law 311/2012

IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	OHCHR, Status of ratification, Interactive Dashboard: http://indicators.ohchr.org/
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities 2006	Yes. No reservations.	Law nr. 166 of 09.07.2010: https://www.legis.md/cautare/getResults?doc_id=24019&lang=ro (RO)

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	Gen. Rec. 32, CEDAW : States parties should gather, analyse and make available sex-disaggregated statistical data and trends. Council of the European Union (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness. UNHCR (2014) : Improve quantitative and qualitative data on stateless populations. Institute on Statelessness and Inclusion (2014) : States should strengthen measures to count stateless persons on their territory.	The Government collects data on the stateless population, but it is not routinely published. At the end of 2016, 2658 recognised stateless people were registered in the Government database and at the end of 2019 the number had decreased to 1899 stateless people. At the end of 2020, 1904 stateless people (1113 women and 791 men) were registered in the Government database including 1384 stateless people who were recorded as living in Transnistria. The data is also disaggregated by ethnicity: 854 Russians, 543 Ukrainians, 280 Moldovans, 31 Belarusians, 37 Bulgarians, 10 Tatars, 14 Azerbaijanis, 11 Armenians, and less than 10 from other ethnicities.	Information provided by Bureau of Migration and Asylum during a stakeholder roundtable in June 2017, and confirmed by UNHCR Country Office, Moldova. Information provided by UNHCR.
POP.1.b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	At the end of 2020, 1501 people were registered in the Government database as people 'with undetermined nationality'. There are no other indirect sources of statistics on stateless persons.	Information provided by UNHCR.
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	At the end of 2020, UNHCR reports 1904 stateless people and 1501 people with undetermined nationality, based on the Moldovan Government's figures.	Figures provided to UNHCR Moldova by the Bureau for Migration and Asylum.
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	The Law Center of Advocates (LCA) carried out a mapping exercise in 2020 to identify stateless people and those at risk of statelessness in prisons and residential care centres. According to figures provided by the National Administration of Penitentiaries, there were 18 applicants for stateless status/recognised stateless persons and 58 persons with undetermined citizenship in prisons in 2020. 48 undocumented persons (at risk of statelessness) were identified in residential care centres.	LCA practice.
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No other sources.	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Yes, because the Government does not have any information on population data and civil registration in the Transnistria region. The stateless population is likely to be underreported because Moldova has around 2000 persons with undetermined nationality, and due to the question of the Transnistrian region.	European Parliament (2012), DG External Policies of the Union, Study: The Transnistrian Issue: Moving Beyond The Status-Quo, available at: http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/457135/EXPO-AFET_ET(2012)457135_EN.pdf LCA opinion based on casework/practice.
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Government also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	According to BMA statistics there are no stateless persons with asylum seeker status or refugee (or subsidiary) status.	BMA monthly statistics shared with UNHCR (unpublished).
POP.2.a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	There are no stateless persons in immigration detention. If a nationality problem is uncovered while someone is in the deportation procedure, the individual would be transferred to the SDP and released from Immigration detention.	NGO Law Center of Advocates (LCA) casework - monitoring detention since 2009.

POP.2.b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	Between 2012-2020, 49 people were released from immigration detention because they could not be removed to a country of origin. Those persons were transferred to an SDP procedure. No other relevant statistics or disaggregation is available.	Information from LCA detention monitoring reports (unpublished).
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Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2).	Yes (although the English translation does not fully convey the original wording, which is in line with the Convention).	Law 200/2010 on foreigners in the Republic of Moldova, available in English at: http://www.refworld.org/docid/3ae6b4f520.html original version in Romanian: http://lex.justice.md/md/336056/ (RO)
SDS.1.b	Training	Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	The State does not organise training events, but trainings, roundtables, and info sessions are organised by UNHCR a few times a year with the cooperation of the BMA. In 2020, UNHCR with the support of the State authorities, provided 3 online trainings/info sessions on statelessness: <ul style="list-style-type: none"> • One for relevant officers from penitentiaries, to explain how to offer IDs for detained persons with unknown/undetermined nationality. • One for representatives from Accommodation Centres for persons with mental disabilities, to explain how to offer IDs for accommodated persons with unknown/undetermined nationality. • One for representatives of the guardianship authorities, to explain how to offer IDs for children with unknown/undetermined nationality, who are in the guardianship authorities' care. 	UNHCR Country Office, Moldova
SDS.1.c		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (2016) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. UNHCR (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	UNHCR and LCA provide annual trainings on statelessness for judges, judicial assistants, lawyers, and state officers.	LCA's practice/casework and monitoring reports.
SDS.1.d	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status (proceed to Question 2a). 2. There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (proceed to Question 10a). 3. There is a dedicated stateless status but no formal procedure for	UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR (2016) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	Group 1 - There is a dedicated Statelessness determination procedure (SDP) established in law under the Bureau of Migration and Asylum (BMA) structure.	Information about the SDP on BMA website: http://bma.gov.md/ro/content/apatri-die-informa%C8%9Bie-general%C4%83 (RO)

		determining this (proceed to Question 16a).			
SDS.2.a	Access to procedure (Group 1)	Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR (2016) : It is important that examiners develop expertise while ensuring that the procedures are accessible.	Yes. The dedicated Statelessness and Documentation Unit (part of the Bureau of Migration and Asylum).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html Website of the BMA: http://bma.gov.md/ro/content/apatrie-informa%C8%9Bie-general%C4%83(RO)
SDS.2.b		Are there clear, accessible instructions on how to make a claim of statelessness?	UNHCR (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR (2016) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	No, there are no specific instructions on how to make a claim of statelessness.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.2.c		Can submissions be made orally and/or in writing in any language?	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Yes, an application for recognition of stateless status may be filed in writing or oral form. If the applicant does not speak the state language, they will be offered an interpreter who speaks their native language or another language they understand.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.2.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	The SDP can be initiated ex officio by the competent authority or at the request of the person claiming to be stateless. The application for recognition of stateless status may be filed in writing or oral form. It must contain a clear and detailed description of the facts, information and evidence necessary to support the application, and in particular it must state the place of birth of the applicant, his or her family ties with other persons holding the nationality of a State, his or her place and duration of habitual residence in any other state. There is no specific form, an initial application may be made in free form, then during the interview, an officer will complete all the mandatory forms.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.2.e		Are competent authorities authorised to initiate SDPs ex officio?	UNHCR (2016) : It is recommended that governmental authorities be authorised to initiate procedures ex officio. UNHCR (2014) : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	Yes	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.2.f		Are there obligations in law on authorities to consider the application?	UNHCR (2016) : Access to the SDP must be guaranteed.	The application for the SDP shall be examined by the competent authority for foreigners within a period of up to 6 months from the date of its registration. Depending on the difficulty of the case, the term can be extended by one month, but the extension will not exceed 6 months in total. Within 15 working days of submission of the application, the competent authority shall conduct an interview with the applicant. During the examination of the application, the competent authority shall take the necessary steps to collect information from the place of birth of the applicant, from his/her place of residence or last domicile, and request information from the state of nationality of his/her parents/family members.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.2.g		Is there an application fee?	UNHCR (2016) : Access to the SDP must be guaranteed.	No	
SDS.2.h		Is there a lawful stay requirement to access the SDP?	UNHCR (2016) : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. ENS (2013) : There is no basis in the 1954 Convention for requiring lawful stay.	No	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.2.i		Is there a time limit on access to the SDP?	UNHCR (2016) : Access to the SDP must be guaranteed and not subject to time limits.	No	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

			ENS (2013) : There is no basis in the 1954 Convention to set time limits for individuals to claim stateless status.		
SDS.2.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR (2016) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is no official mechanism to refer cases, but if any state entity receives an application, which is not in its competence, by law it must refer the application to the competent authority. In practice there is good cooperation between NGOs, UNHCR and the Government.	Administrative Code (Law nr. 116 from 19 July 2018, which entered into force on 1 April 2019), available at: https://cis-legislation.com/document.fwx?rgn=109126#ASA60DCKZZ
SDS.3.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	UNHCR (2014) : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR (2016) : SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR Expert Meeting (2010) : Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. Hoti v. Croatia ECtHR (2018) : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	The burden of proof is shared between the applicant and the state.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.3.b		What is the standard of proof? Is it the same as in refugee status determination procedures?	UNHCR (2014) : States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. Hoti v. Croatia ECtHR (2018) : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	National law does not establish a standard of proof for the SDP. In practice the standard of proof is the same as in asylum procedures.	LCA practice/casework.
SDS.3.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?	UNHCR (2014) : Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of the best interests of the child. Gen. Rec. 32, CEDAW : Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women. Convention on the Rights of the Child, 1989 Convention on the Rights of Persons with Disabilities : Article 18	There are provisions for unaccompanied minors to be assisted by a representative of the institution responsible for their care, or in the case of accompanied minors by a parent or guardian. Persons with disabilities or mental ill health should also be accompanied during the interview by a carer. There are no protections for women in the law.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.3.d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	Yes. BMA Instruction for the SDP.	Order MBA nr. 71 issued on 31 October 2014 (unpublished)
SDS.4.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	UNHCR (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	Free legal aid during the administrative procedure is provided for in law but it is only available in practice from the NGO Law Center of Advocates (UNHCR partner). State free legal aid is available for the court procedure.	Law 198/2007 on state guaranteed legal aid, available at: http://lex.justice.md/viewdoc.php?action=view&view=doc&id=325350&lang=1 (RO)

SDS.4.b		Is an interview always offered (unless granting without interview)?	UNHCR (2014) : The right to an individual interview [is] essential.	An interview is mandatory for the SDP.	Instruction for SDP, Order MBA nr. 71 issued on 31 October 2014 (unpublished)
SDS.4.c		Is free interpreting offered for statelessness determination interviews?	UNHCR (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	If the applicant does not speak the state language, they will be offered free of charge an interpreter who speaks their native language or another language they understand.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.4.d		Are there quality assurance audits of the SDP?	UNHCR (2016) : Quality assurance audits of SDPs are considered good practice.	UNHCR provides monitoring of the SDP.	UNHCR Country Office, Moldova. LCA casework/practice.
SDS.4.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR (2014) : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	UNHCR representatives may request access to information about the SDP, with the applicant's consent. UNHCR provides monitoring of the SDP and offers trainings, roundtables for decision-makers, lawyers, judges and other specialists who work with stateless persons.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html UNHCR Country Office, Moldova. LCA casework/practice.
SDS.4.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	All decisions are given in writing. Reasons for refusal must be given in writing.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.4.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR (2014) : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.	The application for the SDP must be examined by the competent authority within a period of up to 6 months from the date of its registration. Depending on the complexity of the case, the term can be extended by subsequent periods of one month each, but the extension will not exceed 6 months in total.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.4.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	UNHCR (2016) : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. ENS (2013) : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	The SDP is suspended if the person submits an asylum application and will be resumed if there is an irrevocable decision to refuse the asylum application. The SDP and refugee status determination are conducted by the same competent authority (Directorate of Asylum and Integration of Bureau of Migration and Asylum).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.5.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for stateless status is assessed or is there a risk of expulsion?	UNHCR (2014) : An individual awaiting a decision is entitled, at a minimum, to all rights based on presence in the territory as well as 'lawfully in' rights (including identity papers, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that individuals receive the same treatment as asylum-seekers. ENS (2013) : States should refrain from expelling or removing an individual pending the outcome of the determination process.	Yes, the applicant has automatic legal admission while their claim for statelessness is assessed. Expulsion is not possible during SDP.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.5.b		Do applicants for stateless status have permission to work and access to assistance to meet their basic needs?	UNHCR (2014) : Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.	The applicant for stateless status has the right: <ul style="list-style-type: none"> · to be in the Republic of Moldova throughout the examination of the application; · not to be removed from the territory of the Republic of Moldova except in cases where there are reasons of national security or public order; · to be informed, in writing, when submitting the application, in a language he/she understands or is reasonably supposed to understand, about his/her rights and obligations during the procedure; · to a temporary identity document as an applicant for stateless status; · to use in their oral or written communication their mother tongue or other language they possess; · to an interpreter for free during the entire examination period of the application; · to work (except for in positions that expressly require nationality e.g. military, police etc.) By law foreigners have a right to housing on the same basis as nationals, but in fact available social housing does not exist in the Republic of Moldova. Applicants for stateless status do not have access to welfare support unless they work, in which case they have the same social rights as nationals.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

SDS.5.c		Do applicants for stateless status face a risk of detention?	UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	In the Migration Detention Centre, an applicant who has applied for stateless status whilst in detention will be detained until the supposed state of nationality confirms the person is not a citizen, or, if no confirmation is received, until the term of detention expires, or stateless status is granted. If the application is made in the community, there is no risk of detention.	LCA's monitoring experience - Law Centre of Advocates (LCA) has monitored immigration detention since 2009.
SDS.6.a	Appeals (Group 1)	Is there an automatic right of appeal?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	Yes, the right of appeal is automatic (on grounds of both law and fact).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.6.b		Is legal aid available for appeals?	UNHCR (2014) : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : Applicants should have access to legal counsel both at first instance and on appeal.	State legal aid is available for the appeal to the court to review a negative SDP decision. NGO Law Center of Advocates (UNHCR implementing partner) also offers free legal aid (counselling, courts).	Law 198/2007 on state guaranteed legal aid, available at: http://lex.justice.md/viewdoc.php?acton=view&view=doc&id=325350&lang=1 (RO)
SDS.6.c		Is there a fee for the appeal application?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard.	No.	
SDS.6.d		Is there any evidence of significant errors in decision-making?		There is no evidence of significant errors in decision making.	LCA practice/casework
SDS.7.a	Stateless status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	Yes, recognition of statelessness results in permission to stay and legal status. Status is granted immediately upon recognition as stateless. There are no additional requirements. Granting stateless status means granting of residence permit too.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.b		How long is initial status granted for and is it renewable?	UNHCR (2014) : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	Stateless status (and residence) is granted without any term limit, so a recognised stateless person may remain indefinitely in Moldova.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.c		Is a travel document issued to people recognised as stateless?	UN Convention Relating to the Status of Stateless Persons, 1954 , Article 28.	Yes	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.d		Do people recognised as stateless have a right to family reunification?	UNHCR (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised stateless status in their territory with their spouses and dependents.	Stateless persons have the same rights to family reunion as nationals.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.e		On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR (2014) : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.	Stateless status can be revoked if it is established that some acts or evidence that were decisive for recognition are false, if the stateless person acquired the nationality of any state, or if any of the exclusion clauses apply (receiving support from another UN agency; reasons to consider that he/she has committed a crime against peace, a war crime, or a crime against humanity; or a serious non-political crime outside Republic of Moldova; or has been guilty of acts contrary to the purposes and principles of the UN).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.f		Do people granted stateless status have permission to work?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 17 UNHCR (2014) : The right to work must accompany a residence permit.	Yes, on the same basis as nationals.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.g		Do people granted stateless status have access to primary, secondary, and higher education?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 22	Yes, on the same basis as nationals.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

SDS.7.h		Do people granted stateless status have access to social security and healthcare?	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 23 & 24 UNHCR (2014) : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	Yes, on the same basis as nationals.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	No. Only persons holding the nationality of the Republic of Moldova may vote in any election (local or national).	Electoral Code Law nr.1381/1997: https://a.cec.md/storage/ckfinder/files/cec-electoral-code-2019.pdf
SDS.8.a	Access to nationality (Group 1)	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 32 UNHCR (2016) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013) : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	After 8 years of legal stay on the same basis as refugees. · Foreigners: 10 years; · Refugees and stateless persons: 8 years; · Persons married to nationals: 3 years; · Minors: 5 years	Law 1024/2000 on Citizenship of the Republic of Moldova, Art. 17, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
SDS.8.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from accessing nationality? If yes, please describe.	Council of Europe Committee of Ministers (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Citizenship of the Republic of Moldova shall not be granted to the person who: · has committed international crimes, military or crimes against humanity; · has been involved in terrorist activity; · has been convicted of deprivation of liberty for premeditated crime and has a criminal record or is being prosecuted at the time of the examination of the application; · is involved in activities that endanger the security of the state, public order, health and morality of the population;	Law 1024/2000 on Citizenship of the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
SDS.8.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements? Please describe the requirements and cost of the procedure for stateless people.	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 32 UNHCR (2016) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.	There is a language test and a constitution test. Stateless persons are not exempt from language requirements. A legal income is mandatory, but no income level is set. There are no exemptions for stateless people. Naturalisation costs 180 LEI (9 EUR) plus 140 LEI (7 EUR) processing fee. After naturalisation, to get an identity card costs 130 LEI (6.50 EUR) and a passport 850 LEI (42.50 EUR).	Law 1024/2000 on Citizenship of the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	Yes.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.1.b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	Additionally to ECHR Art 5(1)(f) provisions, domestic law provides for the 'public custody' of foreigners whose identity could not be established (i.e. who could not show any documents and information about whom does not exist in State Citizens Register).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.1.c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	ICCPR Article 7 : Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auaud v Bulgaria ECtHR (2011) : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	By law and in practice the removal decision and detention decision are two different decisions. First an administrative decision on removal is made by the BMA in which a proposed country of removal must be identified. After that, a (judicial) detention decision can be made by a judge.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html LCA practice/casework.
DET.1.d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	Auaud v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009) : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014) : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	Statelessness is a relevant fact in that recognised stateless persons cannot be placed in public custody (by law and in practice). If a person asks for stateless status whilst in detention, referral to the SDP is possible within the detention regime.	LCA practice/casework.
DET.1.e		Are stateless people detained in practice?		Recognised stateless persons are not detained. Persons who request stateless status could be detained if they make an application from immigration detention. The number of people whose status as 'non-citizens' was confirmed by the supposed country of origin (and who were transferred to the SDP) while in detention is listed below: 2012 – 4 2013 – 4 2014 – 4 2015 – 9 2016 – 7 2017 – 7 2018 – 4 2019 – 8 2020 - 2	LCA casework/practice and detention monitoring reports.
DET.1.f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	UNHCR (2014) : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive : Article 15(1)	By law, immigration detention should only be used as a last resort, but no alternatives to immigration detention (public custody) are established in law or practice.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.1.g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	ENS (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Returns Directive : Article 16(3) EU Returns Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013) : European entities should assess the situation of LGBTI persons in detention.	Individual vulnerability assessments are carried out before a decision to return is carried out. Criteria include physical or mental illness and unaccompanied minors. Statelessness is not set as vulnerability criteria.	Government Decision 492/2011, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=339318 (RO)

DET.2.a	Alternatives to detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<p>ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012) : The obligation to always consider alternatives before resorting to detention should be established by law. EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive. International Detention Coalition (2015) : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	There are no alternatives to immigration detention established in law or practice.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.2.b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	There are no alternatives to immigration detention established in law or practice.	
DET.3.a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law. EU Returns Directive: Article 15(5) Equal Rights Trust (2012) : Detention should always be for the shortest time possible.</p>	<p>For people subject to expulsion (i.e. following a criminal conviction) there is no time limit.</p> <p>For ‘undesirable persons’ (i.e. people whose residence permit has been cancelled and re-entry to Republic of Moldova is forbidden for between 5 to 15 years) the time limit is 12 months.</p> <p>For people subject to removal, the time limit is 6 months.</p>	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.3.b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest. EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand. International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	Yes, all decisions (administrative and judiciary) must be sent to the person in writing.	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>Law 225/2003 Code of Civil Procedures of the Republic of Moldova, available at: http://cis-legislation.com/document.fwx?rgn=3837</p>
DET.3.c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	Detained persons are informed about their rights by an NGO funded to provide this service by UNHCR. LCA’s (UNHCR’s partner) counsellor attends the detention centre once a week and counselling for detainees includes guidance on how to access the SDP and write the application.	LCA casework/practice, detention monitoring reports, and agreement between LCA-BMA.
DET.3.d		Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body</p>	Until 23 December 2016, regular (monthly) judicial review of the necessity for the continuation of detention was set in law, but amendments to Law 200/2010 removed this provision. However, an Advisory Opinion of the Supreme Court of Justice of Moldova published in December 2018 requires the courts to reinstate judicial oversight of detention. The judicial oversight has not yet been reinstated in law, but in practice courts apply detention for not more than 30 days. To	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>Law 244/2016, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368027 (RO)</p>

			independent of the detaining authorities.	renew the period of detention, the immigration authority has to request a new court decision.	Moldova Supreme Court of Justice Advisory Opinion nr. 102 (RO): http://jurisprudenta.csj.md/search_re_c_csj.php?%20id=158
DET.3.e		What remedies are available to challenge detention? Please mention any obstacles to accessing effective remedies in practice.	ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Alimuradov v. Russia ECtHR (2019) : The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.	Detained persons have a right to appeal against each court decision, and information is provided on how to do this in the decision. The language for written evidence is not specified, but court procedures are in the official language (Romanian). Free legal aid is available to challenge detention. There are no practical obstacles.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.3.f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.	There are no specific rules or guidance. Some instructions are included in readmission agreements or protocols, but these are not very detailed.	LCA practice/detention monitoring
DET.3.g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	UNHCR (2014) : Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive : Article 13(3)	Free legal aid is available to challenge detention and there are no barriers to access.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html List of specialist legal providers: http://www.cnaigs.md/uploads/asset/file/ro/190/hot.47_lactualizare_lista_straini.pdf (RO)
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention. ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	Undocumented released stateless persons are transferred to the Statelessness Unit for documentation.	LCA's monitoring reports
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	Said Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If the purpose of detention cannot be fulfilled and the person is released, they obtain "tolerated stay" status. If the persons apply for stateless status, they obtain "stateless applicant" status. Both statuses confer the right to residence and the right to work. If employed, the person will be socially and medically insured.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.4.c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	It is not clear in the law whether re-detention is permitted. In practice re-detention does not occur.	LCA detention monitoring reports.
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Readmission of stateless persons is provided for in the Agreements with the European Union (2007), Norway (2005), Bosnia and Herzegovina (2012), Turkey (2012), Georgia (2014), Kazakhstan (2015) and Ukraine (2017). Agreements with Switzerland (2003) and Albania (2013) do not have special provisions for stateless persons.	LCA's monitoring reports
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		BMA doesn't have any official figures; but unofficially BMA officers say there are no cases of returned stateless persons.	LCA casework/practice

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality?	UN Convention on the Reduction of Statelessness, 1961 : Article 1 European Convention on Nationality, 1997 : Article 2 Convention on the Rights of the Child 1989 : Article 7 Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. European Parliament (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes. Until April 2018, all children who would otherwise be stateless born on the territory were automatically nationals. However, since an amendment to the Citizenship Law in December 2017, the safeguard has been limited to children born on the territory with at least one parent who has a residence permit, international protection or is recognised as stateless.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO) Law 132/2017 amending and completing the Law on Citizenship of the Republic of Moldova 1024/2000, available at: http://lex.justice.md/md/373813%20/ (RO)
PRS.1.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR (2012) : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS (2015) : The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	Automatic.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.1.c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	No, but it is now a requirement that at least one of the parents has a residence permit, international protection or is recognised as stateless (since April 2018).	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO) Law 132/2017 amending and completing the Law on Citizenship of the Republic of Moldova 1024/2000, available at: http://lex.justice.md/md/373813%20/ (RO)
PRS.1.d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	No.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.1.e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	UN Convention on the Reduction of Statelessness, 1961 : Article 1(2) UNHCR (2012) : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. Convention on the Rights of the Child, 1989 : Articles 3 & 7 Committee on the Rights of the Child (2015) : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. European Convention on Nationality, 1997 : Article 6(2)(b)	No, the provision is automatic.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

PRS.1.f		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	Committee on the Rights of the Child (2011) : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS (2015) : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	Yes, since April 2018, at least one of the parents must have a residence permit, international protection or be recognised as stateless. The length of residence is not specified.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO) Law 132/2017 amending and completing the Law on Citizenship of the Republic of Moldova 1024/2000, available at: http://lex.justice.md/md/373813%20/ (RO)
PRS.1.g		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	UN Convention on the Reduction of Statelessness, 1961 : Article 1(2) UNHCR (2012) : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. ENS (2015) : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	N/A	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.1.h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No specific provisions.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.2.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961 : Article 2 European Convention on Nationality, 1997 : Article 6(1)(b)	Yes, foundlings are granted nationality by law and it is automatic.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11(2), available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.2.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	The age limit in the 'foundlings' provision is 18 years. The child's birth act shall be drawn up within one month from the date of its finding, based on a report drawn up by a police officer. The person who found the child is obliged to announce it to the police within 24 hours and to present the child with all the objects and documents found with the child.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11(2) and Art.5, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO) Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://cis-legislation.com/document.fwx?rgn=5128
PRS.2.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11(2), available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.3.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No. The law permits dual nationality in the case of a Moldovan child who acquires another nationality through adoption.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.24, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.3.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	A foreign child adopted by Moldovan nationals can opt to apply for nationality. There is no age limit.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.13, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

PRS.4.a	lus sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961 : Article 4 UNHCR (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	In all situations children of a parent who is a national, born outside the country, are automatically nationals.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.4.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	Genovese v. Malta ECtHR (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW Gen. rec. No. 32, 2014 : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR (2014) : Action 4	No.	
PRS.5.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	Convention on the Rights of the Child, 1989 : Article 7 International Covenant on Civil and Political Rights, 1966 : Article 24(2) Council of Europe (2009) : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR (2012) : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR (2014) : Action 7 UN Sustainable Development Goal 16.9	Registration must be carried out not later than 3 months after birth. It is not possible to register a birth if parents are undocumented. It is possible to register a birth if parents are not legally staying in the country. Birth registration and certification is free of charge.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO) Public Services Agency order nr. 1 , 19 July 2017: http://asp.gov.md/sites/default/files/pdf/acte-institutionale/Anexa4_Lista_serviciilor_SSC_07_06_2018.pdf (RO)
PRS.5.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	UN Human Rights Council, Resolution A/HRC/RES/20/4 : Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.	All children obtain birth certificates upon registration. However, at least the mother must be documented before the child can be registered and a birth certificate issued. This can cause delays of up to years sometimes with no other safeguards in place for the child.	Source Public Services Agency http://asp.gov.md/ro/node/3978
PRS.5.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	Convention on the Rights of the Child, 1989 : Articles 3 & 7	The child's nationality is recorded on the birth certificate if the child has an entitlement to Moldovan nationality. All children born in Moldova with at least one parent with residence status are Moldovan. Information about both parents is recorded on the birth certificate. If the father is not known, the information about him is recorded on the basis of statements by the mother.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)
PRS.5.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	Convention on the Rights of the Child, 1989 : Articles 3 & 7 UN Convention on the Reduction of Statelessness, 1961 : Articles 1 & 4 UNHCR (2012) : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.	In the case of children born to foreign nationals in Moldova, the parents must decide, by mutual agreement which nationality should be attributed to the child. If the parents do not agree, the court will decide whether the child is a national of the Republic of Moldova, taking into account of the child's best interests. If the child has reached the age of 14, their consent is required, authenticated by the notary. In the situation of children neither of whose parents has legal residence, the parents should contact the consular service of their country. If birth registration in the consular service is impossible, the only option for parents is to contact the stateless status determination unit.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)

PRS.5.e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p> <p>Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p>Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (2019): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p>	There are credible reports of some cases in which children were prevented from registering in practice because of lack of documentation of parents.	Information from LCA's casework/practice and monitoring reports. <p>Ombudsperson of Moldova, Raport Tematic: Analiza situației pe țară privind documentarea copiilor cu adeverințe de Naștere (Analysis of the situation regarding children's rights to a name and nationality), 2013: http://ombudsman.md/wp-content/uploads/2018/10/raport_tematic_copii_nedocumentati_red_0.pdf (RO)</p> <p>Ombudsperson of Moldova, Report Observing Child Rights in the Republic of Moldova in 2017, page 91, right to name and nationality. Available at: http://ombudsman.md/wp-content/uploads/2019/05/Raport_2018_INTEGRAL-1.pdf</p>
PRS.5.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child, JGC No. 4 (2017) and JGC No. 3 (2017): Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>Council of Europe: ECRI General Policy Recommendation No. 16(2016) on safeguarding irregularly present migrants from discrimination: States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	No. There are no requirements to report undocumented migrants.	
PRS.5.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	By law, registration must be no later than 3 months after the birth. Late birth registration is possible.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)
PRS.5.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Late birth registration is punishable by a fine. If the declaration of birth was made after the expiry 3 months, but within one year of birth, the birth certificate shall be made by the civil status body. If the birth certificate was made after the expiration of one year from the date of birth, the appropriate act shall be drawn up at the civil status body on the basis of the opinion on the late registration of the child's birth, the reasons for the breach of the established deadlines being investigated and the possible doubling of the birth registration.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)
PRS.6.a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If	UNHCR (2014) : Action 7	There are no current proactive government campaigns or programmes to promote birth registration. The Government passed a decision in 2009 'on simplifying the procedure for registering new-borns', which introduced automatic registration for children born in a	Government Decision 258/2009, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331223 (RO)

		yes, please provide details.		medical institution. It also introduced an amendment to the law, which came into force in January 2018, which recognizes Transnistrian civil status acts, making it easier for parents of Transnistrian origin to register the births of their children in Moldova and for children born to Transnistrian parents to acquire Moldovan nationality.	Law 310/2017, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=373827 (RO)
PRS.6.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961 : Article 9 UNHCR (2014) : Action 4 UN Human Rights Council (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	People of Transnistrian origin and sections of the Roma community are believed to be unregistered and at risk of statelessness.	Information from LCA's practice/casework and monitoring reports.
PRS.6.c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014) : Actions 1 & 8 UNHCR (2015) : States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	No other measures. The Government introduced an amendment to the Law on Citizenship in December 2017 (entered into force in April 2018), which increased the risk of children being born stateless on the territory.	Law 132/2017 amending and completing the Law on Citizenship of the Republic of Moldova 1024/2000, available at: http://lex.justice.md/md/373813%20/ (RO)
PRS.7.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	UN Convention on the Reduction of Statelessness, 1961 : Article 8 & 9 European Convention on Nationality, 1997 : Article 7(3) Universal Declaration of Human Rights : Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary : Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009) : para. 23 UNHCR Guidelines on Statelessness No.5 (2020) : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).	Yes. There are provisions for the deprivation of nationality in Moldova, which could result in statelessness. A person who acquired nationality fraudulently; voluntarily enlisted in a foreign army; or committed particularly serious deeds damaging the state may be deprived of their nationality (Art. 17(11) & (6)). There is a safeguard against statelessness in all cases except for the fraudulent acquisition of nationality.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.23, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.7.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961 : Article 8(4) European Convention on Nationality, 1997 : Article 11 Principles on Deprivation of Nationality : Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.	A person can be deprived of nationality of the Republic of Moldova by a decree of the President of the Republic of Moldova. There is a right of appeal (within 6 months from the date of its entry into force). Free legal aid is available to challenge the decision.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.23, 41 available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.7.c		Are provisions on deprivation of nationality that may render a person stateless applied in practice?		There are no known cases where deprivation on the basis of fraud has been applied rendering a person stateless. In some known cases of deprivation of nationality, the persons concerned held another nationality.	LCA practice
PRS.7.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	UN Convention on the Reduction of Statelessness, 1961 : Article 7 European Convention on Nationality, 1997 : Articles 7 and 8	Renunciation of nationality can be accepted only if there is official confirmation or promise to grant the nationality of another State. The law provides that if the person has not received the promised nationality, they reacquire nationality of the Republic of Moldova.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.22 available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

PRS.7.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.	Yes (see PRS.7.a), but not if it would render a person stateless.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.23, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.7.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	ICCPR: Article 26 UN Convention on the Reduction of Statelessness, 1961: Article 9 European Convention on Nationality, 1997: Article 5 Principles on Deprivation of Nationality: Principle 6 . Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	No, there are no such provisions.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.23, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Number of published judgments adjudicating statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		No relevant judgments from national courts. ECtHR Ciobotaru v Moldova 2010 judgment related to civil registration.	Judgments of the Constitutional Court: http://www.constcourt.md/ccdocs.php?l=en Judgments of the Supreme Court: http://www.csi.md/index.php/jurisprudenta-cedo1/2013-09-16-15-57-58 Ciobotaru v Moldova 2010 ECtHR, available at: http://www.legislationline.org/download/action/download/id/3355/file/EctHR%20Ciobotaru%20v%20Moldova%202010.pdf
RES.1.b		Number of published judgments mentioning statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		No relevant judgments from national courts.	
RES.2.a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014) : Applicants must have access to legal counsel.	NGO Law Centre of Lawyers, as UNHCR implementing partner provides free legal aid for stateless persons. National Free Legal Aid Counsel (NLAC) has a list of lawyers who are specialised in refugee and statelessness area.	LCA : www.cda.md NLAC : www.cnaigs.md
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		UNHCR mapping study of statelessness in Moldova, forthcoming Viorelia Gasca, 2009 (revised 2010), EUDO Citizenship Observatory, Country Report: Moldova, available at: http://cadmus.eui.eu/bitstream/handle/1814/19626/Moldova.pdf?sequence=1	