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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

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/stateless-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 the right to continue to recognise as Moldovan nationals Moldovan children who are adopted by nationals of other countries, and as a consequence of adoption acquire a different nationality. · 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 Article 6(4)(g) 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 consider 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 another State Party is not deemed to	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)

				have fulfilled his military obligations in relation to the Republic of Moldova.	
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. Moldova made a reservation that is not relevant to statelessness.	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 Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return 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 CEDAW, 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 who 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 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 State 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).	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (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.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>As of mid-2022, 1898 recognised stateless persons were registered in the Government database (including 833 persons with expired ID). 1359 of the 1898 recognised stateless persons live in the disputed Transnistrian region.</p> <p>The data on persons recognised as stateless is also disaggregated by ethnicity: 853 Russians, 548 Ukrainians, 269 Moldovans, 8 Gagauzians, 15 Azerbaijanians, 11 Armenians, 3 Tajiks, 4 Turkmen, 9 Uzbeks, 30 Belarusians, 6 Palestinians, 12 Kazakhstani, 5 Jewish, 10 Tatars, 6 Ciuvashs, 5 Arab, 37 Bulgars, 9 Georgians, 3 Latvians, 8 Germans, 3 Polish, 4 Roma, 42 other ethnicities.</p> <p>1106 stateless persons are women; 798 persons are between 18 – 59 years, 306 persons are over 60 years). 796 persons are men (1 person is between 12-17 years, 563 persons are between 18 – 59 years, 232 are over 60 years).</p> <p>As of October 2022, there were approximately 250 applicants awaiting a decision on their statelessness determination.</p>	Information provided by Bureau of Migration and Asylum
POP.1.b		Do public 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	As of mid-2022, 1409 persons 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 Bureau of Migration and Asylum.
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	UNHCR's Refugee Data Finder records 1701 stateless persons in Moldova (2022).	UNHCR Refugee Data Finder, https://www.unhcr.org/refugee-statistics/download/?url=Qy0lGa 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 statelessness 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 1409 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 State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	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 State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (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. Council of the European Union, Conclusions on Statelessness (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.	There are no known 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 State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	Between 2012-2021, 50 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).

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.	1954 Convention : 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.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (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 2021, for example, UNHCR and LCA organised: <ol style="list-style-type: none"> 1. A training for the 6 staff of the statelessness unit of the Asylum and Integration Directorate, BMA. Topics such as statelessness in Moldova, statelessness determination procedure and reduction of statelessness were discussed. 2. Information campaign for officials in town halls, district councils, directorates of social assistance and child protection, territorial offices of the Public Services Agency including through the distribution of a calendar with information about the statelessness determination procedure (2400 calendars produced and distributed). 3. LCA launched a call to 7 social assistance departments (official letters) on availability of legal assistance for persons at risk of becoming stateless. 	UNHCR Country Office, Moldova
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (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.3.a	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 statelessness status (answer Question SDS.3.b. and proceed to Question 4a). 2. There is no dedicated SDP leading to a dedicated statelessness 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	UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020) : 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/apatridie-informa%C8%9Bie-general%C4%83 (RO)

		<p>status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p>			
SDS.3.b	Temporary protection for people fleeing war	<p>Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine? Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving protection (e.g. for people who cannot fulfil eligibility requirements in line with the EU Temporary Protection Directive, if applicable).</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>There are reports that some documented stateless persons have crossed from Ukraine to Moldova without difficulty. For those without documents, entry is permitted in order to apply for protection.</p> <p>Stateless persons, persons at risk of statelessness and undocumented persons can apply for protection in Moldova even if they are undocumented. Moldova recognises statelessness status and international protection granted by Ukraine.</p> <p>According to the Government’s decision from 18 January 2023, temporary protection will be activated on 1 March 2023. Temporary protection is available to stateless persons recognised as stateless by Ukrainian authorities and to stateless persons who benefitted from international protection or equivalent national protection in Ukraine. Moldova does not extend temporary protection to stateless persons who had a valid permanent residence permit in Ukraine (on a basis other than statelessness), nor to undocumented persons from Ukraine.</p> <p>UNHCR reported in January 2023 that over the past 11 months, approximately 750,000 refugees fleeing Ukraine had entered Moldova, and more than 102,000 remained in country – almost half of them children.</p>	<p>Refugees from Ukraine to benefit from temporary protection in Moldova (18 Jan 2023) https://gov.md/en/content/refugees-ukraine-benefit-temporary-protection-moldova#:~:text=the%20providing%20of%20temporary%20protection,for%20a%20one%20year%20term.</p> <p>UN refugee chief praises Moldova for opening the country to Ukrainians fleeing war (21 Jan 2023) https://news.un.org/en/story/2023/01/1132697</p> <p>European Network on Statelessness, Country Briefing, Moldova: Information for stateless people and those at risk of statelessness fleeing Ukraine, January 2023: https://www.statelessness.eu/statelessness-ukraine-crisis</p>
SDS.4.a	Access to the procedure (Group 1)	<p>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.</p>	<p>UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>Yes. The dedicated Statelessness and Documentation Unit (part of the Bureau of Migration and Asylum).</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>Website of the BMA: http://bma.gov.md/ro/content/apatridie-informa%C8%9Bie-general%C4%83 (RO)</p>
SDS.4.b		<p>Are there clear, accessible instructions on how to make a claim of statelessness?</p>	<p>UNHCR, Handbook on Protection (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>No, there are no specific instructions on how to make a claim of statelessness.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>

SDS.4.c	Can submissions be made orally and/or in writing in any language?	ENS, Stateless Determination and the Protection Status of Stateless Persons (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Yes, an application for recognition of statelessness 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.4.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 statelessness 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.4.e	Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that governmental authorities be authorised to initiate procedures ex officio. UNHCR, Handbook on Protection (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.4.f	Are there obligations in law on authorities to consider the application?	UNHCR, Good Practices Papers – Action 6 (2020) : 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.4.g	Is there an application fee?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	No	
SDS.4.h	Is there a lawful stay requirement to access the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : 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.4.i	Is there a time limit on access to the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed and not subject to time limits. ENS (2013) : There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.	No	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.4.j	Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR, Good Practices Papers – Action 6 (2020) : 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#A5A60DCKZZ

<p>SDS.5.a</p>	<p>Assessment (Group 1)</p>	<p>Who has the burden of proof in the SDP in law and practice?</p>	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. 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. ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>The burden of proof is shared between the applicant and the state.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
<p>SDS.5.b</p>		<p>What is the standard of proof? Is it the same as in refugee status determination procedures?</p>	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). UNHCR, Good practices in nationality laws (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. ECtHR, Hoti v. Croatia (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.</p>	<p>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.</p>	<p>LCA practice/casework.</p>
<p>SDS.5.c</p>		<p>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? In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?</p>	<p>UNHCR, Handbook on Protection (2014): Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State. CEDAW, Gen. Rec. 32 (2014): 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. CRC: Articles 2, 3, 7 and 8 CRPD: Article 18 UNHCR, Best Interests Procedure Guidelines (2021) UNHCR, Roundtable on Protection and Solutions for LGBTQI+ People in Forced Displacement (2021) Global Compact for Safe, Orderly and Regular Migration: Objective 7 UN Women, Gender-responsive implementation of the Global Compact (2021): States should put in place measures to regularise the status of migrants</p>	<p>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.</p> <p>Unaccompanied minors will be assisted, during the interview, by the representative of the institution in which they are placed. In the case of accompanied minors - by one of the parents or a representative whose powers result from the law or a legal act. The interview note will also be signed by his / her designated representative, in the case of an unaccompanied minor,</p> <p>The case of the unaccompanied minor who has been granted statelessness status will be referred to the guardianship authority at the minor's place of residence in order to ensure the observance of his / her legitimate rights and interests.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>

			leading to permanent residence, with specific attention to migrant women and girls who are stateless. European Parliament, Resolution on LGBTIQ rights in the EU (2021) : Calls on Commission and Member States to overcome discrimination against rainbow persons and families.		
SDS.5.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.5.e		Is there any evidence of significant errors in decision-making?		There is no evidence of significant errors in decision making.	LCA practice/casework
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	UNHCR, Handbook on Protection (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-funded free legal aid is also 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.6.b		Is an interview always offered (unless granting without interview)?	UNHCR, Handbook on Protection (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.6.c		Is free interpreting offered for statelessness determination interviews?	UNHCR, Handbook on Protection (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.6.d		Are there quality assurance audits of the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Quality assurance audits of SDPs are considered good practice.	UNHCR provides monitoring of the SDP.	UNHCR Country Office, Moldova. LCA casework/practice.
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR, Handbook on Protection (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.6.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR, Handbook on Protection (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.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR, Handbook on Protection (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.6.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p>EASO/EUAA, Practical guide on registration (2021): The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p> <p>ENS (2013): Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.</p>	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.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?	<p>UNHCR, Handbook on Protection (2014): An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being ‘lawfully in’ the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status receive the same treatment as asylum-seekers.</p> <p>ENS (2013): States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	Yes, the applicant has automatic legal admission while their claim for statelessness is assessed. Expulsion is not possible during SDP except in cases of national security and/or public order.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	<p>UNHCR, Handbook on Protection (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.</p>	<p>The applicant for statelessness status has the right:</p> <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 statelessness status; · to use in their oral or written communication their mother tongue or other language they speak fluently; · 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.) <p>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 statelessness status do not have access to welfare support unless they work, in which case they have the same social rights as nationals.</p>	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.7.c		Do applicants for statelessness status face a risk of detention?	<p>UNHCR, Handbook on Protection (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</p>	In the Migration Detention Centre, an applicant who has applied for statelessness status whilst in detention will be detained until any state of possible nationality confirms the person is not a citizen, or, if no confirmation is received, until the term of detention expires, or statelessness 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.

			the lawful governmental objective pursued by detention.		
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	UNHCR, Handbook on Protection (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.8.b		Is legal aid available for appeals?	UNHCR, Handbook on Protection (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.	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?action=view&view=doc&id=325350&lang=1 (RO)
SDS.8.c		Is there a fee for the appeal application?	UNHCR, Handbook on Protection (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard.	No.	
SDS.9.a	Statelessness 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, Handbook on Protection (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 statelessness 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.9.b		How long is initial status granted for and is it renewable?	UNHCR, Handbook on Protection (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.	Statelessness 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.9.c		Is a travel document issued to people recognised as stateless?	1954 Convention : Article 28.	Yes	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.9.d		Do people recognised as stateless have a right to family reunification?	UNHCR, Handbook on Protection (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness 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.9.e		On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR, Handbook on Protection (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.	Statelessness 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.9.f		Do people granted statelessness status have permission to work?	1954 Convention : Article 17 UNHCR, Handbook on Protection (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.9.g		Do people granted statelessness status have access to primary, secondary, and higher education?	1954 Convention : 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.9.h		Do people granted statelessness status have access to social security and healthcare?	1954 Convention : Articles 23 & 24 UNHCR, Handbook on Protection (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.9.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.)? [Section complete, proceed to DET]	1954 Convention : 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

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	<p>ICCPR: Article 9</p> <p>ECHR: Article 5</p> <p>EU Return Directive: Article 15</p> <p>UNHCR, Handbook on Protection (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.</p> <p>UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention.</p> <p>HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law.</p> <p>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>	<p>Additionally to ECHR Art 5(1)(f) provisions, domestic law provides for the 'public custody' of persons, where they were born outside of the Republic of Moldova and who could not be returned within a time limit, if they crossed or attempted to illegally cross the border, or entered the country within the period of a previous entry ban, whose identity could not be established (i.e. who could not show any documents and information about whom does not exist in the State Citizens Register), who were declared undesirable, or against whom expulsion has been ordered.</p> <p>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.</p>	Law 200/2010 on foreigners in the Republic of Moldova, Article 64, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.1.b		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.	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p>ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation.</p> <p>EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	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.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p>	According to the provisions of art. 64 index 2 of Law no. 200 on foreigners, the foreigner is released from public custody, based on a decision of the competent authority for foreigners, in the following cases: a) the maximum term of public custody has expired; b) the reason that was the basis for issuing the decision to take the person into public custody no longer exists. There are no other obligations on the authorities to release the person from public custody.	Law 200/2010 on foreigners in the Republic of Moldova, Article 64, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.2.a	Identification of statelessness	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.	<p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.</p>	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 statelessness status whilst in detention, referral to the SDP is possible within the detention regime.	LCA practice/casework.

			Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Equal Rights Trust, Guidelines (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. ICJ, Migration and International Human Rights Law (2014) : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.		
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	There isn't a definition of vulnerability in law. Statelessness is not considered to be a factor increasing vulnerability. Recognised stateless persons have the same social rights as citizens.	Chapter IX, Law 200/2010 on foreigners in the Republic of Moldova, Article 64, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive : Article 16(3) EU Return Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013) : European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.	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.d		Are stateless people detained in practice?	As above.	Recognised stateless persons are not detained. Persons who request statelessness status could remain detained if they make an application from immigration detention. The number of detained people whose status as 'non-citizens' was confirmed by the supposed country of origin (and who were referred to the SDP and released from detention) is listed below: 2012 – 4 2013 – 4 2014 – 4 2015 – 9 2016 – 7 2017 – 7 2018 – 4 2019 – 8 2020 – 2 2021 – 1	LCA casework/practice and detention monitoring reports.
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular	ICCPR : Article 9(4) ECHR : Article 5(4) EU Return Directive : Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010) : A maximum period of detention	For people subject to expulsion (i.e. following a criminal conviction) there is no time limit. 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. For people subject to removal, the time limit is 6 months.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

		periodic reviews, judicial oversight, legal aid, etc.)?	<p>must be established by law and upon expiry the detainee must be automatically released.</p> <p>CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.</p> <p>UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>UNHCR, Handbook on Protection (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.</p> <p>UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.</p> <p>International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (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> <p>ECtHR, Kim v. Russia (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.</p>	<p>All decisions (administrative and judiciary) must be sent to the person in writing.</p> <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. Judicial oversight has not yet been reinstated in law. There are cases where courts ignore the Advisory Opinion of the Supreme Court of Justice of Moldova of December 2018, and order 2, 3 or 6 months of immigration detention.</p> <p>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.</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> <p>Law 244/2016, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&iid=368027 (RO)</p> <p>Moldova Supreme Court of Justice Advisory Opinion nr. 102 (RO): http://jurisprudenta.csj.md/search_rec_csj.php?%20id=158</p>
DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p>Equal Rights Trust, Guidelines (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.</p>	<p>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.</p>	<p>LCA casework/practice, detention monitoring reports, and agreement between LCA-BMA.</p>
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): The detaining state should have rules in place that govern the process of re-</p>	<p>There are no specific rules or guidance. Some instructions are included in readmission agreements or protocols, but these are not very detailed.</p>	<p>LCA practice/detention monitoring</p>

			documentation and/ or ascertaining entitlement to nationality.		
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	<p>1954 Convention: Article 27</p> <p>UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention.</p> <p>CMW, General comment No. 5 (2021): There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	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?	<p>CJEU, Kadzoev, C-357/09 PPU (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.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	If the purpose of detention cannot be fulfilled and the person is released, they obtain "tolerated stay" status. If the persons apply for statelessness 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.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	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. There is no information on whether children's best interests are considered in return decisions.	LCA's monitoring reports
DET.5.b		Are you aware 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	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (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)
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (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)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021) : States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	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). Stateless adults can apply for naturalisation after 8 years of lawfully staying. Stateless children can apply for naturalisation after 5 years of lawful stay. A stateless child who is under the guardianship of citizens of the Republic of Moldova automatically becomes a citizen of the Republic of Moldova. A stateless child who is under the guardianship of spouses, one of whom is a citizen of the Republic of Moldova and the other is stateless, automatically becomes a citizen of the Republic of Moldova.	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)
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.	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. If parents do not have any forms of resident permit, the child will not acquire Moldovan nationality at birth.	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)

			European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.		
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR, Guidelines on Statelessness No. 4 (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, No Child Should Be Stateless (2015) : The 1961 Convention and the European Convention on Nationality 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.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	No, the provision is automatic and no information is available.	
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (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.2.e		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, Guidelines on Statelessness No. 4 (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, but in the case of children the State assumes a greater share of the burden of proof. 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.2.f		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.	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (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. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (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. ECN: Article 6(2)(b)</p>	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.2.g		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.	<p>Committee on the Rights of the Child, Concluding observations on Czech Republic (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, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	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.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (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. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (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.</p>	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.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<p>UNHCR, Guidelines on Statelessness No. 4 (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.</p>	<p>The safeguard in Citizenship Law that automatically grants Moldovan nationality to children born on the territory who would otherwise be stateless applies only to children with at least one parent who has a residence permit, international protection or is recognised as stateless (see PRS.2.a).</p> <p>There are no other specific provisions for children born to refugees.</p>	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.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p>1961 Convention: Article 2 ECN: Article 6(1)(b)</p>	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.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): At a minimum, the safeguard should apply to all young children who are not yet able to communicate</p>	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	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)

			information about the identity of their parents or their place of birth.	24 hours and to present the child with all the objects and documents found with the child.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://cis-legislation.com/document.fwx?rgn=5128
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (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.4.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?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (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.4.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.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (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.5.a	Ius 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?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (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.5.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.)?	ECTHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 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, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4	No.	
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents?	CRC : Article 7 ICCPR : Article 24(2) CoE, Recommendation CM/Rec(2009)13 (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, Guidelines on Statelessness No. 4 (2012) : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (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. The Republic of Moldova does not register same-sex marriages, and it is not possible to register the names of both parents on the child's birth certificate if they are of the same sex. Only the mother who gave birth to the child will be registered in the birth certificate.	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)

			European Parliament, Resolution on LGBTIQ rights in the EU (2021) : Calls on States to overcome discrimination against rainbow persons and families. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021) : All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.		
PRS.6.b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	HRC, Resolution A/HRC/RES/20/4 (2012) : 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. Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : 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 several years in some cases, with no other safeguards in place for the child.		Source Public Services Agency http://asp.gov.md/ro/node/3978
PRS.6.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.)	CRC : 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' identity is recorded on the birth certificate, but this does not include the parents' nationality(ies). 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.6.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, competent authority, and whether the child's best interests are taken into consideration.	CRC : Articles 3 & 7 1961 Convention : Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (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. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)	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 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 statelessness 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.6.e	Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : 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. 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. Global Compact on Refugees : States commit to fulfil the right of all individuals to a legal identity and	There are credible reports from the Ombudsperson and NGOs of some cases in which children were prevented from registering in practice because their parents are undocumented. Romani communities are disproportionately impacted and many face challenges due to parents' lack of documentation. The Republic of Moldova does not register same-sex marriages, and it is not possible to register the birth of a child born to same-sex parents. There are no laws or regulations relating to the registration of birth of children born as a result of a surrogacy agreement.		Information from LCA's casework/practice and monitoring reports. 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) 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>ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>		
PRS.6.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)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: 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>CoE, ECRI General Policy Recommendation No. 16(2016): 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>	<p>No. There are no requirements to report undocumented migrants.</p> <p>There is no clear firewall to prohibit the sharing of information by other entities with immigration authorities.</p>		
PRS.6.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>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>HRC, Resolution A/HRC/RES/20/4 (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	<p>By law, registration must be no later than 3 months after the birth. Late birth registration is possible.</p>	<p>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)</p>	
PRS.6.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	<p>Late birth registration is punishable by a fine. If the declaration of birth was made after the expiry of 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</p>	<p>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)</p>	

				deadlines being investigated and the possible duplication of the birth registration.	
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (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 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.	Government Decision 258/2009, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&iid=331223 (RO) Law 310/2017, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&iid=373827 (RO)
PRS.7.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.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (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.7.c		Has the State 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.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	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.8.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.).	1961 Convention : Article 8 & 9 ECN : Article 7(3) UDHR : 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 HRC, 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). ILEC Guidelines (2015) : Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.	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.8.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, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 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. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	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.8.c	Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		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.8.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p>1961 Convention: Article 7 ECN: Articles 7 and 8</p>	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.8.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.	<p>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. UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	Yes (see PRS.8.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.8.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.	<p>ICCPR: Article 26 1961 Convention: Article 9 ECN: 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.</p>	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)
PRS.8.g	Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p>CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7).</p>	According to Article 23 part 3 of the Law on Citizenship, deprivation of Moldovan nationality does not affect the nationality of a spouse or children.	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)

			The derivative loss of nationality is prohibited (Principle 9.8).		
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Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		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?!=en Judgments of the Supreme Court: http://www.csj.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.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (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.cnajgs.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	