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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	Yes.	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 standardised ‘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>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States and relevant actors should collect rigorous and comparable data on stateless populations, including data disaggregated by sex, gender, age, and disability status, in accordance with the international recommendations on statelessness statistics and in consultation with relevant stakeholders.</p>	<p>As of the end of 2023, 1889 recognised stateless persons were registered in the Government database (including 887 persons with expired ID). 1348 of the 1889 recognised stateless persons live in the disputed Transnistrian region.</p> <p>The data on persons recognised as stateless is also disaggregated by ethnicity: 849 Russians, 542 Ukrainians, 267 Moldovans, eight Gagauzians, 18 Azerbaijanians, 11 Armenians, eight Uzbeks, 30 Belarusians, six Palestinians, 11 Kazakhstanis, five Jewish, 10 Tatars, six Ciuvashs, five Arab, 37 Bulgars, nine Georgians, eight Germans, five Roma, 57 other ethnicities.</p> <p>1100 stateless persons are women; 769 persons are between 18 – 59 years, 331 persons are over 60 years). 793 persons are men (, 538 persons are between 18 – 59 years, 255 are over 60 years).</p> <p>At the end of February 2024, there were 297 applicants awaiting a decision on their statelessness determination.</p>	Information provided by General Inspectorate for Migration (formerly, the 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 the end of 2023, 1,339 persons were registered in the Government database as people with ‘undetermined legal status’. There are no other indirect sources of statistics on stateless persons.	Information provided by General Inspectorate for Migration
POP.1.c		What is UNHCR’s estimate for the stateless/at risk of statelessness population or population with undetermined nationality and what is the source for this estimate?	As above	UNHCR’s Refugee Data Finder records 3,233 stateless persons in Moldova (mid-2024).	UNHCR Refugee Data Finder, unhcr.org/refugee-statistics/download/?url=E8c8VC
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	<p>The Law Center of Advocates (Centrul de Drept al Avocatilor, CDA) 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 nationality in prisons in 2020. 48 undocumented persons (at risk of statelessness) were identified in residential care centres.</p> <p>In 2025, CDA plans to carry out a national mapping to identify stateless and undocumented people, especially in rural areas.</p>	CDA 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 1,339 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 CDA 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 General Inspectorate for Migration (IGM) statistics there are no stateless persons with asylum seeker status or refugee (or subsidiary) status.	IGM 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 (CDA) 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 2012-2023, 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 CDA 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. HRC, Resolution 53/16 on the right to a nationality (2023) : States should ensure the effective implementation of nationality laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society.	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. However, in 2024, no training events were organised on statelessness. In 2021, for example, UNHCR and LCA organised: 1. A training for the six 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 (2,400 calendars produced and distributed). 3. LCA launched a call to seven social assistance departments (official letters) on availability of legal assistance for persons at risk of becoming stateless.	https://igm.gov.md/ro/press-releases
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. HRC, Resolution 53/16 on the right to a nationality (2023) : as above	UNHCR and CDA provide annual trainings on statelessness for judges, judicial assistants, lawyers, and State officers.	CDA'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 (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.	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 General Inspectorate for Migration (IGM) structure.	Information about the SDP on IGM website: https://igm.gov.md/ro/content/apatridie-informa%C8%9Bie-general%C4%83 (RO)

		partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (proceed to Question 11a).			
		3. There is a dedicated statelessness status but no formal procedure for determining this (proceed to Question 17a).			
SDS.4.a	Access to the procedure (Group 1)	Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	UNHCR, 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.	Yes. The dedicated Statelessness and Documentation Unit (part of the General Inspectorate for Migration (IGM), which is part of the Ministry of Interior). The former Bureau of Migration and Restructuration was restructured and renamed the IGM in January 2023. Since then, some procedures, including the SDP have been decentralised, and the SDP is now processed by three territorial offices of the IGM (North, Centre, South).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html Website of the IGM : https://igm.gov.md/ro/content/apatridie-informa%C8%9Bie-general%C4%83 (RO)
SDS.4.b		Are there clear, accessible instructions on how to make a claim of statelessness?	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.	No, there are no specific instructions on how to make a claim of statelessness.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.4.c		Can submissions be made orally and/or in writing in any language?	ENS, Statelessness 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 <i>ex officio</i> 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, their family ties with other persons holding the nationality of a State, their 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 <i>ex officio</i> . 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 six 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 six months in total. Within 15 working days of	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

				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.	
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
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	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.	The burden of proof is shared between the applicant and the state.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.5.b		What is the standard of proof, in law and in practice? Is it the same as in refugee status determination procedures?	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	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.	CDA practice/casework.

			rights, the standard of proof when determining the status of statelessness cannot be too high.		
SDS.5.c		<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?</p> <p>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.</p> <p>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.</p> <p>CRC: Articles 2, 3, 7 and 8</p> <p>CRPD: Article 18</p> <p>UNHCR, Best Interests Procedure Guidelines (2021): The best interests principle applies to all children within the territory of the State, irrespective of their status.</p> <p>UNHCR, Roundtable on Protection and Solutions for LGBTQI+ People in Forced Displacement (2021)</p> <p>Global Compact for Safe, Orderly and Regular Migration: Objective 7</p> <p>UN Women, Policies and practice: A guide to gender-responsive implementation of the Global Compact for Migration (2021): States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on Commission and Member States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR, Discussion Paper: LGBTIQ+ persons in forced displacement and statelessness (2021)</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>
SDS.5.d		<p>Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p>Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>Yes. BMA Instruction for the SDP. The instruction remains the same since the restructure into the IGM. The instruction does not include national country-of-origin information relating to statelessness.</p>	<p>Order MBA nr. 71 issued on 31 October 2014 (unpublished)</p>
SDS.5.e		<p>Is there any evidence of significant errors in decision-making?</p>		<p>There is no evidence of significant errors in decision making.</p>	<p>CDA practice/casework</p>

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, and in the judicial procedure upon appeal, is provided for in law. For the administrative procedure, it is only available in practice from the NGO Law Center of Advocates (CDA) (UNHCR partner).	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 (Romanian), 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. (CDA) casework/practice.
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training, applicant’s access to UNHCR as a safeguard in the procedure)?	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 people.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html UNHCR Country Office, Moldova. CDA 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 six 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 six months in total. Since the restructure and decentralisation of the former Bureau of Migration and Asylum in January 2023 which became the IGM, resulting in the SDP being processed by three territorial offices of the IGM, timelines for the SDP are no longer adhered to in some cases.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
SDS.6.h		Is statelessness identified in asylum procedures? Is there any guidance for officials relating to identification or determination of statelessness within asylum procedures? Is there a referral mechanism from asylum procedures to the SDP (either during or at the conclusion, if the applicant is refused asylum)?	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. 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. ENS (2013) : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	The SDP is suspended if the person submits an asylum application and will be resumed if there is an irrevocable decision to refuse the asylum application. The SDP and refugee status determination are conducted by the same competent authority (Directorate of Asylum and Statelessness of General Inspectorate of Migration), by different units (the Refugee Status Determination Unit for the refugee status determination and the Statelessness Unit for the SDP). The RSD unit follows UNHCR’s Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection.	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?	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. ENS (2013) : States should refrain from expelling or removing an individual pending the outcome of the determination process.	Yes, the applicant has automatic legal admission while their claim for statelessness is assessed. Expulsion is not possible during SDP 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?	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.	The applicant for statelessness status has the right: · 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.) 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.	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?	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 the lawful governmental objective pursued by detention.	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.	CDA's monitoring experience - Law Centre of Advocates (CDA) has monitored immigration detention since 2009.
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 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 and an identity document issued to people recognised as stateless and are those documents subject to any conditions? Please add a copy of an anonymised travel and/or identity document to question RES.4.a. (last page).	1954 Convention : Articles 25(1) & 28.	Yes. A travel document and an identity document are issued upon recognition of statelessness status, upon formal request.	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? Is a proportionality assessment undertaken prior to the revocation decision, e.g. to consider respect for the right to private and family life (if applicable)?	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 they have 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). The law does not provide for further conditions for revocation.	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. On 18 June 2024, UNHCR and Chisinau City Hall signed a Memorandum of Understanding to enhance support and integration for refugees, asylum seekers, and stateless people. The agreement aims to foster an inclusive environment in Chisinau. It includes the launch of the "Cities of Solidarity" initiative, which aims to promote the protection and inclusion of these groups within urban and suburban areas.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html UNHCR Moldova, UNHCR and Chisinau City Hall Sign Memorandum of Understanding to Strengthen Support and Integration for Refugees, July 2023: https://www.unhcr.org/md/en/27977-unhcr-and-chisinau-city-hall-sign-memorandum-of-understanding-to-strengthen-support-and-integration-for-refugees.html?mc_cid=e1fafb0abf&mc_eid=1b24a922b0

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.)?	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
SDS.9.j		Are stateless people habitually resident in the State able to access consular protection abroad?	1967 European Convention on Consular Functions : Article 46 International Law Commission's 2006 Draft Articles on Diplomatic Protection : Article 8(1)	Moldova did not sign the 1967 Convention on Consular Functions. Law 200/2010 on foreigners in the Republic of Moldova does not mention the possibility of consular protection abroad for stateless people habitually resident in Moldova. Law 761/2001 related to diplomatic service does not mention the possibility of consular protection abroad for stateless people habitually resident in Moldova. No case has been reported.	https://www.coe.int/en/web/conventions/full-list/?module=signatures-by-treaty&treatynum=061 http://www.refworld.org/docid/3ae6b4f520.html https://www.legis.md/cautare/getResults?doc_id=107826&lang=ro
SDS.10.a	Temporary protection for people fleeing war (Group 1)	Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Please describe any barriers for stateless people, people with undetermined nationality, or undocumented people in accessing the territory.	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.	Foreigners, stateless people, people with undetermined nationality, and undocumented people must explain their intention to enter in the Republic of Moldova. If they fled Ukraine for asylum reasons, they could ask for asylum at the border, and they will be admitted to the territory. People with undetermined nationality, undocumented people or stateless people not recognised as stateless or not benefitting from international protection in Ukraine are not eligible for temporary protection (if they are not family members of beneficiaries of temporary protection), but they could be eligible for other forms of protection. There are reports that some documented stateless persons have crossed from Ukraine to Moldova without difficulty.	TP regulation - https://igm.gov.md/sites/default/files/achizitiipublice/hg_21_2023_ro.pdf Law nr. 270/2008 on asylum - https://www.legis.md/cautare/getResults?doc_id=94717&lang=ro
SDS.10.b		Does the State offer a temporary form of protection to stateless people, people with undetermined nationality, or undocumented people from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless people who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, or to people fleeing from another country other than Ukraine, please state so. Please describe any other barriers for stateless people, people with undetermined nationality, or undocumented people in receiving temporary protection, asylum, or other protection.	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 : 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. European countries and the European Commission should be vigilant and take action to address any segregation, discrimination, and antigypsyism, and ensure equal access to rights and protection for all those fleeing Ukraine.	. 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. According to the Government's decision from 18 January 2023, temporary protection was activated on 1 March 2023 and is valid until 1 March 2025. The Government has not yet adopted a decision further extending temporary protection (as of 31 December 2024). 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. Undocumented people are not eligible for temporary protection until they confirm Ukrainian nationality. As of mid-October 2024, there were around 123,000 Ukrainian nationals fleeing Ukraine in Moldova. More than 77,000 applied	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 . 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 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>for temporary protection and more than 61,000 were recognised/documentated as beneficiaries of temporary protection.</p> <p>There is no official data on the number of stateless people fleeing Ukraine, but according to information received informally, only one person with statelessness status recognised by Ukraine applied for temporary protection in Moldova.</p>	
SDS.10.c		<p>Are there longer-term solutions providing adequate protection for stateless people and/or others who were receiving temporary protection? [Section complete, proceed to DET]</p>	<p>ENS, Briefings on access to protection for stateless people fleeing Ukraine: The EU and European countries should ensure that longer-term solutions, including after the expiry of the EU TPD, are found and designed, including to provide adequate protection for stateless people and people with undetermined nationality.</p> <p>ECRE, Transitioning out of the Temporary Protection Directive (2024): Exit strategies from the TPD regime should ensure that no one, including stateless persons, is left behind after March 2025.</p>	<p>The Government has not issued a decision on a post-temporary protection strategy.</p>	

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 ECHR: Article 5 EU Return Directive: Article 15 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. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. 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>	<p>Law 200/2010 on foreigners in the Republic of Moldova, Article 64, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
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). 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. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<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 IGM in which a proposed country of removal must be identified. After that, a (judicial) detention decision can be made by a judge.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>CDA practice/casework.</p>
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	<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. 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. ECtHR, Auad v. Bulgaria (2011), Mikolenko v. Estonia (2009), Mardonshoyev v. Russia (2019), Gashkov and Satirov v. Russia (2022)</p>	<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.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, Article 64, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
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) ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. 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</p>	<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.</p>	<p>CDA practice/casework.</p>

			and protection are unavailable due to their status. 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 is not 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 2022 - 0 2023 - 0	CDA 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	ICCPR : Article 9(4) ECHR : Article 5(4) EU Return Directive : Articles 12, 13 and 15(5)	For people subject to expulsion (i.e. following a criminal conviction) there is no time limit.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

		<p>period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p>HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention 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 their 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>ECtHR, Mardonshoyev v. Russia (2019): The length of the detention should not exceed that reasonably required for the purpose pursued.</p>	<p>For 'undesirable persons' (i.e. people whose residence permit has been cancelled and re-entry to Republic of Moldova is forbidden for between five to 15 years) the time limit is 12 months. For people subject to removal, the time limit is six months.</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 two, three or six 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&id=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>
<p>DET.3.b</p>		<p>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>	<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. CDA'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>CDA casework/practice, detention monitoring reports, and agreement between CDA-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?	Equal Rights Trust, Guidelines (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	There are no specific rules or guidance. Some instructions are included in readmission agreements or protocols, but these are not very detailed.	CDA practice/detention monitoring
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?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. 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. 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. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	Undocumented released stateless persons are transferred to the Statelessness Unit for documentation.	CDA'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?	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. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If the purpose of detention cannot be fulfilled and the person is released, they obtain "tolerated stay" status. If the persons apply for 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? Please also describe whether the child's right to a nationality, and their enjoyment of other fundamental rights in the country of return, are taken into consideration before a decision to return a child is made.	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. 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).	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.	CDA's monitoring reports
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		IGM does not have any official figures; but unofficially IGM officers say there are no cases of returned stateless persons.	CDA 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?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>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.</p> <p>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.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should lower legal and practical hurdles to citizenship and establish pathways for naturalisation that are equally accessible to women and men.</p>	<p>After eight years of lawful stay on the same basis as refugees.</p> <ul style="list-style-type: none"> · Foreigners: 10 years; · Refugees and stateless persons: eight years; · Persons married to nationals: three years; · Minors: five 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.	<p>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.</p>	<p>Nationality of the Republic of Moldova shall not be granted to the person who:</p> <ul style="list-style-type: none"> · 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. Are there any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>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.</p> <p>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.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should refrain from enacting or maintaining discriminatory nationality legislations, policies, and practices with a view to avoiding statelessness, and eliminating discrimination against all women and girls in the acquisition of nationality.</p>	<p>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 500 Lei (25 EUR) processing fee + 180 LEI (9 EUR) - state tax. After naturalisation, to get an identity card costs 130 LEI (6.50 EUR) + (50 LEI state tax) and a passport 650 LEI (33,50 EUR) + (50 LEI state tax).</p> <p>Stateless adults can apply for naturalisation after eight years of lawfully staying. Stateless children can apply for naturalisation after five years of lawful stay.</p> <p>A stateless child who is under the guardianship of nationals of the Republic of Moldova automatically becomes a citizen of the Republic of Moldova.</p> <p>A stateless child who is under the guardianship of spouses, one of whom is a national of the Republic of Moldova and the other is stateless, automatically becomes a national of the Republic of Moldova.</p> <p>There are no direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.</p>	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)

<p>PRS.2.a</p>	<p>Stateless born on territory</p>	<p>Is there a provision in law for stateless children born on the territory to acquire nationality, regardless of sex, gender, or residence status of their parents? [If yes, continue to PRS2b. If no, proceed to PRS2i]</p>	<p>1961 Convention: Article 1 CRC: Article 7 ECN: Article 2 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. HRC, Resolution 53/16 on the right to a nationality (2023): States should facilitate the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless. Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should implement the CEDAW and uphold their obligations under the CRC, to ensure the child’s right to acquire their parents’ nationality without discrimination on the basis of sex or residency status, and review and reform nationality laws and practices relating to nationality that discriminate on any prohibited grounds, including on the basis of sex or gender. 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. European Parliament Resolution (2019): States should find a solution to the issue of stateless children within and outside the EU. The European Commission should promote the child’s right to acquire a nationality. Human Rights Committee, D.Z. v. Netherlands (2020): States must adopt every appropriate measure to ensure that every child has a nationality when they are born. UNCRC, MKAH v Switzerland, no 95/2019 (2021): Article 7 CRC requires States to take positive action to implement the right to acquire a nationality.</p>	<p>A child born on the territory of the Republic of Moldova to parents who have the nationality of another State, or one of whom is stateless or a beneficiary of international protection, and the other is a foreign national, automatically acquires Moldovan nationality if at least one of the parents has the right of residence or benefits from international protection granted by the competent authorities of the Republic of Moldova or is recognised as stateless by the competent authorities of the Republic of Moldova.</p> <p>An amendment to the Law on Citizenship adopted in June 2023 and entered into force in November 2023 introduced an additional safeguard to prevent childhood statelessness and provides that a child born in Moldova who meets the 1954 Convention definition of a stateless person (i.e. they are not considered a national by any State under the operation of its law) may acquire Moldovan nationality by application and go through the statelessness determination procedure. In that case, the SDP is the same and there is no adaptation or flexibility in the requirements for children.</p> <p>This is an improvement compared to the situation before the amendment as acquiring Moldovan nationality is no longer only dependent on the status of the parents.</p> <p>Until April 2018, all children who would otherwise be stateless born on the territory were automatically nationals. In December 2017,, through an amendment to the Citizenship Law, the safeguard was 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 did not have any forms of resident permit, the child would not acquire Moldovan nationality at birth. Since June 2023 (see above), the safeguard has improved, but it is still not automatic for all otherwise stateless children born on the territory as it was prior to April 2018.</p>	<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) Amendment to the Law on Citizenship, 8 June 2023, available at: https://monitorul.gov.md/ro/monitorul/view/pdf/2730/part/1#page=4)</p>
<p>PRS.2.b</p>		<p>Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?</p>	<p>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.</p>	<p>The provision is automatic for children born in Moldova to parents who have the nationality of another State, or one of whom is stateless or a beneficiary of international protection, and the other is a foreign national, if at least one of the parents has the right of residence or benefits from international protection granted by the competent authorities of the Republic of Moldova or is recognised as stateless by the competent authorities of the Republic of Moldova.</p> <p>The provision under the 2023 amendment to the Law on Citizenship is non-automatic (by application) for children born in Moldova who are stateless in accordance with the 1954 Convention definition and they must undergo the SDP.</p>	<p>https://www.legis.md/cautare/getResults?doc_id=141632&lang=ro</p>

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.	
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. With the amendment to the Law on Citizenship adopted in November 2023, a child born in Moldova who meets the definition of a stateless person, irrespective of their parents' status, can acquire Moldovan nationality after undergoing the SDP.	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.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. Human Rights Committee, D.Z. v. Netherlands (2020) : The burden of proof must be shared between the claimant and the authorities of the contracting State to obtain evidence and to establish the facts as to whether an individual would otherwise be stateless.	Under the 2023 amendment to the Law of Citizenship allowing children born in Moldova who meet the definition of a stateless person, parents must apply for the statelessness determination procedure. The burden of proof is shared between the General Inspectorate for Migration and the applicant. The General Inspectorate for Migration has to conclude that the child meets the legal definition to be recognised as stateless.	https://www.legis.md/cautare/getResults?doc_id=141632&lang=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.	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)	No.	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.	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.	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) 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?	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.	Persons under the age of 18, born on the territory become nationals, upon request, if they meet the definition of a stateless person.	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?	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. UNHCR, Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child (2021) : The best interests principle applies to all children within the territory of the State, irrespective of their status.	The safeguard in the Citizenship Law automatically grants Moldovan nationality to children born to refugees on the territory of Moldova. .	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.	1961 Convention : Article 2 ECN : Article 6(1)(b)	Yes, foundlings are granted nationality by law and it is automatic.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11(2), available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.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?	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 information about the identity of their parents or their place of birth.	The age limit in the 'foundlings' provision is 18 years. The child's birth act shall be drawn up within one month from the date of its finding, based on a report drawn up by a police officer. The person who found the child is obliged to announce it to the police within 24 hours and to present the child with all the objects and documents found with the child.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11(2) and Art.5, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO) Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://cis-legislation.com/document.fwx?rgn=5128
PRS.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 European Convention on the Adoption of Children (2008) : Article 12 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) European Convention on the Adoption of Children (2008) : Article 12 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, Background Note on Gender Equality, Nationality Laws and Statelessness (2024) : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Resolution 53/16 on the right to a nationality (2023) : States should eliminate discrimination against all women and girls in the conferral of nationality on their children.	No.	
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of ethnicity, disability, illness, the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	CRC : Article 7 ICCPR : Article 24(2) ECHR : Article 8 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 three 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 lawfully 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)

			<p>CRC, General comment No. 15 (2013): Universal free birth registration is a prerequisite for barriers to children’s access to health services to be identified and eliminated.</p> <p>Joint general recommendation No. 31 CEDAW and No. 18 CRC (2019): A national system of compulsory, accessible and free birth registration should be established in order to effectively prevent harmful practices.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR, Best Interests Procedure Guidelines (2021): The best interests procedures involve the referral of children to multisectoral services, based on the specific needs of the child and their family, including birth registration.</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>HRC, Resolution 52/25 on birth registration (2023): States must register all births without discrimination of any kind. Efforts should be made to register all children as early as possible, but not later than one year after their birth.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should identify and remove physical, administrative, procedural and any other barriers that impede access to registration, establish or strengthen existing institutions at all levels responsible for birth registration, and remove policies requiring proof of marriage for a parent to register their child’s birth.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should uphold the equal right to register births and access birth certificates without discrimination, including on the basis of sex, gender, or marital status.</p> <p>Standing Committee of European Doctors (2024): Doctors must be enabled to practice free from undue interference of administration.</p>		
<p>PRS.6.b</p>		<p>Are all children issued with birth certificates upon registration, regardless of ethnicity, disability, illness, their or family members’ residence status/documentation, or parents’ sexual or gender identity? If no, please describe legal status of documentation issued.</p>	<p>HRC, Resolution 20/04 on the right to a nationality (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.</p> <p>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.</p> <p>CRC, General Comment No. 7 (2005): States parties should take all necessary measures to ensure that all</p>	<p>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.</p>	<p>Source Public Services Agency http://asp.gov.md/ro/node/3978</p>

			<p>children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023) HRC, Resolution 52/25 on birth registration (2023) Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023) ECtHR, G.T.B. v. Spain (2023): States have a positive obligation to assist the child in obtaining a birth certificate and identity documents.</p>		
PRS.6.c		<p>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.)</p>	<p>CRC: Articles 3 & 7</p>	<p>The child's nationality is determined and recorded upon birth registration in the State Register of Population, if the child meets the conditions for automatically acquiring nationality.</p> <p>The child is automatically considered a national of the Republic of Moldova if they were:</p> <p>a) born of parents, both or one of whom, at the time of the child's birth, is a national of the Republic of Moldova; b) born on the territory of the Republic of Moldova to stateless parents with statelessness status in Moldova or beneficiaries of international protection or with lawful residence; (2) found on the territory of the Republic of Moldova, as long as the contrary is not proven, until reaching the age of 18.</p> <p>For other cases, please see PRS.6.d.</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.d		<p>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.</p>	<p>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) Human Rights Committee, D.Z. v. Netherlands (2020)</p>	<p>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.</p> <p>In the situation of children neither of whose parents has lawful residence, the parents should contact the consular service of their country.</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.e		<p>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)?</p>	<p>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.</p>	<p>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 many face challenges due to parents' lack of documentation.</p> <p>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.</p> <p>There are no laws or regulations relating to the registration of birth of children born as a result of a surrogacy agreement.</p>	<p>Information from CDA's casework/practice and monitoring reports.</p> <p>Ombudsperson of Moldova, Raport Tematic: Analiza situației pe țară privind documentarea copiilor cu adeverințe de Naștere (Analysis of the situation regarding children's rights to a name and nationality), 2013: http://ombudsman.md/wp-content/uploads/2018/10/raport_tematic_-_copii_nedocumentati_red_0.pdf (RO)</p> <p>Ombudsperson of Moldova, Report Observing Child Rights in the Republic of Moldova in 2017, page 91, right to name and</p>

			<p>Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (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>HRC, Resolution 52/25 on birth registration (2023)</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> <p>ECtHR, Mennesson v. France (2014): States must grant legal recognition of parent-child relationship legally established abroad for children born through surrogacy.</p> <p>ECtHR, D.B. and others v. Switzerland (2022): Domestic law must provide a possibility of recognition of a legal parent-child relationship between the child born abroad through surrogacy to a same-sex couple and the intended parent.</p>		<p>nationality. Available at: http://ombudsman.md/wp-content/uploads/2019/05/Raport_2018_INTEGRAL-1.pdf</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>By law, registration must be no later than three 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-sostoeanie-ro.txt (RO)</p>	


			<p>HRC, Resolution 20/04 on the right to a nationality (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p> <p>HRC, Resolution 52/25 on birth registration (2023)</p> <p>CRC, General Comment No 7 (2005): States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.</p> <p>CRC, General comment No. 20 (2016): The lack of birth registration can result in significant additional complications during adolescence. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should reduce or remove administrative and financial barriers, such as late registration fees, that inhibit or delay registration.</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	Late birth registration is punishable by a fine. If the declaration of birth was made after the expiry of three months, but within one year of birth, the birth certificate shall be made by the civil status body. If the birth certificate was made after the expiration of one year from the date of birth, the appropriate act shall be drawn up at the civil status body on the basis of the opinion on the late registration of the child's birth, the reasons for the breach of the established deadlines being investigated and the possible duplication of the birth registration.	Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)
PRS.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 recognises 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 or without their nationality confirmed/determined? Please provide details and source of information.	<p>1961 Convention: Article 9</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</p> <p>HRC, Recommendations of the Forum on Minority Issues (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.</p>	People of Transnistrian origin and sections of the Romani community are believed to be unregistered and at risk of statelessness.	Information from CDA'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.)	<p>1961 Convention</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Actions 1 & 8</p> <p>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</p>	<p>At the moment, there are no proactive State measures.</p> <p>The Government introduced an amendment to the Citizenship Law in November 2023 which provides that a child born on the territory who meets the conditions to be recognised as stateless will be granted Moldovan nationality after going through the SDP. This legislative amendment prevents cases of statelessness among children born on the territory of the Republic of Moldova and therefore may reduce (the risk of) statelessness.</p>	

			<p>person concerned to take certain steps to acquire nationality. UN Guiding Principles on Internal Displacement (1998): Principle 20 HRC, Resolution 53/16 on the right to a nationality (2023): States should undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities, including those in hard-to-reach areas or nomadic persons, are aware of and able to exercise their rights, including the right of everyone to a nationality. Measures taken should be developed, designed, implemented and reviewed with the effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities. HRC, Resolution 52/25 on birth registration (2023) Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should conduct public awareness-raising campaigns, establish accessible civil registration units, and implement outreach programmes in remote and marginalised communities. States should sensitise and train health workers and civil registry officials with regard to statelessness and in a gender-sensitive manner. ENS, Statelessness and the prohibition on discrimination against Romani communities (2023): States must protect against arbitrary differential treatment and implement non-discriminatory policies to prevent the further marginalisation of persons already in a position of vulnerability. States should adopt and implement effective policies and measures to combat intersecting forms of discrimination, including in relation to Romani people who are also stateless or without their nationality confirmed/determined.</p>		
<p>PRS.8.a</p>	<p>Deprivation of nationality</p>	<p>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.).</p>	<p>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</p>	<p>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 by decree of the President of the Republic of Moldova (Art. 17(11) & (6)).</p> <p>An amendment to the Law on International Restrictive Measures adopted in 2024 reconfirms the possibility for the Information and Security Service (SIS) to inform the President of the Republic of Moldova about the unlawful actions of some people who are under international sanctions and to propose the initiation of the deprivation of nationality procedure, according to the provisions of the Law on Citizenship. The rules on the deprivation of nationality procedure in the Law on Citizenship remain unchanged. This law could put people at risk of statelessness if the people concerned do not have other nationalities.</p> <p>There is a safeguard against statelessness in all cases except for the fraudulent acquisition of nationality and where the person concerned is subject to international sanctions.</p>	<p>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)</p>

			<p>interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p> <p>CoE, PACE Resolution 2263 (2019): States should repeal any laws that would allow arbitrary deprivation of nationality; provide for safeguards against statelessness; abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving minors of their nationality.</p> <p>ECtHR, Usmanov v. Russia (2020): A decision on deprivation of nationality must assess the consequences for the person and whether the measure is arbitrary.</p> <p>CJEU, Rottmann (2010): Decisions withdrawing nationality must be afforded a reasonable period of time in order to try to recover the nationality of their Member State of origin.</p> <p>CJEU, JY (2022): Decisions to revoke an assurance that nationality will be granted must be proportionate and consistent with EU law.</p> <p>CJEU, Tjebbes (2019): The loss of nationality must respect the principle of proportionality and national authorities must perform an individual assessment of the consequences for the applicants.</p>		
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)? Please state if deprivation of nationality is only ever carried out in pursuance of a legitimate purpose, is provided for by law, is necessary, proportionate, in accordance with procedural safeguards, and in accordance with the right to respect for private and family life. Please also state if a reasonable period of time is afforded to allow recovery of the nationality of the State of origin in case of withdrawal of nationality.	<p>1961 Convention: Article 8(4)</p> <p>ECN: Articles 10 to 13</p> <p>ECHR: Article 8</p> <p>Charter of Fundamental Rights: Article 7</p> <p>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.</p> <p>ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their 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> <p>CoE, PACE Resolution 2263 (2019): States should abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving nationals of their nationality.</p> <p>ECtHR, Usmanov v. Russia (2020)</p> <p>CJEU, Rottmann (2010)</p> <p>CJEU, JY (2022)</p> <p>CJEU, Tjebbes (2019)</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 six 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.	CDA 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?	1961 Convention : Article 7 ECN : Articles 7 and 8	Renunciation of nationality can be accepted only if there is official confirmation or promise to grant the nationality of another State. The law provides that if the person has not received the promised nationality, they reacquire nationality of the Republic of Moldova.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.22 available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS.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.	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. CoE, PACE Resolution 2263 (2019) : States should review provisions allowing for deprivation of nationality on terrorism grounds in light of international human rights obligations, refrain from applying this measure and envisage and prioritise wider use of other counter-terrorism measures.	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.	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. CoE, PACE Resolution 2263 (2019) : States should not discriminate between citizens on the basis of the way in which they have acquired nationality, in order to avoid indirect discrimination against minorities.	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.	1961 Convention : Article 6 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). The derivative loss of nationality is prohibited (Principle 9.8).	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)

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 people with undetermined nationality? 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.	CDA: 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	
RES.4.a.	Examples of identity and travel documents	Please insert pictures of anonymised identity and/or travel documents issued to stateless people in your country (if applicable). If the country issues several documents, please specify what each document is.	Identity document issued to people recognised stateless in Moldova: 	Travel document issued to people recognised stateless in Moldova: 