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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country state party to the 1954 Statelessness Convention?	<ul style="list-style-type: none"> UN Convention Relating to the Status of Stateless Persons, 1954 	Yes	<p>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)</p> <p>UNHCR list of states party: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bb0abc7&query=1954%20convention</p>
IOB	1	b		If yes, when was ratification?		19 April 2012	<p>UNHCR list of states party: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bb0abc7&query=1954%20convention</p>
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 effect on the rights of stateless persons.	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.	<p>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)</p>
IOB	1	d		Does Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on 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.	<p>Constitution of the Republic of Moldova, Art. 4, available at: https://www.constituteproject.org/constitution/Moldova_2006.pdf?lang=en</p>

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IOB	2	a	1961 Convention	Is your country state party to the 1961 Statelessness Convention?	<ul style="list-style-type: none"> • 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 April 2012	UNHCR list of states party: http://www.unhcr.org/protection/statelessness/3bbb24d54/states-parties-1961-convention-reduction-statelessness.html
IOB	2	c		Are there reservations in place? Please list them.	As above	No	Law 252/2011
IOB	2	d		Does 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • European Convention on Nationality, 1997 	<p>Yes. Declarations:</p> <ul style="list-style-type: none"> • Article 7(1)(g), the Republic of Moldova reserves its right to recognise the right to keep the nationality of the Republic of Moldova to a child who has the nationality of the Republic of Moldova, was adopted abroad and who acquired the foreign nationality as a consequence of his or her adoption. • Article 22(b) the Republic of Moldova declares that in the Republic of Moldova the age referred to in Article 22(b) is considered to be the completion of the age of 27. <p>Reservations:</p> <ul style="list-style-type: none"> • Concerning the application of Article 6(4)(g), the Republic of Moldova declares that it would be able to apply it only after the adoption of the proper legal framework for the definition of refugee status in the Republic of Moldova, but no later than one 	<p>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</p> <p>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)</p>

						<p>year after the entry into force of the Convention for the Republic of Moldova.</p> <ul style="list-style-type: none"> Article 22(a), the Republic of Moldova reserves its right to recognize that a person who has his habitual residence on the territory of the Republic of Moldova and has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligations in relation to the Republic of Moldova. 	
IOB	3	b		<p>State Party to European Convention on Human Rights 1950? Are there reservations in place? Please list them.</p>	<ul style="list-style-type: none"> European Convention on Human Rights, 1950 	<p>Yes. Declaration:</p> <ul style="list-style-type: none"> 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. <p>Reservation:</p> <ul style="list-style-type: none"> In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Republic of Moldova formulates a reservation to Article 5 with a view to retaining the possibility of applying disciplinary sanctions to soldiers in the form of arrest warrants issued by superior officers. 	<p>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</p>
IOB	3	c		<p>State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Are there reservations in place? Please list them.</p>	<ul style="list-style-type: none"> Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006 	<p>Yes. No reservations.</p>	<p>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</p>

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IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive) 	Republic of Moldova is not a member state of the European Union and is not bound by EU directives, but Law 200/2010 partially transposes EU directives, including Directive 2008/115/EC.	Law 200/2010 on Foreigners in the Republic of Moldova: http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=category&docid=3ae6b4f520&skip=0&category=LEGAL&publisher=NATLEGBOD&coi=MDA&querysi=200&searchin=fulltext&sort=date
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • Convention on the Elimination of all Forms of Discrimination Against Women 1979 • Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness. 	Yes. No reservations.	Parliament Decision 87/1994, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=309701 (RO)

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IOB	3	i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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 1965? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination 1965 	Yes. Declaration recognising the competence of the Committee for the Elimination of Racial Discrimination to receive and examine communications originating from persons or groups of persons within the jurisdiction of the Republic of Moldova and claim to be victims of violation by the Republic of Moldova of any of the rights established by the Convention, with the proviso that this Committee will not consider any communication without the finding that the same cause is not taken into account or has not already been taken into account under another international investigative or regulatory procedure.	Accession to convention in Parliament Decision 473/1995 Declaration in Law 311/2012
IOB	3	k	State Party to the Inter-national Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990 	No.	OHCHR, Status of ratification, Interactive Dashboard: http://indicators.ohchr.org/

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Govt have a discrete category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how?	<ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para. 39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... 	The Government collects data on the stateless population, but it is not routinely published. At the end of 2016, 2658 recognised stateless people were registered in the Government database. At the end of 2018, 1908 stateless people (1120 women and 788 men) were registered in the Government database including 1410 stateless people who were recorded as living in Transnistria. The data is also disaggregated by ethnicity: 835 Russians, 543 Ukrainians, 297 Moldovans, 30 Belarusians, 39 Bulgarians, 9 Palestinians, 9 Germans, 10 Tatars, 15 Azerbaijanis, 11 Armenians, and less than 10 from other ethnicities.	Information provided by Bureau of Migration and Asylum during a stakeholder roundtable in June 2017, and confirmed by UNHCR Country Office, Moldova. Information according to letter from Public Services Agency to Law Center of Advocates in March 2019.
POP	1	b		Do Govt authorities define categories of persons who may overlap with stateless (e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.	As above	At the end of 2018, 8818 people with former USSR passports were registered in the Government database (including 8512 'RM citizens' and 1822 people 'with undetermined citizenship').	Information according to letter from Public Services Agency to Law Center of Advocates in March 2019.

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POP	1	c		What is the UNHCR estimate for the population of stateless persons and/or those at risk of statelessness on the territory? What is UNHCR's source for this information?	As above	At the end of 2016, UNHCR reports 2,658 stateless persons and 2,118 persons with undetermined citizenship, based on the Moldovan Government's figures. In June 2018, UNHCR reported the figures noted above (i.e. 1922 stateless people and 1877 people with undetermined citizenship).	Republic of Moldova Factsheet, January 2017, UNHCR Moldova Information according to Public Services Agency's letter sent to UNHCR Country Office, Moldova.
POP	1	d		Are there indirect (proxy) sources of statistics on stateless persons? E.g. categories of persons for which statistics are available where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures.	As above	There are no other indirect sources of statistics on stateless persons.	
POP	1	e		Have there been surveys or mapping studies done to estimate the population of stateless persons in the country?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10 	No surveys or mapping studies have been published to date, but UNHCR Moldova has commissioned Law Center of Advocates to carry out a mapping study of statelessness in Moldova, which is forthcoming.	UNHCR–LCA agreement.
POP	1	f		Are there other sources of estimates for the population of stateless persons (not covered by the	As above	No other sources.	

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				above)? If so, list sources and figures.			
POP	1	g		Are there issues with reliability of stateless data? If yes, please describe why.	As above	Yes, because the Government does not have any information on population data and civil registration in the Transnistria 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
POP	1	h		Are there indications that the stateless population is either over or under reported? Please describe.	As above	The stateless population is likely to be underreported because Moldova has around 2000 persons with undetermined citizenship, and due to the question of the Transnistrian region.	LCA opinion based on casework/practice.
POP	1	i		Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt also counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting).	As above	According to BMA statistics there are no stateless persons with asylum seeker status or refugee (or subsidiary) status.	BMA monthly statistics shared with UNHCR (unpublished).

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POP	2	a	Stateless in Detention data	Number of stateless persons in immigration detention	As above and see also norms in Detention section.	There are no stateless persons in immigration detention. If a nationality problem is uncovered while someone is in the deportation procedure, the individual would be transferred to the SDP and released from Immigration detention.	NGO Law Center of Advocates (LCA) casework - monitoring detention since 2009.
POP	2	b		Are there statistics on individuals released from immigration detention who were un-removable, their country of origin and length of detention? If yes, please provide.	As above	Between 2012-2018, 39 people were released from immigration detention because they could not be removed to a country of origin. No other relevant statistics or disaggregation is available.	Information from LCA detention monitoring reports (unpublished).

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IDP	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.	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Article 1(1) and 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)
IDP	1	b	Existing SDP procedure	<p>Which of the following best describes the situation in your country?</p> <p>1. There is a dedicated Statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure.</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. • UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that Convention. • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices among Member States concerning... procedures for determining statelessness. 	Group 1 - There is a dedicated Statelessness determination procedure (SDP) established in law under the Bureau of Migration and Asylum (BMA) structure.	Information about the SDP on BMA website: http://bma.gov.md/ro/content/apatridie-informa%C8%9Bie-general%C4%83 (RO)
IDP	2	a		You have identified that your country has a dedicated SDP established in law, administrative guidance or judicial procedure. Which authority is responsible for determining statelessness?	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is no general rule for appointing the most appropriate authority for statelessness determination... the structure must be evaluated in light of the specific national circumstances. 	Statelessness Unit within the Bureau of Migration and Asylum (Ministry of Interior)	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

IDP	2	b	Access to procedures	<p>Must an application for statelessness status be made on a specific form? Are there clear instructions on how to make a claim for statelessness or how to fill in the relevant forms?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: For procedures to be fair and efficient, access to them must be ensured. Dissemination of information, including through targeted information campaigns where appropriate and counselling on the procedures, facilitates access... Given that individuals are sometimes unaware of SDPs or hesitant to apply...procedures can usefully contain safeguards permitting State authorities to initiate a procedure. • UNHCR (Good Practices Paper 6): Accepted that good practice existed in countries where applications were accepted orally or in writing and in any language. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Bureaucratic difficulties (such as complicated application forms, inflexible procedures, strict language requirements, limited places where claims can be submitted, high costs, etc.) can encumber, or even impede access to SDPs. The protection-oriented framework therefore requires a flexible interpretation of such rules, especially since the majority of the population of concern may be in a vulnerable position and may not have the necessary language skill, financial means or possibility to travel that may be justifiably expected in other types of standard administrative procedures. • ENS (2016), Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: Any application form to apply for stateless status should be simplified and offered in a variety of languages... [and] made freely available, including in immigration detention centres. 	<p>The SDP can be initiated ex officio by the competent authority or at the request of the person claiming to be stateless. The application for recognition of stateless status may be filed in writing or oral form. It must contain a clear and detailed description of the facts, information and evidence necessary to support the application, and in particular it must state the place of birth of the applicant, his or her family ties with other persons holding the nationality of a State, his or her place and duration of habitual residence in any other state. There is no specific form, nor instruction on how to make an application. An initial application may be made in free form, then during the interview, an officer will complete all the mandatory forms.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
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IDP	2	c	Do submissions and/or other written evidence have to be submitted in the native language?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): As above. 	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
IDP	2	d	Can an application for statelessness status be made orally to a public official?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): As above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Given that individuals are sometimes unaware of SDPs or hesitant to apply for statelessness status, procedures can usefully contain safeguards permitting State authorities to initiate a procedure. 	An application for recognition of stateless status may be filed in writing or oral form.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	2	e	Are there obligations in law on authorities to consider the application?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed. 	The application for the SDP shall be examined by the competent authority for foreigners within a period of up to 6 months from the date of its registration. Depending on the difficulty of the case, the term can be extended by one month, but the extension will not exceed 6 months in total. Within 15 working days of submission of the application, the competent authority shall conduct an interview with the applicant. During the examination of the application, the competent authority shall take the necessary steps to collect information from the place of birth of the applicant, from his/her place of residence or last domicile, and request information from the state of nationality of his/her parents/family members.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

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IDP	2	f		Are government authorities authorized to initiate SDPs <i>ex officio</i> ?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): ...it is recommended that governmental authorities be authorized to initiate these procedures <i>ex officio</i>... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. 	Yes	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	2	g		Is there an application fee?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed. 	No	
IDP	2	h		Is there a requirement for lawful stay in order to access SDP?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Access to the procedure needs to be open to anyone who claims to be stateless, regardless of whether or not that person already has lawful stay or residence in the country. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Everyone in a state's territory must have access to SDPs. There is no basis in the 1954 Convention for requiring that applicants for statelessness determination be lawfully within a state. 	No	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	2	i		Is there a time limit beyond which a person cannot access the SDP procedure? If so, what is this and can the requirement be waived?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): For procedures to be fair and efficient, and to ensure that all stateless persons benefit from the implementation of the 1954 Convention, access to the SDP must be guaranteed and not subject to time limits. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is... no basis in the 1954 Convention to set time limits for individuals to claim stateless status... 	No	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	2	j		Is the examination of statelessness claims conducted by a dedicated centralised body with relevant expertise? If yes, please specify.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States may choose between a centralized procedure or one that is conducted by local authorities. Centralized procedures are preferable as they are more likely to develop the necessary expertise among the officials undertaking status determination. • UNHCR (Good Practices Paper 6): Where to situate SDPs institutionally is a matter of State discretion 	Yes. The dedicated Statelessness and documentation Unit (part of Bureau of Migration and Asylum)	Website of the BMA: http://bma.gov.md/ro/content/apatridie-informa%C8%9Bie-general%C4%83 (RO)

					<p>and can vary from one country to the next. Regardless...it is important that examiners develop expertise... while ensuring that the procedures are accessible...</p> <ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. 		
IDP	2	k		<p>Is there training to inform different governmental bodies about statelessness and SDPs? If yes, please provide details (e.g. who provides training to whom and how often?)</p>	<ul style="list-style-type: none"> • UNHCR Executive Committee, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons 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. • UNHCR (Good Practices Paper 6): Training sessions for officials and meetings between the various decentralized bodies, UNHCR and civil society take place on a regular basis, allowing for an exchange of information and discussion of trends and common challenges. 	<p>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.</p>	<p>UNHCR Country Office, Moldova</p>
IDP	2	l		<p>Is there cooperation between agencies that may come into contact with stateless persons? If so, how are cases referred to the appropriate authority for determination?</p>	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): good practice identified as cooperation between actors working on statelessness and the various government agencies involved in determining statelessness. 	<p>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.</p>	<p>Law 190/1994 on the Submission of Petitions, available at: http://cis-legislation.com/document.fwx?rgn=3264</p>
IDP	3	a	Assessment	<p>Who has the burden of proof in the SDP? Is this shared in practice, even if not in law?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ...the burden of proof is in principle shared, in that both the applicant and examiner must cooperate to obtain evidence and to establish the facts. 	<p>The burden of proof is shared between the applicant and the state.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>

				<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): SDPs present unique evidentiary considerations. Given the nature of statelessness, individuals are often unable to substantiate a claim with documentary evidence... SDPs must therefore take into consideration the difficulties inherent in proving statelessness. UNHCR recommends that SDPs provide for a shared burden of proof between the applicant. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The applicant has a duty to provide as full and truthful account...as possible and to submit all evidence reasonably available. Similarly, the determination authority is required to obtain and present all relevant evidence reasonably available to it...Given the nature of statelessness, applicants ...are often unable to substantiate the claim with much, if any, documentary evidence... authorities need to take this into account, where appropriate giving sympathetic consideration to testimonial explanations regarding the absence of certain kinds of evidence. • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is incumbent on individuals to cooperate to establish relevant facts. If an individual can demonstrate, on the basis of all reasonably available evidence, that he or she is evidently not a national, then the burden should shift to the State to prove that the individual is a national of a State. 		
IDP	3	b	What is the standard of proof? Is it the same as in asylum applications?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are...advised to adopt the same standard of proof as that required in refugee status determination, namely, a finding of statelessness would be warranted where it is established to a “reasonable degree” that an individual is not considered as a national by any State under the operation of its law. 	National law does not establish a standard of proof for the SDP. In practice the standard of proof is the same as in asylum procedures.	LCA practice/casework.

					<ul style="list-style-type: none"> • UNHCR, Nationality and Statelessness, Handbook for Parliamentarians No. 22, 2014: Because of the difficulties inherent in proving statelessness, the threshold of evidence required before statelessness is determined should not be too high. States are therefore advised to adopt the same standard of proof as that required in refugee status determination... 		
IDP	3	c		<p>Is there respect for specific protection needs and evidentiary challenges presented by women, children and people with disabilities in the SDP?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: As a result of discrimination, women might face additional barriers in acquiring relevant documentation, such as birth certificates or other identification documents that would be pertinent to establishing their nationality status... Children, especially unaccompanied children, 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 when considering the nationality status and need for statelessness protection of children. • Gen. Rec. 32 of CEDAW: Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women... Discriminatory laws or practices may lead to women and their children being unable to gain access to documentation that proves their identity and nationality... 	<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>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
IDP	3	d		<p>Are decision makers presented with clear guidance how to determine statelessness, including sources of evidence and procedures for evidence gathering to establish statelessness? Please provide details.</p>	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: determining authorities can benefit significantly from any concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances... 	<p>Yes. BMA Instruction for the SDP.</p>	<p>Order MBA nr. 71 issued on 31 October 2014 (unpublished)</p>

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IDP	4	a	Procedural Protections	Is there free legal aid available during the application?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: applicants are to have access to legal counsel; where free legal assistance is available, it is to be offered to applicants without financial means. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: If state funded legal aid is available in the country it should be provided to stateless claimants. If there is no state funded legal aid... but asylum claimants can access legal aid free of charge, then the same level of access should be provided to stateless claimants. 	Free legal aid during the administrative procedure is provided for in law but it is only available in practice from the NGO Law Center of Advocates (UNHCR partner). State free legal aid is available for the court procedure.	Law 198/2007 on state guaranteed legal aid, available at: http://lex.justice.md/viewdoc.php?action=view&view=doc&id=325350&lang=1 (RO)
IDP	4	b		Is an interview always offered (unless granting without interview)?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The right to an individual interview, and necessary assistance with translation/interpretation throughout the process, are essential to ensure that applicants have the opportunity to present their cases fully... 	An interview is mandatory for the SDP.	Instruction for SDP, Order MBA nr. 71 issued on 31 October 2014 (unpublished)
IDP	4	c		Are interpreters provided for statelessness determination interviews? Are they free of charge?	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: assistance should be available for translation and interpretation in respect of written applications and interviews (good practice is free of charge). 	If the applicant does not speak the state language, they will be offered free of charge an interpreter who speaks their native language or another language they understand.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	4	d		Are there quality assurance audits of the SDP? Does UNHCR participate in the proceedings? Can they access files? Do they play a quality monitoring or training role?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged... to incorporate the following safeguards: [...] access to UNHCR is guaranteed. • UNHCR (Good Practices Paper 6): Quality assurance audits of SDPs are considered good practice. 	UNHCR representatives may request access to information about the SDP, with the applicant's consent. UNHCR provides monitoring of the SDP and offers trainings, roundtables for decision-makers, lawyers, judges and other specialists who work with stateless persons.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html UNHCR Country Office, Moldova. LCA casework/practice.
IDP	4	e		Are decisions (refusals and grants) given with reasons? And in writing?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged, therefore, to incorporate the following safeguards: [...] 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

IDP	4	f		<p>Is there a referral mechanism if an individual has been refused asylum but may be stateless?</p>	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Efficient referral mechanisms should be established... officials who may be in contact with stateless persons need to be trained to identify potential applicants ...and refer them to appropriate channels. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The regulation should... guarantee that proper cross-referral systems exist for cases where the two determination procedures are not conducted in a joint framework... potentially stateless persons whose asylum claim has been rejected are properly informed about the possibility to claim stateless status. 	<p>The SDP is suspended if the person submits an asylum application and will be resumed if there is an irrevocable decision to refuse the asylum application. The SDP and refugee status determination are conducted by the same competent authority (Directorate of Asylum and Integration of Bureau of Migration and Asylum).</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
IDP	5	a	Protection during SDP	<p>Does the applicant have automatic legal admission while their claim for statelessness is assessed? Is expulsion possible during the process? If yes, are there verified reports of such incidents?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: An individual awaiting a decision is entitled, at a minimum, to all rights based on jurisdiction or presence in the territory as well as “lawfully in” rights... his or her status must guarantee, inter alia, identity papers, the right to self-employment, freedom of movement and protection against expulsion... it is recommended that individuals... receive the same standards of treatment as asylum-seekers... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: States should refrain from expelling or removing an individual from their territory pending the outcome of the determination process. 	<p>Yes, the applicant has automatic legal admission while their claim for statelessness is assessed. Expulsion is not possible during SDP.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
	5	b		<p>Do applicants for statelessness status who are awaiting a decision have permission to work, if they have no other permission to stay in the country?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Allowing individuals...to engage in wage-earning employment...may reduce the pressure on State resources and contributes to the dignity and self-sufficiency of the individuals concerned. 	<p>The applicant for stateless status has the right:</p> <ul style="list-style-type: none"> • to be in the Republic of Moldova throughout the examination of the application; • not to be removed from the territory of the Republic of Moldova except in cases where there are reasons of national security or public order; 	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>

						<ul style="list-style-type: none"> • to be informed, in writing, when submitting the application, in a language he/she understands or is reasonably supposed to understand, about his/her rights and obligations during the procedure; • to a temporary identity document as an applicant for stateless status; • to use in their oral or written communication their mother tongue or other language they possess; • to an interpreter for free during the entire examination period of the application; • to work (except for in positions that expressly require citizenship e.g. military, police etc.) 	
IDP	5	c		Do applicants for statelessness status with limited means have access to assistance to meet their basic needs (shelter and welfare support)? Please describe.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The status of those awaiting statelessness determination must also reflect applicable human rights such as... assistance to meet basic needs. 	By law foreigners have a right to housing on the same basis as citizens, but in fact available social housing does not exist in the Republic of Moldova. Applicants for stateless status do not have access to welfare support unless they work, in which case they have the same social rights as citizens.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	5	d		Is it possible to detain an applicant while he/she is in the SDP procedure?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention. 	In the Migration Detention Centre, an applicant who has applied for stateless status whilst in detention will be detained until the supposed state of citizenship confirms the person is not a citizen, or, if no confirmation is received, until the term of detention expires, or	LCA's monitoring experience - Law Centre of Advocates (LCA) has monitored immigration detention since 2009.

					<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): State practice... reflects rights to liberty and freedom of movement by avoiding detention of those seeking recognition of their stateless status. 	stateless status is granted. If the application is made in the community, there is no risk of detention.	
IDP	5	e		Does law or policy set out a timeframe for the SDP? If so, is it complied with? Can the decision maker extend the timeframe?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Some of the most fundamental guarantees reflected in current State practice include: a time limit for a decision following submission of a statelessness status application. • UNHCR (2014), Handbook on Protection of Stateless Persons: In general, it is undesirable for a first instance decision to be issued more than six months from the submission of an application... in exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months to provide time for enquiries regarding the individual's nationality status to be pursued with another State... 	The application for the SDP must be examined by the competent authority within a period of up to 6 months from the date of its registration. Depending on the difficulty of the case, the term can be extended by one month, but the extension will not exceed 6 months in total.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	6	a	Appeals	Is there an automatic right of appeal on the case of refusal (on grounds of both law and fact)?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged... to incorporate the following safeguards: there is a right of appeal... 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
IDP	6	b		Is legal aid available for appealing/applying to review a negative determination?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The applicant is to have access to legal counsel and, where free legal assistance is available, it is to be offered to applicants without financial means. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Applicants are to have access to legal counsel both at first instance and upon appeal. 	State legal aid is available for the appeal to the court to review a negative SDP decision. NGO Law Center of Advocates (UNHCR implementing partner) also offers free legal aid (counselling, courts).	Law 198/2007 on state guaranteed legal aid, available at: http://lex.justice.md/viewdoc.php?action=view&view=doc&id=325350&lang=1 (RO)
IDP	6	c		Is there a fee for the appeal application?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP. 	No.	
IDP	6	d		Is there evidence of significant errors in decision making? If so, is there a publicly available source		There is no evidence of significant errors in decision making.	LCA practice/casework

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				(e.g. audits, independent reports, academic research etc.)? If yes, please provide this. If anecdotal, please describe.			
IDP	7	a	Stateless Status	Does recognition of statelessness result in permission to stay/legal status? Is status granted immediately or automatically upon recognition or identification as stateless?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The 1954 Convention ...[grants] stateless persons a core set of rights. Its provisions, along with applicable standards of international human rights law, establish the minimum rights and the obligations of stateless persons in States party to the 1954 Convention. The status granted to a stateless person in a State Party... must reflect these 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... It is therefore recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalization as prescribed by Article 32 of the 1954 Convention. 	Yes, recognition of statelessness results in permission to stay and legal status. Status is granted immediately upon recognition as stateless.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
	7	b		Are there additional requirements - beyond meeting the definition of a stateless person and satisfying the exclusion provisions - which a stateless person must meet to be granted permission to stay/legal status?	As above.	There are no additional requirements. Granting stateless status means granting of residence permit too.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

IDP	7	c	How long is initial status? Is residence status renewable?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: It is recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalization as prescribed by Article 32 of the 1954 Convention. 	Stateless status (and residence) is granted without any term limit, so a recognised stateless person may remain indefinitely in Moldova.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	7	d	Is a travel document issued to those recognised as stateless?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954, Art. 28: The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. 	Yes	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	7	e	What are the family reunion provisions for individuals recognised as stateless?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised statelessness status in their territory with their spouses and dependents. Indeed, some States have obligations arising under relevant international or regional human rights treaties to do so. 	Stateless persons have the same rights to family reunion as citizens.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

IDP	7	f	Is residence status granted to stateless persons revocable? If yes, on what grounds?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State... he or she will cease to be stateless in terms of the 1954 Convention. This may justify the cancellation of a residence permit obtained on the basis of statelessness status, although proportionality considerations in relation to acquired rights and factors arising under international human rights law, such as the degree to which the individual has established a private and family life in the State, need to be taken into account. 	Yes, it is revocable. Stateless status can be revoked if it is established that some acts or evidence that were decisive for recognition are false, if the stateless person acquired the citizenship of any state, or if any of the exclusion clauses apply (receiving support from another UN agency; reasons to consider that he/she has committed a crime against peace, a war crime, or a crime against humanity; or a serious non-political crime outside Republic of Moldova; or has been guilty of acts contrary to the purposes and principles of the UN).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	7	g	Do persons granted stateless status have permission to work?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, as regards the right to engage in wage-earning employment. • UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work [...] must accompany a residence permit. 	Yes, on the same basis as citizens.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	7	h	Do persons granted stateless status have access to primary education?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education. 	Yes, on the same basis as citizens.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html

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IDP	7	i		Do persons granted stateless status have access to secondary and higher education?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships. 	Yes, on the same basis as citizens.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	7	j		Do persons granted stateless status have access to social welfare and healthcare?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 23, 24) • UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, 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 citizens.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
IDP	8	a	Access to citizenship	Are stateless persons able to naturalise as citizens? In what timeframe?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): The Contracting States shall as far as possible facilitate the assimilation and naturalisation of stateless persons. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings. • UNHCR (Good Practices Paper 6): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. This may be achieved, for example, by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence. 	Yes. After 8 years of legal stay on the same basis as refugees.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art. 17, available at: http://www.refworld.org/docid/3ae6b60ba.html

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IDP	8	b	<p>If stateless persons can naturalise are there accelerated naturalisation procedures (e.g. reduced qualification periods) which apply to stateless persons? If yes, please provide comparative timeframes for naturalisation in other situations.</p>	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): as above. • UNHCR (Good Practices Paper 6): as above. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality... 	<ul style="list-style-type: none"> • Foreigners: 10 years; • Refugees and stateless persons: 8 years; • Persons married to citizens: 3 years; • Minors: 5 years 	<p>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)</p>
IDP	8	c	<p>Are previous criminal convictions a bar to naturalisation? If yes, please describe the requirement. Is there a good character clause (separate from criminal record requirement)? If yes, please describe.</p>	<ul style="list-style-type: none"> • Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: Each state should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory, and in particular each State should:... d) ensure that offences, when they are relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state. • Human Rights Watch, Roma in the Czech Republic: Foreigners in their Own Land (1996): ... denying citizenship to previously convicted criminals effectively adds an additional, ex post facto punishment to the individual who committed a crime. Imposing penalties heavier than those that applied at the time a crime was committed violates Article 15 of the ICCPR. 	<p>Citizenship 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; 	<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>
IDP	8	d	<p>Is there a citizenship/integration test?</p>	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality... 	<p>There is a language test and a constitution test.</p>	<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>

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IDP	8	e	Are there language requirement exemptions for stateless persons?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): It is...recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons...for example, by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence. • Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: as above • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. 	No, stateless persons are not exempt from language requirements.	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)
IDP	8	f	Are there income exemptions for stateless persons if a level of income is required for naturalization? [If you have been completing this section, this topic (Identification and Protection (IDP)) is now complete. Please proceed to questions on Detention]	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): as above. 	A legal income is mandatory, but no income level is set. There are no exemptions for stateless people. Naturalisation costs 180 LEI (9 EUR) plus 140 LEI (7 EUR) processing fee. After naturalisation, to get an identity card costs 130 LEI (6.50 EUR) and a passport 850 LEI (42.50 EUR).	Law 1024/2000 on Citizenship of the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

Detention

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law?	<ul style="list-style-type: none"> • ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. • ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ... (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition. 	Yes.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET	1	b		Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)?	<ul style="list-style-type: none"> • ECHR Art 5 (1)(f) 	Additionally to ECHR Art 5(1)(f) provisions, domestic law provides for the ‘public custody’ of foreigners whose identity could not be established (i.e. who could not show any documents and information about whom does not exist in State Citizens Register).	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET	1	c		Does a proposed country of removal need to be identified before a person is detained for the purpose of removal? Please describe the situation in law and in practice.	<ul style="list-style-type: none"> • ICCPR Art 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Repeated attempts to expel a person to a country where his/her well-being is not guaranteed and where he/she could be subject to cruel, inhuman or degrading treatment or punishment or to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment. • ECHR Art 5 (1)(f) • Aaad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. 	By law and in practice the removal decision and detention decision are two different decisions. First an administrative decision on removal is made by the BMA in which a proposed country of removal must be identified. After that, a (judicial) detention decision can be made by a judge.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html LCA practice/casework.

					<ul style="list-style-type: none"> • EU Returns Directive: Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained. 		
DET	1	d		<p>Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so, at what point(s) is a risk of statelessness identified? Is referral to an SDP possible within the detention regime?</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... For stateless persons, the absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – states must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner’s Guide 2014: the detention of stateless persons can never be justified when there is ‘no active or realistic progress towards transfer to another State’. 	<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 stateless status whilst in detention, referral to the SDP is possible within the detention regime.</p>	<p>LCA practice/casework.</p>

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	1	e	Are stateless persons detained in practice? Please provide figures and source of information if available.	<ul style="list-style-type: none"> • Aaad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: as above. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: as above • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner’s Guide 2014: as above. 	Recognised stateless persons are not detained. Persons who request stateless status could be detained if they make an application from immigration detention. The number of people whose status as ‘non-citizens’ was confirmed by the supposed country of origin (and who were transferred to the SDP) while in detention is listed below: 2012 – 4 2013 – 4 2014 – 4 2015 – 9 2016 – 7 2017 – 7 2018 - 4	LCA casework/practice and detention monitoring reports.
DET	1	f	Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore 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. • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. 	By law, immigration detention should only be used as a last resort, but no alternatives to immigration detention (public custody) are established in law or practice.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET	1	h	Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless	<ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed... • EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons... • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to 	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&iid=339318 (RO)

				persons defined as a vulnerable group?	<p><u>Detention</u> : The special circumstances and needs of particular asylum-seekers must be taken into account...</p> <ul style="list-style-type: none"> • Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities should assess the situation of LGBTI persons in detention... 		
DET	2	a	Alternatives to immigration detention	<p>Does the country have alternatives to detention which individuals are considered for prior to any decision to detain? Are alternatives to detention established in law? Are they subject to a statutory time limit and periodic reviews of their necessity and proportionality?</p>	<ul style="list-style-type: none"> • ICCPR Art 9 • FKAG v Australia (HRC): Any decision relating to detention must take into account less invasive means of achieving the same ends... • UN General Assembly Resolution on the protection of migrants 63/184 2009: Calls upon all States ... to adopt, where applicable, alternative measures to detention. • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... Alternatives to detention...are part of any assessment of the necessity and proportionality of detention. • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. • Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to detention should not become alternatives to unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each individual case, the authorities of the host state have concluded that compliance with the removal order cannot be ensured as effectively by resorting to non-custodial measures such as supervision systems, the 	<p>There are no alternatives to immigration detention established in law or practice.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>

				<p>requirement to report regularly to the authorities, bail or other guarantee systems.</p> <ul style="list-style-type: none"> • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive than detention, ensure the greatest possible freedom of movement and that respect the human rights of the individual. • International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): 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. 		
DET	2	b		<p>Is there evidence that immigration detention is used in practice prior to all alternatives being considered? Please cite relevant reports.</p> <p>As above</p>	<p>There are no alternatives to immigration detention established in law or practice.</p>	
DET	3	a	Procedural safeguards	<p>Is there a maximum time period for immigration detention set out in the law? What is it?</p> <ul style="list-style-type: none"> • UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of detention must be established by law and upon expiry of this period the detainee must be automatically released. • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention: to guard against arbitrariness, maximum periods of detention should be set in national legislation. 	<p>For people subject to expulsion (i.e. following a criminal conviction) there is no time limit.</p> <p>For 'undesirable persons' (i.e. people whose residence permit has been cancelled and re-entry to Republic of Moldova is forbidden for between 5 to 15 years) the time limit is 12 months.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>

				<ul style="list-style-type: none"> • EU Returns Directive: Art 15(5) Each Member State shall set a limited period of detention, which may not exceed six months (extendable by 12 months in specific circumstances of the detainee refusing to cooperate with removal proceedings or delays in obtaining documentation from third countries). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit. Under no circumstances should indefinite detention be tolerated. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39 Detention should always be for the shortest time possible. There should be a reasonable maximum time-limit for detention. It is highly desirable that states do not detain stateless persons for more than six months. States which at present have a lower than six-month maximum time-limit for detention are urged not to increase it, and all states are urged to review and reduce their maximum time limit for detention. 	For people subject to removal, the time limit is 6 months.	
DET	3	h	Does law/policy provide that individuals must be informed in writing of the reasons for immigration detention?	<ul style="list-style-type: none"> • UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him. • EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Stateless detainees shall receive their order of detention in writing and in a language they understand and this must outline the reasons for their detention. 	Yes, all decisions (administrative and judiciary) must be sent to the person in writing.	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>Law 225/2003 Code of Civil Procedures of the Republic of Moldova, available at: http://cis-legislation.com/docu ment.fwx?rgn=3837</p>

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DET	3	b		<p>Are all detainees provided with information on their rights, contact details of organisations to assist them, including in challenging the legality of their detention and conditions of detention? Does this include guidance on how to access a dedicated SDP?</p>	<ul style="list-style-type: none"> • International Commission of Jurists (ICJ) (2014), Migration and International Human Rights Law: a Practitioner’s Guide (updated edition): The authorities are required to take steps to ensure that sufficient information is available to detained persons in a language they understand, regarding the nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Detainees must be informed of their rights related to the detention order, including the right to legal advice, the right to apply for bail, seek judicial review and/or appeal the legality of the detention. Where appropriate, they should receive free legal assistance; they must be informed of the maximum time limit which they can be held in detention; and they must be provided with a handbook in a language which they understand and that contains information on all their rights and entitlements during detention. 	<p>Detained persons are informed about their rights by an NGO funded to provide this service by UNHCR. LCA’s (UNHCR’s partner) counsellor attends the detention centre once a week and counselling for detainees includes guidance on how to access the SDP and write the application.</p>	<p>LCA casework/practice, detention monitoring reports, and agreement between LCA-BMA.</p>
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DET	3	c	<p>Are there regular periodic reviews of the necessity for the continuation of detention before a court or an independent body? If yes, are detainees released when it becomes evident that their removal will not be possible within a reasonable time?</p>	<ul style="list-style-type: none"> • ICCPR Art 9(3): Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. • EU Returns Directive: Any detention shall ... only be maintained as long as removal arrangements are in progress and executed with due diligence. • Aaad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued. • Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. • A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically so that the grounds justifying the detention can be assessed. • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshniteraboti [2009] Case C-357/09 (ECJ): There must, at the time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress. If such arrangements are not executed with due diligence the detention will cease to be permissible. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41 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. 	<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.</p>	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>Law 244/2016, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368027 (RO)</p> <p>Moldova Supreme Court of Justice Advisory Opinion nr. 102 (RO): http://jurisprudenta.csj.md/search_rec_csj.php?%20id=158</p>
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DET	3	d	<p>What remedies are available to an individual to challenge detention? How often can these be invoked? Are there any obstacles in practice?</p>	<ul style="list-style-type: none"> • ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. • ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful. <p>Kim v Russia [2014] Application no 44260/13 (ECtHR): the purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected.</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 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p>
DET	3	e	<p>Are there rules/guidance in place that govern the process of re-documentation and/or ascertain entitlement to nationality, for the purpose of removal? Do these rules articulate the respective roles that state and individual are expected to play? Are there time limits clearly set out? Are the outcomes of such processes used/considered relevant for subsequent determination of</p>	<ul style="list-style-type: none"> • Auaud v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation (see also above). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality...the respective roles that the state and the individual should be expected to play and related time limits should be clearly articulated. The longer it takes to do so, detention is more likely to become unreasonable and disproportionate. <p>ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained. Detention should not be used for nationals of countries to which forced returns are not generally possible.</p>	<p>There are no specific rules or guidance. Some instructions are included in readmission agreements or protocols, but these are not very detailed.</p>	<p>LCA practice/detention monitoring</p>

				whether an individual is stateless?			
DET	3	f		Is free legal aid available to challenge detention? Are there any barriers to accessing this in practice?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. • EU Returns Directive: Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. 	Free legal aid is available to challenge detention and there are no barriers to access.	<p>Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html</p> <p>List of specialist legal providers: http://www.cnajgs.md/uploads/asset/file/ro/190/hot_47_lactualizare_lista_straini.pdf (RO)</p>
DET	4	a	Protections on release	Are those released from detention issued with any identification, including confirmation of their statelessness status, and thus protected from arbitrary re-detention?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Art 27 • UNHCR (2014), Handbook on Protection of Stateless Persons: Statelessness, by its very nature, severely restricts access to basic identity and travel documents that nationals normally possess. Moreover, stateless persons are often without a legal residence in any country. Thus, being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention of such persons. • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Article 27 of the 1954 Stateless Convention... applies to all stateless persons, which includes those not staying legally in the state's territory... state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56 Special care should be taken to address the vulnerabilities of stateless persons who are released from detention and to ensure that they enjoy all 	Undocumented released stateless persons are transferred to the Statelessness Unit for documentation.	LCA's monitoring reports

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				human rights which they are entitled to under international law... Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.		
DET	4	b	If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social services, accommodation, welfare, education and healthcare? Do they have the right to work?	<ul style="list-style-type: none"> • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti [2009] Case C-357/09 (ECJ): Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual's lack of valid documentation, his/her inability to support him/herself or his/her "aggressive conduct" should not be a deterrent to his/her release. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 55 as above. 	If the purpose of detention cannot be fulfilled and the person is released, they obtain "tolerated person" status, which confers the right of residence and the right to work. In the process of finding a job, the person is socially and medically insured.	Law 200/2010 on foreigners in the Republic of Moldova, available at: http://www.refworld.org/docid/3ae6b4f520.html
DET	4	c	If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?	<ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 40 When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration. 	It is not clear in the law whether re-detention is permitted. In practice re-detention does not occur.	LCA detention monitoring reports.
DET	5	a	Return & readmission agreements Is statelessness considered a juridically relevant fact in any readmission and/or bilateral return agreements?	UNHCR (2014), Handbook on Protection of Stateless Persons : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Readmission of stateless persons is provided for in the Agreements with the European Union (2007), Norway (2005), Bosnia and Herzegovina (2012), Turkey (2012), Georgia (2014), Kazakhstan (2015) and Ukraine (2017). Agreements with Switzerland (2003) and Albania	LCA's monitoring reports

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						(2013) do not have special provisions for stateless persons.	
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		BMA doesn't have any official figures; but unofficially BMA officers say there are no cases of returned stateless persons.	LCA casework/practice

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless... • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality... • Convention on the Rights of the Child 1989: The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011 	Yes. Until April 2018, <i>all children</i> who would otherwise be stateless born on the territory were automatically citizens. However, since an amendment to the Citizenship Law in December 2017, the safeguard has been limited to children born on the territory with at least one parent who has a residence permit, international protection or is recognised as stateless.	<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)</p> <p>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)</p>
PRS	1	b		Is the provision for stateless children to access nationality automatic or non-automatic (i.e. by application)?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Article 1 of the 1961 Convention provides Contracting States with two alternative options for granting nationality to children who would otherwise be stateless born in their territory. States can either provide for automatic acquisition of nationality upon birth pursuant to Article 1(1)(a), or for acquisition of nationality upon application pursuant to Article 1(1)(b) ... • ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN are the most important of these norms for the European context. Both oblige the conferral of nationality to children born on the territory if they would otherwise be stateless but allow some leeway in how states transpose this safeguard into their domestic systems. The first, and optimal, 	Automatic.	<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)</p>

					method – as it is all-encompassing and does not tolerate even a temporary period of statelessness – is to grant nationality to otherwise stateless children automatically, at birth.		
PRS	1	c		Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child’s parents are stateless. Restricting the application of Article 1 of the 1961 Convention to children of stateless parents is insufficient in light of the different ways in which a child may be rendered stateless and contrary to the terms of those provisions. • ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child’s parent(s) do hold a nationality themselves, but are unable to pass this on... 	No, but it is now a requirement that at least one of the parents has a residence permit, international protection or is recognised as stateless (since April 2018).	<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)</p> <p>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)</p>
PRS	1	d		Are children born stateless required to prove they cannot access another nationality to acquire nationality of the country of birth? If yes, please describe the requirement e.g. what is the standard and burden of proof, and how lack of any other	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention 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 where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof, for example... ‘reasonable degree’... Requiring a higher standard of proof would undermine the object and purpose of the 1961 Convention. Special procedural considerations to address the acute challenges faced by children, especially unaccompanied children, in communicating basic 	No.	<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)</p>

				nationality (i.e. statelessness) is determined in practice?	facts with respect to their nationality are to be respected.		
PRS	1	e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: <ul style="list-style-type: none"> ...b) that the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all. • UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be stateless born in its territory fulfils a period of “habitual residence”.... This period is not to exceed five years immediately preceding an application nor ten years in all. In light of the standards established under the CRC, these periods are lengthy. States which ...require a certain period of habitual residence are encouraged to provide for a period as short as possible...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement. The 1961 Convention does not permit Contracting States to make an application for the acquisition of nationality by individuals who would otherwise be stateless conditional upon lawful residence. • Convention on the Rights of the Child 1989: Arts 3 & 7 • Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that the State party ensure that all stateless children born in its 	No, the provision is automatic.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.11, at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)

				<p>territory, irrespective of residency status, have access to citizenship without any conditions.</p> <ul style="list-style-type: none"> • European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application. • ENS (2016), Ending Childhood Statelessness: The ECN cannot be interpreted as undermining states' obligations under the CRC...and the requirement of lawful residence should be removed. 		
PRS	1	f	<p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<ul style="list-style-type: none"> • Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 2011: The outcome of an application for citizenship, legal residence or similar status 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 party where the child would otherwise be stateless. • ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention which permits only the condition of a certain period of habitual residence. 	<p>Yes, since April 2018, at least one of the parents must have a residence permit, international protection or be recognised as stateless. The length of residence is not specified.</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)</p> <p>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)</p>
PRS	1	g	<p>What are the age limits, if any, for making an application for nationality for a stateless person born on the territory?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: (a) that the application is lodged during a period... beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years... • UNHCR Guidelines on Statelessness #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 in 	N/A	<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)</p>

				<p>accordance with Article 1(2)(a) of the 1961 Convention.</p> <ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] closing the window of opportunity to apply for a nationality through such safeguards too early has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child and may mean children are left stateless due to the lack of action on the part of their parents. 		
PRS	1	h	<p>Are there specific provisions for the nationality or statelessness of children born to beneficiaries of international protection?</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities. 	No specific provisions.	<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)</p>
PRS	2	a	<p>Foundlings</p> <p>Are foundlings granted citizenship <i>by law</i>? If it's not automatic, is there an application procedure?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless. 	Yes, foundlings are granted citizenship by law and it is automatic.	<p>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)</p>

PRS	2	b		<p>If yes to either question immediately above, is there an age limit (or status e.g. 'newborn') specified for foundlings to be granted citizenship? If not, when would a child usually qualify in practice?</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information pertaining to the identity of their parents or their place of birth... If a State provides for an age limit for foundlings to acquire nationality, the age of the child at the date the child was found is decisive and not the date when the child came to the attention of the authorities. 	<p>The age limit in the 'foundlings' provision is 18 years. The child's birth act shall be drawn up within one month from the date of its finding, based on a report drawn up by a police officer. The person who found the child is obliged to announce it to the police within 24 hours and to present the child with all the objects and documents found with the child.</p>	<p>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)</p> <p>Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://cis-legislation.com/document.fwx?rgn=5128</p>
PRS	2	c		<p>Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness?</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Nationality acquired by foundlings pursuant to Article 2 of the 1961 Convention may only be lost if it is proven that the child concerned possesses another State's nationality. 	<p>No</p>	<p>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)</p>
PRS	3	a	Adoption	<p>Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is adopted?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon possession or acquisition of another nationality. • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... Each State Party shall permit the renunciation of its nationality provided the persons concerned do not thereby become stateless. 	<p>No. The law permits dual citizenship in the case of a Moldovan child who acquires another citizenship through adoption.</p>	<p>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)</p>

				<ul style="list-style-type: none"> • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: [recommended that Switzerland] accelerate the assessment procedure and ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption. • ENS (2015), No Child Should Be Stateless: ...the “sending” state in a situation of inter-country adoption may be a non-European one, so even if Europe’s nationality laws were all in alignment with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process. 		
PRS	3	b		<p>Does a foreign child adopted by national parents acquire nationality? Is there a risk of statelessness during the adoption process? Are there any age limits?</p> <ul style="list-style-type: none"> • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: ...ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between...arrival...and formal adoption. 	A foreign child adopted by Moldovan citizens can opt to apply for citizenship. There is no age limit.	Law 1024/2000 on Citizenship of the Republic of Moldova, Art.13, available at: http://www.refworld.org/docid/3ae6b60ba.html and the original at: http://lex.justice.md/md/311522/ (RO)
PRS	4	a	ius sanguinis and discrimination	<p>Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis)? Are there any conditions? Could</p> <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Art 4 • UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State to parents of another Contracting State but does not acquire the nationality of the State of birth automatically and either misses the age limit to apply for nationality or cannot meet the habitual residence requirement in the State of birth... responsibility falls to the 	In all situations children of a parent who is a national, born outside the country, are automatically citizens. There are no additional conditions.	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)

			<p>these conditions be regarded as discriminatory?</p> <p>Contracting State of the parents to grant its nationality to the child (or children) of its national... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad... Article 4 of the 1961 Convention must be read in light of developments in international human rights law, in particular the right of every child to acquire a nationality... and the principle of the best interests of the child ...</p> <ul style="list-style-type: none"> • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: While the right to citizenship is not as such a Convention right and while its denial in the present case was not such as to give rise to a violation of Article 8, the Court considers that its impact on the applicant’s social identity was such as to bring it within the general scope and ambit of that article. Maltese legislation expressly granted the right to citizenship by descent and established a procedure to that end. Consequently, the state which has gone beyond its obligations under Article 8 in creating such a right [. . .] must ensure that the right is secured without discrimination within the meaning of Article 14. • ENS (2015), No Child Should Be Stateless: States are free to impose additional conditions [to <i>Ius Sanguinis</i> conferral], as long as these are not discriminatory in nature... safeguards should again be in place to ensure that statelessness does not result.... • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 • Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012 		
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PRS	4	b		Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis) if they would otherwise be stateless? Are there any conditions? Could these conditions be regarded as discriminatory?	As above	See above	
PRS	5	a	Access to birth registration	Does the law provide that all children are registered immediately upon birth? Can children be registered if parents are undocumented and/or not legally residing in the country (by law)?	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: register the birth of all children born on their territory, even if they are born to a foreign parent with an irregular 	Registration must be carried out not later than 3 months after birth. It is not possible to register a birth if parents are undocumented. It is possible to register a birth if parents are not legally staying in the country. Birth registration and certification is free of charge.	<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> <p>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>

				<p>immigration status or if the parents are unknown, in order to safeguard their right to a nationality. The registration of birth should be free of charge and be performed without delay, even if the period within which the birth should have been declared has already expired.</p> <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: ... registration of the birth provides proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention and related human rights norms. Article 7 of the CRC specifically requires the registration of the birth of all children and applies irrespective of the nationality, statelessness or residence status of the parents. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 Ensure birth registration for the prevention of statelessness. • UN Sustainable Development Goal 16: By 2030, provide legal identity for all, including birth registration. • UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child, and underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of his or her immigration status and that of his or her parents or family members, which can contribute to reducing statelessness, as well as reducing vulnerability to trafficking in persons and other abuses and violations of their human rights. 		
PRS	5	b	Are there credible reports that suggest that children are prevented from	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: Art 7(1) • International Covenant on Civil and Political Rights 1966: Art 24(2) 	There are credible reports of some cases in which children were prevented from registering <i>in practice</i> because of lack of documentation of parents.	Information from LCA’s casework/practice and monitoring reports.

				<p>registering <i>in practice</i> because of lack of documentation and/or parents' legal residence?</p>	<ul style="list-style-type: none"> • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • UNHCR Guidelines on Statelessness #4 2012: as above. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • UN Sustainable Development Goal 16 • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above 		<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 citizenship), 2013: http://ombudsman.md/wp-content/uploads/2018/10/raport_tematic - _copii_nedocumentati_red_0.pdf (RO)</p>
PRS	5	c		<p>Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. medical authorities required to report undocumented migrants)?</p>	<ul style="list-style-type: none"> • UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012: While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants... • PICUM, Rights of Accompanied Children in an Irregular Situation, 2011: Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often below the standards set out in human rights law, inexplicit or contradicted by other rules and practices, such as the duty to denounce or administrative requirements. 	<p>No. There are no requirements to report undocumented migrants.</p>	
PRS	6	a	Late birth Registration	<p>Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late</p>	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible to undocumented populations... States also need procedures for late and delayed birth registration and may consider 	<p>By law, registration must be no later than 3 months after the birth. Late birth registration is possible.</p>	<p>Law 100/2001 on acts of civil status of the Republic of Moldova, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)</p>

				<p>birth registration possible by law?</p> <p>undertaking campaigns to register older children and adults. Birth registration needs to be free, accessible and undertaken on a non-discriminatory basis.</p> <ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration of births, making it easier for adults who do not have a birth certificate to acquire one, which can subsequently be used to register their own children's births... 		
PRS	6	b		<p>Is late birth registration possible in practice?</p> <ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: as above. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: as above. 	Yes	<p>Law 100/2001 on acts of civil status of the Republic of Moldova, Art.26, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)</p>
PRS	6	c		<p>Are there any additional requirements (e.g. fee) for the late birth registration procedure? Are these problematic or do they cause lengthy delays?</p> <ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. 	<p>Late birth registration is punishable by a fine. If the declaration of birth was made after the expiry 3 months, but within one year of birth, the birth certificate shall be made by the civil status body. If the birth certificate was made after the expiration of one year from the date of birth, the appropriate act shall be drawn up at the civil status body on the basis of the opinion on the late registration of the child's birth, the reasons for the breach of the</p>	<p>Law 100/2001 on acts of civil status of the Republic of Moldova, Art.26, available at: http://www.law-moldova.com/laws/rom/actah-grazhdanskogo-sostoeania-ro.txt (RO)</p>

						established deadlines being investigated and the possible doubling of the birth registration.	
PRS	7	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004: Taken together Art 7 & 8 ECHR should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless... 	There are no current proactive government campaigns or programmes to promote birth registration. The Government passed a decision in 2009 ‘on simplifying the procedure for registering new-borns’, which introduced automatic registration for children born in a medical institution. It also introduced an amendment to the law, which came into force in January 2018, which recognizes Transnistrian civil status acts, making it easier for parents of Transnistrian origin to register the births of their children in Moldova and for children born to Transnistrian parents to acquire Moldovan nationality.	Government Decision 258/2009, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331223 (RO) Law 310/2017, available at: http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=373827 (RO)
PRS	7	b		Are there sections of the population believed to be stateless/at risk of statelessness? Are minorities disproportionately affected? Please provide details and source of information.	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 Article 9 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 	People of Transnistrian origin and sections of the Roma community are believed to be unregistered and at risk of statelessness.	Information from LCA’s practice/casework and monitoring reports.
PRS	7	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g.	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 1, Action 8 • UNHCR, Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness, 2015 	No other measures. The Government introduced an amendment to the Law on Citizenship in December 2017 (entered into force in April 2018), which <i>increased</i> the risk of children being born stateless on the territory.	Law 132/2017 amending and completing the Law on Citizenship of the Republic of Moldova 1024/2000, available at: http://lex.justice.md/md/373813%20/ (RO)

				identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)			
PRS	8	a	Withdrawal of nationality	<p>Are there any provisions on loss and/or deprivation of nationality? If yes, are these established in law? If not, where can they be found? Do any provisions allow for statelessness? If there is a safeguard against statelessness, is it applied in practice?</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8: A contracting state shall not deprive a person of its nationality if such deprivation would render him stateless. • European Convention on Nationality, 1997: Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... • Universal Declaration of Human Rights: Article 15(2) No one shall be arbitrarily deprived of his nationality ... 	<p>There are provisions for the withdrawal of citizenship in Moldova. Citizenship may be withdrawn from a person who acquired citizenship fraudulently; voluntarily enlisted in a foreign army; committed particularly serious deeds damaging the state; or does not comply with conditions for carrying out and maintaining investment (Art. 17(11) & (6)). There is a safeguard against statelessness in all cases except for the fraudulent acquisition of citizenship.</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>
PRS	8	b		<p>Who is the competent authority in any procedure for ordering deprivation of nationality? What procedural guarantees are there? (e.g. judicial oversight,</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. • European Convention on Nationality, 1997: Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing... 	<p>Citizenship of the Republic of Moldova can be withdrawn by a decree of the President of the Republic of Moldova. There is a right of appeal (within 6 months from the date of its entry into force). Free legal aid is available.</p>	<p>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)</p>

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				time limit, subject to prior sentencing, appeal rights, legal aid)			
PRS	8	c		Are withdrawal provisions (both for loss and deprivation) applied in practice?		Yes.	Balkan Insight, Romanian Ex-President Loses Moldovan Citizenship, 4 January 2017: http://www.balkaninsight.com/en/article/moldovan-president-strips-former-romanian-president-of-citizenship-01-04-2017

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms/Good Practice	Answer	Source
LIT	1	a	Published Judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		No relevant judgements from national courts. ECtHR Ciobotaru v Moldova 2010 judgement related to civil registration.	Judgements of the Constitutional Court: http://www.constcourt.md/ccdocs.php?!=en Judgements of the Supreme Court: http://www.csj.md/index.php/jurispudenta-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
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction).		No relevant judgements from national courts.	
LIT	2	a	Legal training	Is there judicial training on statelessness? If yes, please provide details (e.g. provider, frequency).	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): 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 Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is recommended that States provide specialized training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations. 	UNHCR and LCA provide annual trainings on statelessness for judges, judicial assistants, lawyers, and state officers.	LCA's practice/casework and monitoring reports.

LIT	2	b		Is there training for lawyers on statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: as above 	As above.	
LIT	3	a	Pro Bono	Are there specialised lawyers, law firms or organisations providing free advice to stateless persons or those at risk of statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Applicants are to have access to legal counsel. • UNHCR (Good Practices Paper 6): Provides the example of Liverpool Law Clinic providing legal assistance to stateless clients in the UK. 	<p>NGO Law Centre of Lawyers, as UNHCR implementing partner provides free legal aid for stateless persons.</p> <p>National Free Legal Aid Counsel (NLAC) has a list of lawyers who are specialised in refugee and statelessness area.</p>	<p>LCA : www.cda.md</p> <p>NLAC : www.cnajgs.md</p>
LIT	4	a	Literature	Is there domestic legal academic literature on statelessness? If possible, please provide number of scholarly articles/references/bodies and hyperlinks etc.		<p>UNHCR mapping study of statelessness in Moldova, forthcoming</p> <p>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</p>	