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Asylum-seekers, refugees and displaced persons in Moldova: Problems of recognition, social protection and integration

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Social portrait of a forced migrant

As a result of armed conflict in March-July 1992, refugees and internally displaced persons appeared in Moldova. A total number of around 800 persons perished during the conflict (320 persons from the constitutional forces of the Republic of Moldova and 425 persons representing Transnistria). Direct material damage from the military action amounted to around 400 mln. USD¹.

In spring and summer 1992, the armed conflict had a certain impact upon migration in the country. Around 100,000 refugees were registered during the conflict. These persons fled: to Belarus (859 persons), Russia (17,346 persons), Ukraine (61,000, 30 thousand among them being children) and countries outside the CIS (around 20,000 persons)². After the end of hostilities in the eastern part of Moldova, practically all refugees to Ukraine returned to the places of their permanent residence³.

51,289 persons were registered as internally displaced persons in the right bank of the Dniester River region of Moldova (28,746 of them were children). There were representatives of different nationalities among those who fled from the war. Approximately 95% were women, children, and retired people from both banks of the Dniester. Around 80% of internally displaced persons were ethnic Moldovans⁴.

The end of military action and the signature of the peace agreement, with the help of Russia and the OSCE as mediators, on unobstructed return of persons to the places of their permanent residence allowed promptly resolving the issue of displaced persons. Most people returned to the places of their permanent residence. At present, the problem of displaced persons as a mass-scale social phenomenon is practically resolved. However, there are also people (around 200 families) on the right bank, for whom this problem still exists, primarily when it comes to housing⁵.

Signing the 1951 UN Convention and the 1967 supplementary Protocol in 2001, Moldova started actively participate in international refugee assistance programs. 1,449 persons acquired the refugee status and received humanitarian assistance in 2002-2012; 1,100 persons were recognized as asylum-seekers. There are representatives of over 25 countries from all continents among them. Significant share of persons hoping for international humanitarian aid were ethnic Chechens from Russia. Until 2006, they were the absolute majority of persons who received international assistance and support. One can unequivocally see the trend towards the decline of the share of refugees and asylum seekers from Russia in the overall flow of forced migrants. In 2012, the number of forced migrants and asylum seekers from Russia went down to 7.57% amongst the refugees/humanitarian aid recipients, and to 1.33% amongst the asylum seekers. This shows that this problem has been resolved in Russia. At the same time, there is an increase in the number of forced migrants from Syria. In 2012, their share was 29.73% amongst the refugees/humanitarian aid recipients, and 44% amongst the asylum seekers⁶. This demonstrates the integration of Moldova integration into the regional (post-Soviet), as well as international system of assistance to refugees and asylum seekers.

¹ Mukomel V. International and regional armed conflicts: human loss, economic damage and social consequences [in Russian]. *Identity and conflict in post-Soviet states*. Ed. by M.B. Olcott, V. Tishkova and A. Malashenko; Moscow Carnegie Center. Moscow, Complex-Progress, 1997, p. 311.

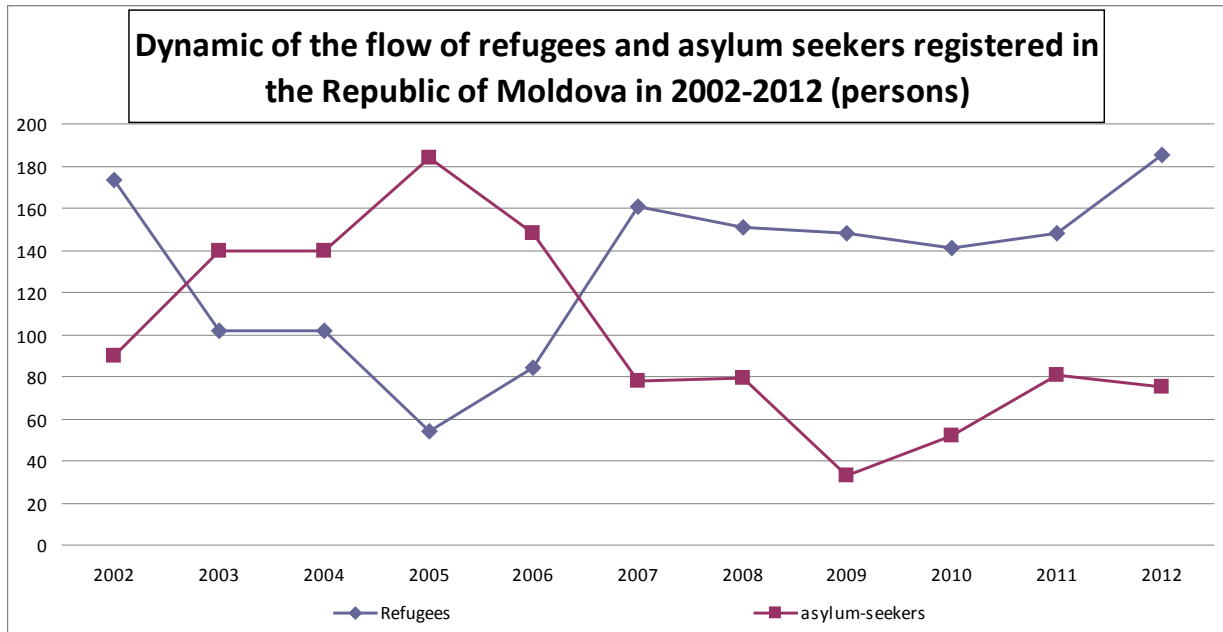
² Mosneaga V. Armed conflict in the Republic of Moldova and the problem of displaced persons. [in Russian]. *MOLDOSCOPIE (Problems of political analysis)*. Part VII. Chisinau, Mold. SU, 1995, p.93.

³ Malinovska O. "Refugees in Ukraine". *Migration Issues, Ukrainian Analytical Informative Journal*, 1998, №2:2-3

⁴ Moraru V., Mosneaga V., Rusnak G. *Migration pendulum* [in Russian]. Chisinau, "Tipografia-Sirius", 2012, p.18.

⁵ Ibid, p. 18.

⁶ Data of the Bureau for Migration and Asylum, Moldovan Ministry of Interior, for 2012.



Gender and age-wise, 75.57% of refugees are men, and 24.43% are women. Every sixth refugee (17.53%) is a child. This clearly demonstrates that there are families amongst the refugees.

At the same time, the picture is somewhat different for persons seeking asylum. Men represent an absolute majority (85.36%). The share of women is smaller and equals to 14.64%. The share of children is even smaller (8.1%) amongst this category of people counting on international humanitarian aid. These data demonstrate that the number of families amongst the asylum seekers is significantly smaller.

Legislative and normative framework

Moldovan policy regarding refugees and asylum relies on the legislative and normative framework regulating immigration of foreign nationals and stateless persons: the Law No. 269 of 9 November 1994 on Exit from and Entry into the Republic of Moldova; the Law No. 275 of 10 November 1994 on Legal Status of Foreign Nationals and Stateless Persons in the Republic of Moldova; the Law No. 180 of 10 July 2008 on Labor Migration; the Law No. 200 of 16 July 2010 on Regime of Foreigners in the Republic of Moldova.

The main legal act of the Moldovan asylum system is the Law No. 270 of 18 December 2008 on Asylum in the Republic of Moldova. Developing its new Law on Asylum, Moldova adhered to the EU *acquis communautaire*, as well as provisions of the 1951 Convention relating to the Status of Refugees and the 1967 Supplementary Protocol. The law also incorporated best practices that emerged after Moldova has joined the Convention in 2001. The law is consistent and clarifies all stages of the asylum system in Moldova. However, the law does not stipulate norms and procedures regulating integration, including their institutional aspects⁷. The Law No. 274 of 27 December 2011 on Integration of Foreigners in the Republic of Moldova filled these gaps.

In order to pay proper attention to migrants, refugees and asylum seekers at the state level, the government adopted the Regulation No. 448 of 27 April 2006 on Approval of the National Action

⁷ Ciomas T. *Legislative framework for asylum in the Republic of Moldova* [in Russian]. Explanatory note 2012/25, Legal framework of migration. September 2012, CARIM-East project, European University Institute, <http://www.carim-east.eu/media/legal%20module/exno/EN%202012-25.pdf>.

Program in the Field of Migration and Asylum. The program was a long-term document identifying specific actions to create socio-economic conditions that would prevent illegal migration, reduce its negative consequences, and strengthen the national asylum system. Today, the main strategic document in this area is the National Strategy in the Field of Migration and Asylum for 2011-2020 (Government Regulation No. 655 of 8 September 2011).

One can also mention other normative acts adopted over the recent years: Government Regulation No. 1009 of 26 December 2011 on Approval of the Action Plan for 2011-2015 on Implementation of the National Strategy in the Field of Migration and Asylum (2011-2020); Government Regulation No. 524 of 11 July 2011 on Approval of the Regulation on Evaluation of Language Competency and Assessment of the Level of the Proficiency in the State Language by Foreigners who Apply for the Right to Permanent Residence in the Republic of Moldova; Government Regulation No. 108 of 17 February 2012 on Approval of the Amount of Financial Assistance to Refugees and Persons Enjoying Humanitarian Protection for 2012; Government Regulation No. 1002 of 28 December 2012 on Modification of Appendix 1 to the Regulation on Services Rendered for Pay (on renting accommodation for a certain period); Government Regulation No. 71 of 30 January 2004 on Creation of the Center for Temporary Accommodation of Foreigners; Government Regulation No. 1023 of 28 December 2012 on Approval of the Regulation of the Center for Accommodation of Refugees and Asylum Seekers etc.

Development of the Regulation relied on the Law on Asylum in the Republic of Moldova taking into account requirements and recommendations of the Council Directive 2003/9/EC of 27 January 2003 on minimal standards for asylum seekers and recommendations of UN experts (within the UNDP project)⁸.

Agencies dealing with refugees and asylum seekers

Activities of the Moldovan public agencies dealing with forced migrants, refugees and asylum seekers in Moldova are coordinated by Bureau for Migration and Asylum of the Ministry of Interior, particularly its specialized division – Department for Refugee Affairs. It works with border police within the Ministry of Interior, Ministry of Foreign Affairs, Information and Security Service, other ministries and agencies of Moldova; international organizations (UNHCR, IOM, ILO), civil society, national and foreign non-governmental organizations.

Significant attention is paid to training on how to work with refugees and asylum seekers. In May 2012, Moldovan judges and attorneys took part in a research and practical workshop on refugee rights (Kiev, Ukraine) organized by UNHCR within the regional protection program “Support to UNHCR Activities in Eastern Europe (Belarus, Ukraine, Moldova)”. Border officers and students of the border service college have undergone training (town of Ungheni) to enhance the quality of work with refugees and asylum seekers. The following documents were developed: agency documents instructing how to deal with applications for asylum at the Center for Temporary Accommodation of Foreigners; guidelines on translation services at the Migration and Asylum Bureau; code of conduct for interpreters and translators involved in asylum procedure. A special training program for the personnel of the Center for Temporary Accommodation has been launched⁹.

Programs for teaching refugee law were developed for the national border service college and the Moldovan Stefan Cel Mare police academy. In September 2009, a course on refugee law has been launched at the border service college and, starting from 2010, – at the Police Academy of the Moldovan Ministry of Interior.

⁸ *Nota informativa privind activitatea Directiei refugiatii pe parcursul anului 2012*. Chisinau, BMA MAI, 2013, p.1.

⁹ *Ibid*, p.4.

Protection monitoring group under the UNHCR has taught 14 introductory courses for Moldovan border officers on access to national asylum procedure in cases, when asylum seeker files an application at one of 22 border checkpoints, regional units and checkpoints of the border service in the northern, western and south-eastern parts of the country¹⁰.

Moldovan policy regarding integration of refugees and asylum seekers

The implementation of the law on integration of foreigners relies on interdepartmental consultations and the harmonization of the national legislation. Significant assistance was rendered by international experts and civil society representatives. A report containing civil society recommendations, as well as an individual integration plan and a model form for evaluation of integration needs have been elaborated. A series of events were held to discuss the best European practices of foreigners' integration and mechanisms for cooperation between national institutions, as well as workshops and training sessions for territorial employment agencies and for social workers in Chisinau. Special methodology has been developed, and outreach activities have been planned. A section for integration and adaptation was established within the Migration and Asylum Bureau (implementation of the Government Regulation No. 130). Different aspects of integration are dealt with: language courses, consultations regarding the acquisition of the Moldovan citizenship, socio-cultural adaptation, information about the available opportunities, etc. International Independent University of Moldova holds free courses of Romanian for refugees and humanitarian aid recipients¹¹. National European Trainers Academy of Moldova also offers language courses¹².

Within the local integration project, specialized medical assistance in the form of psychotherapeutic and psychological support provided to asylum seekers, refugees and humanitarian aid recipients became part of the general medical care package¹³.

As a result of the EU project for local integration of refugees (second phase), renovated housing was allocated in the villages of Mereni (Anenii Noi area) and Razeni (Ialoveni area), and 27 refugees were accommodated there¹⁴.

Every month decisions regarding social, material, medical, legal assistance, professional training and employment are made at meetings of the UNHCR social commission together with the representatives of non-governmental organizations and the Migration and Asylum Bureau. Refugees are paid an allowance annually (starting from 2002). Its size is stipulated by a Government Regulation. Field trips are organized to assess the living conditions and the degree of integration, as well as to consult and inform the refugees and the asylum seekers, and to examine their needs and problems. Sociological methods of studying the public opinion are widely used for that purpose.

The Center for Temporary Accommodation of refugees and asylum seekers plays a great role in the process of adaptation of refugees and asylum seekers. The Center opened in 2002 in the Moldovan

¹⁰ Course of implementation of the ten-component action plan in the field of refugee protection and mixed migration, adopted by the regional office of UNHCR in Belarus, Moldova and Ukraine [in Russian]. – Regional Office in Kiev, April 2010. http://unhcr.org.ua/img/uploads/docs/10PP-Impl-status-final_rus.doc; Refugee protection and border cooperation. Final report. Regional border conference, 20-22 September 2011, Lvov, Ukraine, unhcr.org.ua/attachments/article/413. Lviv Conference Report 20-22 September 11_rus1.doc.

¹¹ Ibid.

¹² *Nota informativa privind activitatea Directiei refugiatii pe parcursul anului 2012*, p.5-7.

¹³ *Course of implementation of the ten-component action plan in the field of refugee protection and mixed migration, adopted by the regional office of UNHCR in Belarus, Moldova and Ukraine.*

¹⁴ Kessler P., Jioara S. Official ceremony of the start of refugee housing reconstruction. *Bulletin of the European Union and UNHCR project "Local Integration of Refugees" No. 6 (18) June 2011*, http://unhcr.org.ua/files/mf49_b.pdf.

capital with the support of the United Nations High Commissioner for Refugees Office (Government Regulation No. 409 of 5 April 2002)¹⁵.

According to the data of the Department for Refugee Affairs, Migration and Asylum Bureau, there is a rise in the number of asylum seekers willing to be accommodated at the Center for Temporary Accommodation. It is at the Center, that the process of adaptation to the Moldovan realities begins, diverse assistance in integration is rendered (studying the constitution, customs, traditions, and culture of Moldova); legal consultations and social support are provided; cultural, sports and entertainment events are held; International Day for Protection of Children and International Refugee Day (20 June) are celebrated, etc. The UNHCR helped to open a computer class that gives the residents an opportunity to communicate with relatives and friends in other countries and regions via Internet. Medical assistance is offered; outreach events are organized to explain the dangers of epidemic, sexual, and other diseases. However, practice has shown that the Center has a great need for full-time physicians and paramedical personnel and there is a deficit of medication.

Documentation procedures of the Moldovan state play an important role in integration of refugees and asylum seekers. Government Regulation No. 626 of 28 May 2005 on Identity Documents of Refugees approved a model ID and a model travel document for refugees indicating personal registration numbers, and now documents are provided to this population category.

International agencies note that “there were no registered cases, when asylum seekers from amidst the ethnic Chechens would be denied humanitarian protection or its extension after one year. Migration and Asylum Bureau has not registered a single case, when a Chechen asylum seeker would be forcefully expelled or deported from Moldova. The number of the Chechen asylum seekers, refugees or humanitarian protection recipients decreased. This fact demonstrates that the majority of them voluntarily went to their home country having received material assistance from the UNHCR Office in Moldova.

No cases have been registered, when persons who were denied some form of protection or those who voluntarily returned to their home country, would be subjected to physical or moral persecution (including Chechens). Persons who were denied refugee status, and who chose voluntary repatriation, remain under the observation and monitoring of the Migration and Asylum Bureau until their departure from Moldova”¹⁶.

International cooperation

The protocol on cooperation in the field of migration and asylum was signed between the Moldovan Ministry of the Interior and the Romanian Ministry of Administration and Interior (Government Regulation No. 1074 of 16 November 2010). It facilitated the acquisition of information from asylum seekers’ countries of origin. Collaboration with the Romanian colleagues (the Romanian Immigration Office), and the use of their portal, reduce time to examine the applications and enhance the quality of decisions made.

There is a partnership with the Federal Migration and Asylum Office (Nuremberg, Germany). The MILo and the BAMF database (Germany) is used to make prompt and adequate decisions as well as to obtain information on refugees and asylum seekers from countries of origin.

In 2012, a training seminar entitled “Techniques for interviewing unaccompanied minors” was held together with the Dutch experts. The Romanian experts delivered a course “Translating services within

¹⁵ United Nations Committee on the Elimination of Racial Discrimination, Seventy-first session, Geneva, 30 July-17 August 2007, <http://tnu.podelise.ru/download/docs-216930/216930.doc>

¹⁶ United Nations Committee on the Elimination of Racial Discrimination, Seventy-first session, Geneva, 30 July-17 August 2007, <http://tnu.podelise.ru/download/docs-216930/216930.doc>

the asylum procedure”. Training seminars were held in cooperation with the Dutch and Romanian colleagues: “The role of information from the countries of origin in the asylum procedure” (Romania) and “The United European Asylum System” (Netherlands).

A number of projects were submitted to the European Commission’s TAIEX program dealing with quality standards, evaluation of the Moldovan legislation in the field of asylum, etc.

In May 2012, officers of the Department for Refugee Affairs of the Moldovan Ministry of the Interior took part in a meeting (Tbilisi, Georgia) to discuss the implementation of the Quality Initiative project in Eastern Europe and the South Caucasus and importance of the European Asylum Curriculum for these countries.

Cooperation with international organizations and civil society

Trying to resolve the problems of refugees and asylum seekers, the Moldovan public bodies cooperate with international organizations and civil society. Let us primarily note active collaboration with the UNHCR Office in Moldova and the IOM office.

In order to ensure the quality and the efficiency of decision-making and acquisition of information from the country of origin, quarterly meetings and consultations with the legal advisor of the UNHCR office are carried out. In 2010, the Istanbul Protocol was published (4,000 copies); it is a guide to efficient investigation and documentation of torture and other cruel, inhumane or degrading treatment or punishment that contains internationally recognized standards and instructions on how to identify and document the indicators of torture for physicians and lawyers in Moldova¹⁷.

Interaction with international and non-governmental organizations of Moldova relies on relevant agreements/cooperation memorandums. This practice started in 2009, when the UNHCR signed the Memorandum of Understanding with the border service of Moldova, Migration and Asylum Bureau of the Moldovan Ministry of the Interior and a non-governmental organization “The Law Centre of Advocates”. The memorandum stipulates that joint monitoring of protection will be regularly carried out, including in border areas, in order to ensure the entry of asylum seekers into the country, and their access to asylum procedures. In 2012, agreements on cooperation in assistance to asylum and humanitarian aid seekers were signed with two non-governmental organizations: Ave Copiii and the Law Centre of Advocates. Successful cooperation takes place with such non-governmental organizations as “Centrul de caritate pentru refugiatii” (*Center of Charity for Refugees*) and “Centrul de consultare in afaceri” (*Center of Consultations in Business*), etc. In Moldova, there is a network of non-governmental organizations supported by the Dutch Council for Refugees (MATRA Foundation)¹⁸.

Information on activities of the Department for Refugee Affairs is posted on the Ministry of the Interior website, which facilitates contact and informs the civil society and the general public. There one can also obtain necessary information on actions undertaken and planned, as well as draft legislative and normative acts. Officers of the Department for Refugee Affairs make radio and TV statements on the International Refugee Day.

¹⁷ Course of implementation of the ten-component action plan in the field of refugee protection and mixed migration, adopted by the regional office of UNHCR in Belarus, Moldova and Ukraine.

¹⁸ Ibid.

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Appendix

Table 1. Number of refugees / humanitarian aid recipients and persons seeking asylum in the Republic of Moldova (2002-2012)¹⁹

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | Total |
|--------------------|------|------|------|------|------|------|------|------|------|------|------|-------------|
| <i>Refugees</i> | 173 | 102 | 102 | 54 | 84 | 161 | 151 | 148 | 141 | 148 | 185 | 1449 |
| <i>Women</i> | ... | ... | 43 | 17 | 24 | 41 | 45 | 45 | 41 | 47 | 51 | 354 |
| <i>Children</i> | ... | ... | 47 | 19 | 25 | 35 | 31 | 25 | 23 | 26 | 23 | 254 |
| <i>From Russia</i> | 154 | 92 | 92 | 41 | 28 | 30 | 29 | 32 | 31 | 26 | 14 | 569 |
| <i>Applicants</i> | 90 | 140 | 140 | 184 | 148 | 78 | 79 | 33 | 52 | 81 | 75 | 1100 |
| <i>Women</i> | ... | ... | 20 | 30 | 21 | 11 | 13 | 7 | 21 | 25 | 13 | 161 |
| <i>Children</i> | ... | ... | 12 | 29 | 13 | 0 | 7 | 0 | 11 | 16 | 1 | 89 |
| <i>From Russia</i> | 35 | 36 | 36 | 42 | 6 | 3 | 12 | 2 | 4 | 7 | 1 | 184 |

¹⁹ Anuarul statistic al Republicii Moldova 2004. Chisinau, BNS, 2004, p.81; Anuarul statistic al Republicii Moldova 2005. Chisinau, BNS, 2005, p.69; Anuarul statistic al Republicii Moldova 2006. Chisinau, BNS, 2006, p.80; Anuarul statistic al Republicii Moldova 2007. Chisinau, BNS, 2007, p.74; Anuarul statistic al Republicii Moldova 2008. Chisinau, BNS, 2008, p.71; Anuarul statistic al Republicii Moldova 2009. Chisinau, BNS, 2009, p.65; Anuarul statistic al Republicii Moldova 2010. Chisinau, BNS, 2010, p.65; Anuarul statistic al Republicii Moldova 2011. Chisinau, BNS, 2011, p.65; Anuarul statistic al Republicii Moldova 2012. Chisinau, BNS, 2012, p.65.