

LEGAL AID IN MOLDOVA

Briefing Note

Protection Working Group

Refugee Coordination Forum Moldova

BACKGROUND

The war resulting from Russia's full-scale invasion of Ukraine in February 2022 led to the largest displacement of people in Europe since World War II. The Republic of Moldova (hereinafter 'Moldova') has been a main destination for those fleeing the war, with more than one million border crossings from Ukraine and over 118,000 refugees remaining in Moldova as of the end of April 2024.

Refugees often face legal obstacles in countries of asylum, regardless of the host country's commitment to human rights and refugee protection under international and domestic law. Displacement disrupts lives, leaving people without vital documentation and hindering their access to services and rights. Unfamiliarity with the host country's legal system, as well as differences in language, make it challenging for those displaced to understand their rights and to obtain legal support. These issues compound their already difficult circumstances, highlighting the need for comprehensive, coordinated and accessible legal assistance.

The Government of the Republic of Moldova (GoM) has shown leadership in responding to the needs of those fleeing the Ukraine war, supported by robust international and local humanitarian efforts. The National Legal Aid Council (NLAC) provides State-funded support to many refugees in the country on different legal issues. Moldova signed the [Tbilisi Declaration on Access to State-Guaranteed Legal Aid for Forcibly Displaced Populations](#) in December 2023, joining Armenia, Georgia and Ukraine, which emphasizes the important role played by state legal aid providers for those who are forcibly displaced. Legal aid partners for the refugee response in Moldova complement this work.

LEGAL STAY AND ACCESS TO INTERNATIONAL PROTECTION

One of the primary legal needs for those displaced from Ukraine is accessing a secure legal status in Moldova. In mid-January 2023, the GoM approved the granting of Temporary Protection (TP) ([GD 21/2023](#)) to Ukrainian citizens and their family members who had been displaced from Ukraine, as well as to stateless persons and third country nationals granted

international protection in Ukraine, effective 1 March 2023. Initially granted for one year, TP was extended in late February 2024 for another year, until 1 March 2025, with some of the rights and obligations of TP beneficiaries modified and expanded.

As of 27 May 2024, 48,000 individuals had been granted TP in Moldova. In addition, over 6,900 Ukrainians were granted resident permits, either permanent or temporary, and over 2,000 Ukrainians were in the asylum system, either as asylum-seekers or persons granted refugee status or humanitarian protection.



CDA: Alexandr Covdii / CDA

Legal aid actors have engaged in advocacy efforts related to the TP regime, as well as supported refugees with the registration process for TP. Recognizing the challenges faced by households, legal aid partners have assisted with on-line pre-enrolment for TP, as well as offered transportation support and accompaniment services to offices of the General Inspectorate of Migration (IGM) for in-person registration. TP fairs were organized in various regions of Moldova and staffed with legal partners and others to raise awareness on TP, address refugees' questions, and assist with pre-enrolment. IGM and local officials also attended these fairs, providing information and support.

While TP has been the main form of legal status for those displaced from Ukraine, both Ukrainians and non-Ukrainians who fear harm in their country of origin can also apply for asylum in Moldova. The main forms of international protection available include refugee status, humanitarian protection^[1], and stateless status. In 2023, over 4,000 people applied for asylum, mostly Ukrainian nationals, but also nationals of Russia, Syria, Tajikistan, and other countries. Over 100 people applied for stateless status in 2023 as well. Legal aid providers in Moldova provide legal counselling and representation to persons applying for international protection, both at the administrative and appeal levels, as well as assist in obtaining civil documentation needed to prove Moldovan citizenship.

SECURITY OF TENURE & RIGHT TO ADEQUATE HOUSING

Access to adequate housing remains an important focus of attention in the refugee response, especially considering the various living arrangements of refugees in Moldova, ranging from Refugee Accommodation Centres (RACs), to host family arrangements and private rentals. Important challenges exist in ensuring security of tenure, adequate housing conditions and non-discriminatory access to the rental market. For those refugees renting apartments and houses, many lack formal lease agreements, placing them at risk of disputes, exploitation, and, possibly, eviction. Some refugees, for example in Chisinau and the north, have reported living in poor conditions.^[2] Many Ukrainian refugees, in particular ethnic Roma, have also reported discrimination in the housing market based on nationality or ethnicity. The recent closure of many RACs by the government, as part of the consolidation process has highlighted some of these issues,

[1] Refugee status is available to those who have a well-founded fear of persecution on account of a protected ground, while humanitarian protection is available to those for whom there are serious and substantial grounds for believing that, if returned to their country of origin, they would face a real risk of suffering serious harm, notably corporal punishment, torture and generalized violence in international or internal armed conflict.

with many refugees having to move to private accommodation.

Comprehensive legal support is needed to mitigate the risks faced by refugees in an insecure economic situation to ensure that their legal rights are respected. Recognizing the diverse living situations of displaced individuals, legal aid actors have provided important information to refugees and others on the rights, entitlements and obligations of renters. Moreover, they have actively assisted in the development of lease agreements, reinforcing the security of tenure for those residing in privately rented spaces.

DOCUMENTATION AND SERVICES

The amended TP decision now also includes certain restrictions with regards to access to the territory. Expired documents are no longer valid to enter Moldova from Ukraine and those carrying internal passports/national ID cards, as opposed to biometric passports, can benefit from only one entry/exit from/to Ukraine. According to UNHCR protection monitoring, around 9% of households have a family member who lacks documentation, with 74% of those indicating missing or expired biometric passports.

Some key Ukrainian documentation, notably international passports and certificates for return, until recently could be obtained from the consular offices in Chisinau and Balti. On 23 April 2024, however, the Ukrainian Ministry of Foreign Affairs instructed consulates abroad to temporarily suspend consular services for Ukrainian men of conscription age.^[3] While services have since resumed, these men can now only retrieve new or renewed international passports in Ukraine, which many do not wish to do. For other documents, such as national passports and drivers licenses, Ukrainians have had to either return to Ukraine or travel to other countries, such as Poland or the Czech Republic, where branches of the Ukrainian State Enterprise 'Document' are located. This not only exposes them to risks but also imposes on them an additional financial burden.

The Government of Ukraine has instituted the Diia platform to allow Ukrainian citizens to access a variety of government services, including documents and applications for compensation for damaged/destroyed housing and other benefits, such as pensions. Ukrainian refugees in Moldova, however, in particular older refugees and those with disabilities, have reported difficulties accessing Diia due to documentation constraints, lack of access to digital devices and the internet and limited digital literacy skills. Diia requires an e-signature or an international biometric passport for registration, which some Ukrainian refugees do not have.

Legal aid actors have supported Ukrainian refugees to acquire essential documents through consular services and the Diia platform. Recognizing the limitations in obtaining Ukrainian documentation exclusively from consular offices, legal aid providers have also provided one-off financial support to cover the costs of obtaining documentation and accompaniment services. Other initiatives include engaging organisations or legal aid colleagues in Ukraine and collaborating on joint case management.

[2] According to a Rental Market Assessment conducted by REACH in January 2024, 5% of respondents in Chisinau and 2% in Balti reported living in poor conditions, defined as inadequate dwelling with noticeable damage to the structure and living conditions that are uncomfortable and possibly unhealthy and dangerous. See <https://data.unhcr.org/en/documents/details/106226>, at 30.

[3] This instruction followed revisions to Ukraine's conscription laws, due to go into effect on 17 May 2024. Under those revisions, Ukrainian men aged 18 to 60 must have valid and updated military cards to apply for services of the State Enterprise "Document" for the issuance of personal documents (accelerated/mobile consular services).

EMPLOYMENT

Access to employment is pivotal for the economic inclusion of refugees. A recent survey conducted by the Norwegian Refugee Council (NRC) revealed that 43% of employed respondents lacked formal employment contracts. Protection monitoring from UNHCR indicates even lower figures, with 23% lacking formal contracts. This has potentially important ramifications for job security and labour rights.

Concerning entrepreneurial activities, refugees encounter challenges in launching businesses, particularly when it comes to registering these ventures. For example, the law on entrepreneurship, specifically the 'patenta', does not extend to TP beneficiaries. As a result, refugees must comply with more complicated and bureaucratic processes, not only in terms of business registration but also in adhering to tax obligations, impeding their economic inclusion and self-reliance. Legal aid organisations have provided assistance with business registration and have advocated for TP holders to be eligible for the 'patenta.'

RECOMMENDATIONS

To the Government of the Republic of Moldova

- Ensure continued communication about the extension of TP and associated rights to refugees so as to ensure stability and access to essential services.
- Align Moldova's regulations with EU standards by considering the possible extension of TP up to three years instead of the current two years.
- Begin planning for a post-TP regime legal status and accompanying rights.
- Ensure regular updates are shared with government departments at the national and local levels on legislative changes related to those displaced from Ukraine.
- Extend the issuance of entrepreneurial "patenta" licenses to beneficiaries of TP to facilitate integration and self-reliance.

To the Government of Ukraine

- Ensure access to all critical national documents for Ukrainian nationals at consulates abroad, including through the establishment of a branch of the State Enterprise 'Document' in Moldova.
- Deploy mobile teams to facilitate the application for pensions and other social benefits in Moldova.

To humanitarian actors and local civil society organisations

- Improve coordination among legal aid organisations operating across Moldova to streamline services for displaced populations.
- Monitor and provide support to non-legal organisations providing information on legal stay and related topics to ensure accuracy and reliability of services provided.
- Develop initiatives to promote the formalization of employment contracts for displaced workers, ensuring job security and labour rights.
- Promote digital inclusion of older people and persons with disability through access to digital learning and age- and disability-friendly design of digital services, while ensuring in-person access to public services.
- Establish a monitoring mechanism to regularly assess the living conditions of refugees in various housing arrangements, with a focus on ensuring compliance with housing standards, identifying issues related to lack of documentation, and documenting disputes or threats of eviction.

STORIES

Human interest stories play a crucial role in the accountability framework of humanitarian organisations, helping to assess the quality and impact of their efforts.

Elena - Obtaining legal status in Moldova



NRC: Michele Carezis/NRC

Elena, originally from Cherkasy, Ukraine, found solace and assistance in Chisinau, Moldova, after fleeing the war. In April 2023, she applied for TP with the support of Octavian, a Moldovan lawyer working for NRC, whom she met at a Refugee Accommodation Centre. Visually impaired, Elena approached Octavian for assistance with the online application for TP. Octavian's support extended to accompanying Elena to the registration appointment at the IGM.

Facing challenges due to her visual impairment, Octavian ensured Elena's case was resolved in a timely manner and in respect of her dignity, without extensions or postponements.

Elena expressed her gratitude, stating, *"I felt protected and supported."*

Accessing documents from Ukraine

During a focus-group discussion addressing challenges related to TP in Moldova, the legal aid team of DRC Moldova received a request from a refugee in Falesti. The refugee's son needed a criminal record certificate, which could not be obtained in Moldova but was crucial for his education pursuits.

DRC Moldova's legal aid staff successfully addressed the issue by utilising near field communication access to the Diia platform. They accessed the refugee's Diia page by using his international passport. Consequently, he obtained both a short and full certificate of his criminal record, which he then submitted to the relevant authorities.



DRC: Danylo Nedvetskyi/DRC

This intervention not only facilitated access to the needed documentation for educational purposes but also spared the beneficiary from the added risks associated with travelling to Ukraine. This success story highlights the effective use of technology and legal expertise by DRC Moldova in assisting beneficiaries and mitigating potential protection risks.

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