

THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA

LAW

on Amendment and Completion of Certain Legislative Documents

no. 284 of 28.12.2011

Monitorul Oficial (Official Gazette) no 30-33/93 of 10.02.2012

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The Parliament adopts this organic law.

Article I – In Article 3, paragraph (2) of Law no. 273-XIII of 9 November 1994 on Identity Documents of the National Passport System (The Official Gazette of the Republic of Moldova, 1995, no. 9, article 89) with subsequent amendments, after the words “issued to stateless persons” the following phrase shall be added “whose stateless status has been recognized, as well as to those”

Article II – Article 2 of Law no. 275-XIII of 10 November 1994 on the Legal Status of Foreigners and Stateless Persons in the Republic of Moldova (The Official Gazette of the Republic of Moldova, 1994, no. 20, article 234) with subsequent, shall have the following wording:

“Article 2 – A stateless person is a person who is not considered as a national by any State under the operation of its law”.

Article III – In Article 1 of Law on Citizenship of the Republic of Moldova no. 1024-XIV of 2 June 2000 (republished in the Official Gazette of the Republic of Moldova, special edition of 9 December 2005) with subsequent amendments, the notion of “stateless person” shall have the following wording:

“*stateless person* - a person who is not considered as a national by any State under the operation of its law;”.

Article IV – Law no. 200 of 16 July 2010, on the Regime of Foreigners in the Republic of Moldova (The Official Gazette of the Republic of Moldova, 2010, no. 179-181, art. 610), shall be amended as follows:

1. In Article 3, after the notion “foreigner” the following notions shall be added:

“*stateless person* - a person who is not considered as a national by any State under the operation of its law;

unaccompanied minor - foreigner below the age of 18 who enters the territory of the Republic of Moldova unaccompanied by an adult who is responsible for him/her by law or on the basis of a legal document and as long as he/she is not effectively cared for by such a person; this notion also refers to a minor who has become unaccompanied following his/her entry into the territory of the Republic of Moldova;”

2. In article 38, paragraph (1) after the words “the right of residence in the Republic of Moldova”, the text “or to the foreigners whose stateless status has been recognized” shall be added.

3. In article 51, after the words “whose right of permanent residence has ceased”, the following text will be added “, whose application for the recognition of stateless status has been rejected, the procedure has been terminated or stateless status has been cancelled”.
4. In article 52, paragraph (1) letter d), after the words “former asylum-seekers” the following text will be added “, applicants for stateless status or foreigners whose stateless status has been cancelled”
5. Article 63 shall be completed with a new paragraph (1¹) with the following content: “(1¹) Stateless persons who stay legally on the territory of the Republic of Moldova may not be expelled, except for reasons of national security or public order. The act of expulsion may be ordered only by a court of law.”
6. Article 72, paragraph (1):
in the introductory part, after the words “stay in the Republic of Moldova” the text “or whose stateless status has been recognized” shall be added.
in letter c) after the words “in the Republic of Moldova” the text “or whose stateless status has been recognized” shall be added.
7. Chapter X¹ shall be added after Chapter X, with the following content:

“Chapter X¹
STATELESS STATUS RECOGNITION PROCEDURE

Article 87¹. Submission of an Application for the Recognition of Stateless Status

- (1) The procedure for recognizing stateless status may be initiated *ex officio* by the competent authority for foreigners, or upon the request of the person who claims that he/she does not hold any citizenship.
- (2) The application for the recognition of stateless status may be submitted in writing or verbally to the competent authority for foreigners.
- (3) The application for the recognition of stateless status submitted in writing shall be signed by the applicant personally. If the applicant is illiterate, this fact shall be recorded in a report upon the submission of a verbal application.
- (4) If the applicant does not speak the state language, he/she shall be provided with an interpreter who speaks his/her mother tongue or another language understood by the applicant.
- (5) The application should also contain a clear and detailed description of the facts, information and proofs necessary to substantiate his/her claim and, in particular, it shall mention the place of birth, kinship with other persons who hold citizenships, the place of habitual residence in any other state and the duration thereof.
- (6) If the person is not able to submit any document for reasons which do not depend on him/her, the competent authority for foreigners shall issue a decision of recognition or non-recognition stateless status based on the available documented information.
- (7) Upon submission of the application, the responsible staff of the competent authority for foreigners shall inform verbally the applicant of his/her rights and obligations during the procedure.

Article 87². Examination of the Application

- (1) The application for the recognition of stateless status shall be examined by the competent authority for foreigners within a period of six months from the date of the registration of the application. Depending on the complexity of the case, the examination term may be extended by subsequent periods of one month each which, however, shall not exceed the total of six months.

- (2) During the examination of the application, the competent authority for foreigners shall undertake necessary steps to collect information from the applicant's place of birth, place of residence or former domicile, and shall also request information from the state of which his/her family members and parents are nationals.

Article 87³. Rights and Obligations of the Applicant during the Stateless Status Recognition Procedure

- (1) The applicant has a right to stay on the territory of the Republic of Moldova during the examination of his/her claim may be removed from the territory only for reasons of national security and public order.
- (2) The competent authority for foreigners shall issue the applicant a document confirming his/her status (confirmation certificate) for the whole period of the examination of his/her application.
- (3) For verbal or written communication the applicant may use his/her mother tongue or any other language which he/she speaks.
- (4) During the procedure the applicant is obliged to:
 - a) fully cooperate with the competent authority for foreigners;
 - b) submit proofs or any other information relevant for the recognition of his/her stateless status;
 - c) present himself/herself at the competent authority for foreigners in order to be interviewed as many times as necessary;
 - d) observe the legislation of the Republic of Moldova.

Article 87⁴. Interview

- (1) Within 15 working days following the submission of an application, the competent authority for foreigners shall conduct an interview with the applicant.
- (2) The interview shall be recorded in writing in an interview note which shall contain the following information:
 - a) identity information (current name and surname, previous names and surnames, previous citizenship, sex, place and date of birth, parents' names);
 - b) the fact of having submitted any other information necessary for the decision on his/her application;
 - c) data regarding the submitted documents (document type, number, validity term, date and place of issuance, name of the issuing authority);
 - d) civil status, place of marriage registration;
 - e) employment and education;
 - f) place of residence in the Republic of Moldova;
- (3) During the interview the applicant shall state the reasons for having submitted the application and shall present any other available proofs, which have not been presented earlier, in order to substantiate his/her claim. The applicant shall be informed about this obligation at the beginning of the interview.
- (4) Unaccompanied minors shall be assisted during the interview by a representative of the institution in which he/she had been placed, appointed by the administration of that institution, while in the case of accompanied minors, by one of his/her parents or by a representative authorized by law or legal document.
- (5) Persons with mental disorders (mental illnesses or mental deficiencies), declared incapacitated or with limited capacity, shall be accompanied during the interview by a guardian in accordance with the legislation in force.
- (6) The interview note shall be signed by the applicant, official who conducted the interview, translator, if he/she took part in the interview; in the case of an unaccompanied minor the interview note shall be also signed by the appointed

representative, whereas in the case of a person with mental disorders declared incapacitated or with limited capacity – by his/her guardian.

Article 87⁵. Proofs

- (1) During the examination of the application, the applicant may present proofs or any other additional information in order to substantiate his/her claim.
- (2) Public documents issued by the authorities of other states are accepted by the competent authority for foreigners as facts with probative force.
- (3) With a view to obtaining documents necessary for substantiating the application, the competent authority for foreigners shall contact state authorities, diplomatic missions and consular offices of the Republic of Moldova accredited abroad.

Article 87⁶. Termination of the Stateless Status Recognition Procedure

The competent authority for foreigners shall terminate stateless status recognition procedure in the following cases:

- a) death;
- b) withdrawal of the application;
- c) when the applicant does not present himself/herself for the interview despite repeated written notifications.

Article 87⁷. Decision of Recognition of Stateless Status

- (1) The competent authority for foreigners shall issue a decision of recognition or rejection of the application for the recognition of stateless status based on all available information and proofs.
- (2) The applicant shall be informed about the decision of his recognition as a stateless person, by direct communication, within 3 working days from its issuance.
- (3) The foreigner whose stateless status has been recognized shall be issued the identity documents provided for in Article 72, paragraph (1) letter c) of this law and shall also enjoy all the rights, freedoms and obligations stipulated in the Constitution of the Republic of Moldova and Law no. 275-XIII of 10 November 1994 on the Legal Status of Foreigners and Stateless persons in the Republic of Moldova.
- (4) The case of an unaccompanied minor whose stateless status has been recognized shall be referred to the guardianship authority where the minor is currently present with a view to ensuring that his/her legal rights and interests are observed.

Article 87⁸. Rejection of the Application for the Recognition of Stateless Status

- (1) The application for the recognition of stateless status may be rejected if the applicant:
 - a) is receiving from organs or agencies of the United Nations, other than the United Nations High Commissioner for Refugees, protection or assistance so long as they are receiving such protection or assistance;
 - b) there are serious reasons for considering that he/she has committed a crime against peace, a war crime or a crime against humanity, as stipulated by the international treaties to which the Republic of Moldova is party;
 - c) there are serious reasons for considering that he/she has committed a serious non-political crime outside the Republic of Moldova, prior to the admission to its territory;
 - d) there are serious reasons for considering that the applicant was charged with having committed acts contrary to the purposes and principles of the United Nations;
 - e) the applicant holds the citizenship of the Republic of Moldova or that of another state.

- (2) The reasoned decision of rejection of an application for stateless status shall be communicated to the applicant in writing within 3 working days from the date of issuance. The decision may be appealed against to a court of law in accordance with the legislation in force.

Article 87⁹. Cancellation of Stateless Status

- (1) The competent authority for foreigners may cancel, by issuing a reasoned decision, a stateless status, granted under the provisions of this law, if it has been established that some documents or proofs which were decisive for the recognition are false and there are no other reasons for maintaining the stateless status.
- (2) A stateless status may be cancelled if there are serious reasons to consider that the beneficiary thereof falls under the conditions stipulated in article 87⁸, paragraph (1) letters.
- (3) The decision of cancellation of a stateless status shall be communicated to the beneficiary in writing within 3 working days from the date of issuance. The decision may be appealed against to a court of law in accordance with the legislation in force.

Article 87¹⁰. Cessation of Stateless Status

- (1) A stateless status shall cease automatically when the stateless person has acquired the citizenship of the Republic of Moldova or that of another state.
- (2) The stateless person shall inform the competent authority for foreigners within 30 days about the fact of acquisition of the citizenship of the Republic of Moldova or that of another state.

Article 87¹¹. International Cooperation

- (1) The Republic of Moldova cooperates with other states and international organizations with a view to finding solutions to statelessness issues.
- (2) Representatives of the United Nations High Commissioner for Refugees may request access to the information regarding applications for the recognition of stateless status, to the procedure for recognizing this status and to the issued decisions, subject to the consent of the applicants.”

SPEAKER OF THE PARLIAMENT

Marian LUPU

Chişinău, 28 December 2011.

No. 284.