

## THE PARLIAMENT

LAW No. 200  
as of 16.07.2010

### on Foreigners in the Republic of Moldova

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#### AMENDED

PL98 of 12.06.14, OG174-177/04.07.14 art.405  
PL256 of 01.11.13, OG312-314/31.12.13 art.853  
PL232 of 11.10.13, OG252-257/08.11.13 art.705  
PL303 of 26.12.12, OG48/05.03.13 art.150  
PL304 of 26.12.12, OG263-269/21.12.12 art.849  
PL236 of 26.10.12, OG263-269/21.12.12 art.849  
PL284 of 28.12.11, OG30-33/10.02.12 art.93  
PL113 of 09.06.11, OG110-112/08.07.11 art.303

#### NOTE:

In the Law the words "passport for stateless persons" shall be replaced with the words "travel documents" by *PL113 in 09. 06. 11, OG110-112/08.07.11 Article 303*

Taking into account the need to establish a legal framework for free movement and immigration of foreign citizens on the territory of Moldova, to ensure a complete, uniform and on-going mechanism of regulating the control of foreigners in the territory of the Republic of Moldova, to apply a uniform documentation procedure for them and to adopt a new normative framework in accordance with Community Law, pursuant to the article 72, paragraph (3), letter r) of the Constitution of the Republic of Moldova,

The Parliament adopts this organic law.

This law provides a partial implementation of the following acts: the Convention on the implementation of the Schengen Agreement of 19 June 1990, and Regulation 562/2006/EC of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the border crossing regulations by persons (Schengen Borders Code), Regulation 810/2009/EC of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on visas (Visa Code), Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures applicable in Member States for returning third-country nationals staying illegally, Regulation 539/2001/EC of the Council of 15 March 2001 listing the third-countries whose

nationals must have a visa for crossing the external borders and of the list of third-countries whose nationals are exonerated from this obligation, the Regulation 2414/2001/EC of the Council of 7 December 2001 amending the Regulation 539/2001/EC establishing the list of third countries whose nationals must have a visa for crossing the external borders of the Member States and of the list of third countries whose nationals are exonerated from this obligation, the Regulation 453/2003/EC of the Council of 6 March 2003 amending the Regulation (EC) No. 539/2001 listing the third-countries whose nationals must have a visa for crossing the external borders and the list of third countries whose nationals are exonerated from this obligation, the Regulation 851/2005/EC of the Council of 2 June 2005 amending the Regulation (EC) No. 539/2001 listing the third countries whose nationals must have a visa for crossing the external borders of the Member States and the list of third countries whose nationals are exonerated from this obligation in respect of the reciprocity mechanism, the Regulation 1932/2006/EC of the Council of 21 December 2006 amending the Regulation (EC) No. 539/2001 listing the third-countries whose nationals must have a visa when crossing the external borders of the Member States and the list of third countries whose nationals are exonerated from this obligation, Regulation 1244/2009/EC of the Council of 30 November 2009 amending the Regulation (EC) No. 539/2001 listing the third countries whose nationals must have a visa for crossing the external borders and the list of third countries whose nationals are exonerated from this obligation, the Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for studies, pupil exchange, unpaid training or volunteer services, the Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, the Directive 2004/81/EC of the Council of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to illegal immigration and who cooperate with the competent authorities.

## **Chapter I** **GENERAL PROVISIONS**

### **Article 1. Scope of Regulation**

This law regulates the entry, stay and exit of foreigners on/from the territory of the Republic of Moldova, the granting and prolongation of the right of stay, repatriation, documentation, provides for coercive measures in the event of non-compliance with the residence permit and surveillance measures of immigration, in accordance with international treaties to which the Republic of Moldova has acceded.

### **Article 2. Exceptions to Application of this Law**

(1) The following categories of foreigners are not subject to this Act, with the exception of Chapter III:

a) the members of diplomatic missions and consular posts accredited in the Republic of Moldova, international organizations, as well as their family members, whose status is governed by the international treaties to which Moldova is has acceded or in any other way laid down by the legislation in force;

b) the representatives of some other States and the accompanying people, members of official delegations, invited by the Parliament, the President of the Republic of Moldova, the Government and other authorities of central public administration.

(2) Except where, for reasons of national security or of public order, it is necessary to return from the territory of the Republic of Moldova, the following are not subject to the present law:

a) foreigners whose staying is governed by Act No. 270-XVI dated on 18 December 2008 concerning the asylum in the Republic of Moldova;

b) foreign armed force, civilian component accompanying and foreign special security services, carrying out joint activities on the territory of the country on the basis of international treaties to which Moldova has acceded.

### **Article 3. Basic Definitions**

For the purposes of this law, the following notions signify:

*foreigner(foreigner)* - person who does not hold Moldovan citizenship or who is stateless;

*stateless person* – person who is not a national of any State, in accordance with its legislation;

[Article 3 the notion introduced by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]

*unaccompanied minor* – the foreigner under eighteen, who arrives on the territory of the Republic of Moldova without being accompanied by an adult responsible for him/her by law or a legal act and as long as it is not effectively taken into the care of such a person; This notion also designates the minor who is left unaccompanied after entering the territory of the Republic of Moldova;

[Article 3 the notion introduced by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]

*competent authority for foreigners*- structure specialized (Bureau for Migration and Asylum which is within the Ministry of Internal Affairs) shall exercise a control of all the foreigners in the Republic of Moldova and records management on foreigners who were granted legal residence in the Republic of Moldova;

*invitation* – official document which the competent authority responsible for foreigners releases at the request of individuals with permanent or temporary staying in the Republic of Moldova, or of a legal person under the conditions provided for in this law, and which is one of the conditions to obtain a visa in the Republic of Moldova by certain categories of foreigners;

*visa*- permit granted under the present law, which gives foreigners the right to enter or transit through the territory of the Republic of Moldova, as well as the right to be on this land for a specified period, in accordance with the purpose for which it was granted;

*electronic visa* - electronic permit, which represents the sum of graphical and numerical codes allotted to the visa applicant, confirming the issuance of the visa ,which gives foreigners the right to enter or transit through the territory of the Republic of Moldova, as well as the right to be on this land for a specified period, in accordance with the purpose for which it was granted;;

[ Article 3 the notion introduced by PL98 of 12/06/14, OG174-177 / 04.07.14 art.405 ]

*carrier*-the natural or legal person authorized to carry out international travel transportation by car, rail, sea or air transport;

*right of residence*- right of residence or domicile in the territory of the Republic of Moldova, granted to the foreigner, under this law, by the competent authority for foreigners;

*residence permit/identity card for stateless persons* – identity document confirming the right to legal staying in the territory of the Republic of Moldova;

*illegal staying*– presence in the territory of the Republic of Moldova of a foreigner who does not meet or no longer meets the conditions for entry, stay or residence in the Republic of Moldova;

*Integrated Automated Migration and Asylum Information System*- information system of records

management on foreigners, as well as the management of migration processes in the territory of the Republic of Moldova, part of the State Register of Population;

*entry prohibition* – decision of the competent authority for foreigners which prohibits entry and residence in the territory of the Republic of Moldova for a certain period and accompanying a return decision;

*return*-return process of a foreigner through the voluntary execution of the return decision or through the enforcement of it: in the country of origin, a transit country in accordance with readmission agreements or in a third country in which the foreigner voluntarily decides to return and will be accepted;

*return decision* – administrative act of the authority responsible for foreigners, by which an foreigner's stay is defined as illegal and which requires the foreigner to leave the territory of the Republic of Moldova within a time-limit;

*deportation* – execution of the return decision of the foreigner and his physical leave outside the territory of the Republic of Moldova;

*public custody* – restriction measure of freedom of movement;

*repatriation* – voluntary return to the homeland of the people who were born in the Republic of Moldova and their offspring, in accordance with the law;

*confirmation of repatriation*– official act issued by the authority responsible for foreigners, under the present law, which confirms the right to repatriation.

#### **Article 4. Rights and Obligations of Foreigners**

(1) Foreigners legally staying in the Republic of Moldova enjoy the same rights and freedoms as citizens of the Republic of Moldova, as guaranteed by the Constitution of the Republic of Moldova and other laws, as well as rights provided for in international treaties to which Moldova is a party, with the exceptions laid down by the legislation in force.

(2) During the stay or residence in the Republic of Moldova, foreigners are obliged to comply with the legislation of the Republic of Moldova and to subject, in accordance with the law, the control of competent authorities.

(3) Ownership, possession, use or disposal of a real estate property in the territory of the Republic of Moldova does not give foreigners priority in obtaining the right of residence on its territory.

(4) Foreigners have the right to carry out work activities in the territory of the Republic of Moldova only with the permission of competent authorities.

(5) Foreigners in the territory of the Republic of Moldova are obliged to comply with the purpose for which they were granted the right of entry and, where applicable, the right of residence in the territory of the country, and to leave the territory of the Republic of Moldova at the expiry of the period of stay granted.

(6) During their stay in the Republic of Moldova, foreigners are obliged to declare to the competent authority for foreigners, within 15 calendar days, the changing of the border crossing document.

(7) Theft or loss of the border crossing document, staying permit, identity card or passport for stateless persons must be declared to the territorial police authority within 15 calendar days.

Article 5. Assistance to foreigners to integrate in the economic, social and cultural development of the Republic of Moldova

(1) Foreigners who have been granted the right of residence in the country will be ensured, through the competent central bodies of public administration and local public administration authorities, integration into economic life, social and cultural development of the country.

(2) The following activities may be carried out for the integration of foreigners referred to in paragraph(1:

- a) providing official language study courses;
- b) information about the rights and obligations of foreigners, about the opportunities of integration in society;
- c) courses in history, culture, civilization and legal system of the Republic of Moldova;
- d) meetings dedicated to different events to be also attended by citizens of the Republic of Moldova, in order to promote mutual knowledge and understanding.

(3) The central public administration authorities and local public administration authorities shall cooperate, according to responsibilities, with national and international organizations with a view to the promotion and progress of programmes for the integration of foreigners into society, and the attraction of financial resources needed for this purpose.

## **Chapter II**

### **PROVISIONS ON ENTRY AND DEPARTURE OF FOREIGNERS**

#### **Article 6. Terms of Entry of Foreigners in the Republic of Moldova**

(1) Entering the Republic of Moldova is allowed to foreigners who meet the following conditions:

- a) possess a valid state border crossing, recognized or accepted by the Republic of Moldova, if international treaties to which Moldova is party provide otherwise;
- b) have a visa granted or, an appropriate, residence permit, unless the international treaties to which Moldova is a party provide otherwise;
- c) submit documents justifying the purpose of entry and prove the existence of appropriate means both for their support during the stay, and for returning to the country of origin or transit to another State where there is certainty that they will be an allowed entry;
- d) provide guarantees that they will be allowed entry into the destination state or that they will leave Moldova in case of foreigners in transit;
- e) are not included in the category of foreigners against whom the measure of the prohibition on entry into the Republic of Moldova was instituted pursuant to article 9 or which have been declared undesirable in accordance with the article 55;
- f) does not present a danger to the national security, order, and public health.

(2) The entry of foreigners in the Republic of Moldova can be done through any point of the State border crossing opened to international traffic.

(3) Crossing the State border of the Republic of Moldova by foreigners can be done in other places too, under the conditions laid down in the international treaties to which Moldova is a party.

(4) Foreigners who are stationed at the international transit zones of the airport, in transit zones at the State border or in accommodation centres in transit zone or on boats anchored in river ports are not subject to the provisions of this Act relating to the conditions of entry and residence of foreigners in the territory of the Republic of Moldova.

(5) Foreign nationals legally residing in the Republic of Moldova and temporarily leaving the

territory of the Republic have the right to re-enter the country without entry-exit visa, throughout the period of validity of the residence permit.

**Article 7. Obligations of Carriers**

(1) It is prohibited to carriers to bring in the Republic of Moldova foreigners who do not meet the conditions laid down in article 6, paragraph (1), a) and b).

(2) In the case of non-compliance with the provisions of paragraph (1), the carrier is obliged to provide immediate transportation of the foreigners in question to the place of board or to another place which foreigners accept and where are they accepted. If it is not possible, the carrier shall be obliged to bear the costs relating to accommodation and subsistence, as well as all the other costs of their return.

(3) The obligations referred to in paragraph (2) are applicable to carriers with which foreigners in transit arrive in the Republic of Moldova if:

a) the carrier to take over to lead them to the country of destination refuses to board;

b) the authorities of destination country do not allow the entry of foreigners and returns in the Republic of Moldova.

**Article 8. Prohibition of Entry into the Republic of Moldova**

(1) Foreigners are not being allowed to enter the territory of the Republic of Moldova if:

a) they do not meet the conditions laid down in Article 6, paragraph (1);

b) international organizations whose member is the Republic of Moldova or the public authorities carrying out activities to combat terrorism report that they finance, prepare, support in any manner or commit acts of terrorism;

c) there are indications that they are part of organized crime groups with transnational character or support in any way the work of these groups;

d) there is evidence to assume that they have committed or participated in committing crimes against peace and humanity or war crimes, or crimes against humanity provided for in international treaties to which Moldova is a party;

e) have submitted false information to the drawing up of documents to entry the Republic of Moldova;

f) violated the State border and the crossing of the State border;

g) have committed crimes during some other dwellings in the Republic of Moldova or abroad against the State or a citizen of the Republic of Moldova and still have a criminal record;

h) have introduced or are trying to smuggle in the Republic of Moldova other foreigners or are involved in trafficking in human beings;

i) violated, unjustifiably, the purpose declared when obtaining a visa or when entering the territory of the Republic of Moldova.

(2) Public authorities or institutions that hold data and information regarding the existence of situations of the kind referred to in paragraph (1) have the obligation to inform the competent bodies.

(3) The decision to prohibit the entry into the Republic of Moldova to foreigners will be motivated by the Border Police Department under the Ministry of Internal Affairs and will be communicated to the person concerned, the fact being recorded in the integrated automatic information system in the field of migration and asylum. The decision on the application of the measure to prohibition the entry into the Republic of Moldova may be challenged in accordance with the legislation in force.

*[Art.8 al.(3) modified through PL304 of 26.12.12, OG48/05.03.13 art.150; in force 05.03.13]*

(4) A foreigner who is not allowed the entry into the Republic of Moldova is obliged immediately to leave the border crossing point to the country of origin or to any other destination wanted, with the exception of the territory of the Republic of Moldova.

(5) If the immediate leaving of the border crossing point by the foreigner referred to in paragraph (1) it is not possible, the competent authority shall make arrangements for his/her stay in a place designed for this purpose, the reasons which preclude his/her departure, but no more than 24 hours from the accommodation date. If the reasons which make it impossible to leave do not cease within 24 hours from the date of accommodation, the foreigner will be handed over to the competent authority for foreigners for the removal from the territory of the Republic of Moldova, in accordance with the law.

**Article 9. Prohibition of Entry into the Republic of Moldova**

(1) The prohibition of entry into the Republic of Moldova for a specified period is decided by:

a) the competent authority for foreigners under the law with respect to the foreigner returned from the territory of the Republic of Moldova;

b) the Border Police Department under the Ministry of Internal Affairs regarding the foreigner who left the Republic of Moldova after the date on which his/her stay became illegal without further measures of the return on the territory of the country.

*[Art.8 al.(3) modified through PL304 of 26.12.12, OG48/05.03.13 art.150; in force 05.03.13]*

(2) The measure of prohibition of entry into the Republic of Moldova referred to in paragraph (1) provides for and against the persons specified in article 8 paragraph (1), letters b) – e).

(3) The measure of prohibition on entry shall be carried out in all cases by applying the valid documents for crossing the State border of the prohibition stamp, which specify the length of the prohibition.

(4) In all cases of disposing the measure of prohibition on entry into the Republic of Moldova a nominal consign is set up into the integrated automatic information system in migration and asylum by the competent authority for foreigners or the Border Police Department under the Ministry of Internal Affairs.

*[modified through PL304 of 26.12.12, OG48/05.03.13 art.150; in force 05.03.13]*

(5) The imposition of the measure of prohibition on entry into the Republic of Moldova shall be communicated in writing to the foreigners by the authority which adopted the measure, together with the reasons underlying its disposal.

**Article 10. Setting the Period of Prohibition of Entry into the Republic of Moldova**

(1) Against foreigners who have entered legally in the Republic of Moldova, but whose stay became illegal, the duration of the prohibition of entry shall last:

a) for 1 year-in the case of illegal stays from 3 months to 1 year;

b) 2 years-in the case of illegal stay of 1 to 2 years;

c) for 3 years-in the case of illegal stays from 2 to 3 years;

d) for 5 years in the case of an illegal stay of over 3 years;

e) for 3 years-in the case of an illegal practice.

f) for 5 years in the case of premeditated false personal data;

g) for 5 years- in the case of expulsion.

(2) In the case of foreigners who request voluntary return, the prohibitions in paragraph(1), letters a)

– d) shall be reduced by half.

(3) In the case of foreigners who have committed crimes intentionally on the territory of the Republic of Moldova or serious crimes, particularly serious or exceptionally serious offence of imprudence, the duration of the interdiction for entering the Republic of Moldova is 5 years, and when they represent a serious threat to public order or national security, the prohibition is established for a term of up to 10 years.

(4) Against foreigners who have entered illegally in the Republic of Moldova, the term of the interdiction is 5 years.

(5) The periods of prohibition referred to in paragraphs (1), (3) and (4) shall be added a raise of 6 months in the case of foreigners removed from the territory of the country at the expense of the Republic of Moldova.

(6) Subject to the provisions of paragraph (1) foreigners who are not minor children or children unable to work, common to people who reside in the territory of the Republic of Moldova, except in cases where foreigners have been deprived of parental rights.

#### **Article 11. Departure from the Republic of Moldova**

(1) Foreigners may leave the territory of the Republic of Moldova on the basis of the same valid document for crossing the state border that they used to enter the country.

(2) If he/she does not have the valid document with the purpose of which he/she entered the country, the foreigner must submit a valid border crossing document, issued by the diplomatic mission or consular office or another foreign competent authority, as required by law.

(3) The Border Police Department under the Ministry of Internal Affairs. may allow foreigners to leave the country based on a document proving a different citizenship, in case of loss, theft or damage of the document which he/she entered the Republic of Moldova.

*[modified through PL304 of 26.12.12, OG48/05.03.13 art.150; in force 05.03.13]*

#### **Article 12. Prohibition of Departure**

(1) The foreigner shall not be allowed to exit the country if:

a) he/she is suspect, accused or defendant in a criminal case, and the prosecutor or court ordered his/her obligation to not leave the country and there is no approval to leave the country;

b) has been convicted by a final court decision and shall execute a deprivation of liberty penalty, criminal punishment in the form of a fine or community service work.

(2) In all cases, there shall be specified the reasons for which is requested the measure of interdiction to exit from the country and, where appropriate, confirmation documents shall be submitted.

(3) The interdiction to leave the country is carried out by:

a) a nominal order in integrated automatic information system in the field of migration and asylum;

b) the competent authority for foreigners by using the stamp on interdiction to leave the Republic of Moldova in the identity documents.

#### **Article 13. Termination of Prohibition of Departure**

(1) The revocation of prohibition to leave the country is done by cancelling the nominal direction in the Integrated Automated Migration and Asylum Information System and by applying by the competent authority for foreigners the stamp in the document of identity on the revocation of prohibition to leave the country.

(2) Prohibition of departure from the country shall terminate on legal grounds if it is provided that:



a) criminal investigation was ruled out regarding the foreigner, he/she was released from criminal investigation or criminal investigation ceased, termination or cessation of the criminal process, or cancelling the preventive measure of the obligation not to leave the country;

b) the foreigner executed the penalty, was pardoned, receives amnesty or was convicted, by a final court decision with conditional suspended sentence.

### **Chapter III**

## **VISA ISSUANCE REGIME**

### **Article 14. Rights under the Visa and its Types**

(1) The visa gives the holder the right to enter the Republic of Moldova only if, at the time of the crossing point of the state border, Border Police Department under the Ministry of Internal Affairs. of the state determines that there is no any reason of interdicting the entry in the Republic of Moldova provided for in Art. 8, paragraph (1).

*[modified through PL304 of 26.12.12, OG48/05.03.13 art.150; in force 05.03.13]*

(2) Foreigners who enter the Republic of Moldova can only remain on its territory during the period specified in the visa, except when they have been granted temporary residence or permanent residence.

(3) If international treaties or normative acts that unilaterally abolish visa requirements are not provided for the period for which visas are dismantled, foreigners who do not have the obligation to obtain a visa to enter the Republic of Moldova are allowed access to the territory. They may remain for an uninterrupted residence or stay for a period which shall not exceed 90 days within 6 months from the date of first entry into the country.

(4) Depending on the purposes to be granted visas can be:

- a) "A" - airport transit;
- b) "B" - transit;
- c) type "C" - short stay;
- d) "D" - long stay.

### **Article 15. The Form and Content of the Visa**

The form and content of the visa, its protective signs are approved by Government decision.

### **Article 16. Airport Transit Visa**

(1) Airport transit visa allows foreigners to pass through the international transit area of an airport in the Republic of Moldova, without entering the territory of the State, during a stopover or a transfer between two sections of an international flight.

(2) The airport transit visa is required for citizens of countries included in the list of countries whose citizens require an entry, exit or transit visa for the Republic of Moldova in accordance with the national legislation. The same procedure shall also be applied to foreigners who, without being nationals of these States, are in possession of a border crossing document issued by the authorities of the States concerned.  
*[modified through PL256 of 01.11.13, OG312-314/31.12.13 art. 853]*

(3) The airport transit visa shall be granted by diplomatic missions and consular offices of the Republic of Moldova to citizens of the countries referred to in the list mentioned in paragraph (2), under the conditions of the visa of a third country, which allows foreigners to continue the journey. This visa is granted upon presentation of a valid plane ticket to your destination. The visa allows foreigners to

stay in airport no more than 5 days.

(4) The airport transit visa is not required to:

- a) the members of the crew of the aircraft;
- b) holders of diplomatic passports and service passports or treated as such;
- c) citizens of states with which the Republic of Moldova has concluded agreements in this regard;
- d) holders of residence permits or equivalent documents issued by member states of the European Union and the United States of America;
- e) visa holders issued by a member state of the European Union or the United States of America.

#### **Article 17. Transit Visa**

Transit visa shall be issued at the foreigner's request to transit through the territory of the Republic of Moldova in order to move to a third country for the period of validity of the visa of the state of destination and, where appropriate, for a period which shall not exceed the period of one year, with the right to reside on the territory of the country no more than 5 days in a transit. Transit visa can be a single or multiple entry and exit.

#### **Article 18. Short Stay Visa**

(1) Short stay visa shall be issued for a specified period, with one or more dwellings, whose duration does not exceed 90 days within 6 months from the date of first entry into the country. Short stay visa may be with a single or multiple entry and exit.

(2) Short stay visa shall be granted for the following purposes:

- a) mission-foreigners who fulfil duties within Governments, public administrations or international organizations, as well as those who, by purpose of their stay in the Republic of Moldova, of interest for relations between it and the state of belonging. This type of visa may be issued to members of the family accompanying them;
- b) tourism-foreigners to travel in the Republic of Moldova for touristic purposes;
- c) visit- the foreigners who intend to travel in the Republic of Moldova in visit to Moldovan citizens or foreign nationals holding valid residence permits;
- d) business-foreigners who intend to travel to the Republic of Moldova for economic or commercial purposes, for contracts or negotiations, to verify the use and functioning of the goods purchased or sold under commercial contracts and industrial cooperation, as well as foreigners who are or are to become partners or shareholders of a company from the Republic of Moldova;
- e) transport-foreigners to travel in short periods, in order to carry out professional activities related to the carriage of goods or public transport of persons;
- f) sports-foreigners to enter the country on a limited period of time in order to participate in sports competitions;
- g) cultural, scientific, humanitarian, religious activities, short-term medical treatment, other activities which do not contravene the laws of the Republic of Moldova- under the justification of the presence in the Republic of Moldova.

(3) Short stay visa by which has been granted a stay of less than 90 days may be extended with new time limits, so that the total duration of the stay granted does not exceed 90 days within 6 months from the date of first entry into the country. Visa prolongation may only take place for the same purpose for which it was given.

(4) The application for prolongation of visa shall be lodged with the competent authority for

foreigners with at least 3 working days before the expiry of the period laid down in the visa.

### **Article 19. Long Stay Visa**

(1) Long stay visa shall be issued for a period not exceeding 12 months, for one or more staying times whose duration will not exceed 90 days within 6 months from the date of first entry into the country, which allows foreigners to apply for grant of right of residence. Long stay visa may be with a single or multiple entry and exit.

(2) Long stay visa shall be granted for the following purposes:

a) conducting entrepreneurial activity- to foreigners who carry out investment in the national economy, which are or are to become shareholders or associates involved in the management and administration of companies in the Republic of Moldova;

b) employment-foreigners to enter the country in order to get employed, foreigners posted temporarily by foreign companies, interns or seasonal workers. In such a purpose visas are also issued to athletes to evolve within the framework of clubs or teams from the Republic of Moldova, on the basis of an individual contract of employment;

c) studies-foreigners entering the country to study in pre-university education, university or postgraduate education;

d) family reunification-the foreigners entering the country for reunification and preservation of its integrity. Family may include: wife (husband), minor children, parents, and persons over which guardianship or trusteeship is established. Visa request shall be accompanied by the approval of the competent authority for foreigners;

e) humanitarian or religious activities-foreigners entering the country to carry out humanitarian activities in the field of religion or recognized in the territory of the Republic of Moldova;

f) diplomatic and professional activities- foreigners holding diplomatic or service passport, who will fulfil official positions as members of a diplomatic mission or a consular office in the Republic of Moldova of the state of belonging. These types of visas are issued to holders of diplomatic passports, service or treated as such, upon request of the competent authority of the sending country or his/her diplomatic mission or of his/her consular office, as well as members of the family with whom he/she lives, and are valid for the period of the mission or in accordance with the bilateral treaties to which Moldova is a party;

g) treatment – foreigners following long medical, balneal-sanatorium and recovery treatment.

### **Article 20. Visa Issuance**

(1) Visas are granted to foreigners by the diplomatic missions and consular offices of the Republic of Moldova.

(1<sup>1</sup>) Electronic visas are granted by the General Directorate on Consular Affairs of the Ministry of Foreign Affairs and European Integration

*[Art.20 al.(11) included through PLP98 from 12.06.14, OG174-177/04.07.14 art.405]*

(2) In exceptional circumstances referred to in Article 21, the visa can be also granted at the crossing points of the State border by the Border Police Department under the Ministry of Internal Affairs.

*[modified through PL304 of 26.12.12, 48/05.03.13 art. 150, in force 05.03.13]*

(3) The procedure for granting visas shall be regulated by a regulation approved by the Government.

### **Article 21. Visa Issuance in Exceptional Circumstances**

(1) Visa shall be granted at state border crossing checkpoints under the following circumstances:

- a) in case of emergency, as determined by disasters, natural calamities or accidents;
  - b) in the case of death or serious illness, confirmed/verified through documents, of relatives in the territory of the Republic of Moldova;
  - c) in the case of crews and passengers of vessels or aircraft under contingencies, forced to dock or land as a result of breakdowns, bad weather or threat of terrorist attack.
- (2) In exceptional circumstances , the visa is issued at the crossing of the state border if the following conditions are met :
- a) the applicant fulfils the entry conditions laid down in Article 6 para. ( 1) a) , c ) , d ) e) and f );
  - b) the applicant was not in a position to apply for a visa in advance and shall, on request, provide documents on the existence of unforeseen circumstances and imperative reasons for entry;
  - c) the applicant's return to his country of origin / residence or transit to other countries is considered real under certain documents submitted by the applicant.

(3). The visas issued at border crossing points may be granted for periods not exceeding:

- a) 15 days, in the case of short-stay visa;
- b) 5 days, in case of transit visa.

(4) The issuance of a visa at the state border shall be refused if the applicant doesn't fulfil the conditions set in par. (2) of this article and par. (1) of art.24

*[art.21 as per PL256 of 01.11.13, OG312-314/31.12.13 art. 853]*

#### **Article 22. Validity of State Border Crossing Documents**

(1) The border crossing document shall be valid at least 3 months after the estimated date of exit.

(2) In exceptional situations referred to in Article 21 paragraph (1), the entry into the Republic of Moldova is allowed on the basis of the valid border crossing document less than three months from the date of entry.

(3) The border crossing document shall have at least two empty pages.

(4) The border crossing document should have been issued within the last 10 years

*[art.22 as per PL256 of 01.11.13, OG312-314/31.12.13 art. 853]*

#### **Article 23. Visa Application**

(1) The visa application shall be accompanied by the border crossing documents, valid according to Article 22, in which the visa may be applied, by documents justifying the purpose of the journey, as well as proof of the existence of the subsistence funds during the stay in the Republic of Moldova and leaving the Republic of Moldova.

(2) As proof of the existence of the subsistence funds may be accepted as follows:

a) cash in MDL, cash and/or travel cheques in foreign currency, accepted by prohibitions of the Republic of Moldova;

b) card (of debit etc.) accompanied by extracts from the account (based on which the cards have been issued), which confirm the amount of money (in Moldovan lei or in foreign currency) in the accounts of the applicant, to which he/she may have access in the period of stay in the Republic of Moldova. Extracts shall be issued no later than 10 days before the visa request;

c) submitting in writing the guarantee of subsistence of the person who invites.

3) The means of subsistence will be assessed depending on the length of stay, purpose of stay and

average prices of accommodation and meal in Moldova multiplied by the number of days of stay. The minimum amount of subsistence funds shall be established by the Government, at the proposal of the Ministry of Internal Affairs.

#### **Article 24. Visa Refusal**

The divisions of the diplomatic service of the Republic of Moldova and the Border Police Department of the Republic of Moldova (in case of visas requested in exceptional circumstances) have the right to refuse to issue visas to foreigners if:

a) the foreigners do not qualify for entry into the Republic of Moldova provided for in Article 6, paragraph (1), letters a), c), d), e) and f);

b) there is any reason for the interdiction to enter the Republic of Moldova referred to in Article 8 paragraph (1), letters b)-i);

(2) The refusal of visa issuance shall be communicated in writing to the applicant and can be appealed in the administrative court.

#### **Article 25. Visa Cancellation and Revocation**

(1) The visa shall be cancelled where it is found that, at the time of issue, the conditions for issuance were not met, especially when there are reasons to believe that the visa was obtained through fraud. The visa may be cancelled: abroad by the diplomatic missions or consular offices of the Republic of Moldova; when crossing the state border, by the Border Police Department under the Ministry of Internal Affairs, in the country, by the competent authority for foreigners.

(2) The visa shall be revoked if it is found that the conditions for its release are no longer fulfilled. The visa may be revoked : abroad by diplomatic missions or consular offices of the Republic of Moldova; when crossing the state border by the Border Police Department of the Ministry of Internal Affairs ; in the country, by the competent authority for foreigners.

(3) The visa can be revoked at the request of the visa holder . The competent state authority which issued the visa shall be informed of such revocation by the authority that made it.

(4) Inability of the visa holder to present at the border one or more documents referred to in art. 6 para. (1) does not automatically lead to the decision to cancel or revoke the visa.

(5) When a visa is cancelled or revoked, it is stamped with the word "CANCELLED " or "REVOKED " and optically variable feature of the visa sticker, the security feature " latent image effect " and the word " visa " is annulled by crossing out.

(6) The decision of cancellation or revocation of a visa and the reasons behind shall be communicated to the applicant within 3 working days .

(7) The person whose visa has been cancelled or revoked has the right to pursue an appeal, unless the visa was revoked at his request under par. (3).

(8) Information on cancelled or revoked visas is entered in the information subsystems of the authorities that issued such decisions. Authorities inform each other about cancelled or revoked visas.

#### **Article 26. Abolition of the visa regime**

(1) Moldovan Parliament may determine the unilateral abolition of visa regime.

(2) The abolition of the visa regime is carried out also by the conclusion of international treaties, under the conditions and for the periods of residence set out by them.

#### **Article 27. Visa Issuance on the Basis of Invitation**

(1) The Ministry of Foreign Affairs and European Integration jointly with the Ministry of Internal

Affairs and other competent authorities of the Republic of Moldova shall determine the list of countries whose citizens will receive their visas on the basis of the invitation, which was approved by Government decision.

(2) Visa issuance on the basis of the invitation shall be made pursuant to Article 20, 23 and 24.

#### **Article 28. Invitation**

(1) Foreigners specified in Article 27 paragraph (1) may be granted the visa with one or multiple entry and exit, only if they submit the original invitation to the diplomatic missions or consular posts of the Republic of Moldova.

(2) The right to invite foreigners is held by individuals with permanent or temporary residence in the Republic of Moldova who have reached 18 years of age, have full exercise capacity, with the exception of foreigners arrived to study or for treatment, as well as legal persons registered in the Republic of Moldova in the manner established by law.

(3) The application or request for issuing the invitation shall be submitted for approval to the competent authority for foreigners either personal, by post or through web services.

(4) After the filing of the application or the request for issuing an invitation, the person inviting shall be informed about foreigners' regime in the territory of the Republic of Moldova and shall sign a statement relating to the obligation to bear the expenses related to the stay and the eventual removal of the foreigner from the territory of the country in case he/she does not leave the territory of the country within the period specified in the visa.

(5) The approval of the application or the request for the issue of the invitation is subject to verification of the documents submitted and of the competent authority for foreigners, in order to establish that the conditions for legal entry into the Republic of Moldova of foreigners in question, and thus preventing the entry into the Republic of Moldova of foreigners that do not have guarantees that they will leave the territory after the expiry of the visa.

(6) The applications for approval of invitations are solved within 10 working days from the date of filing of the application or request, and if the journey takes urgent treatment of the guest, of the serious health condition of a close relative or of his/her death, within one working day.

(7) The competent authority responsible for foreigners issues the decision on refusal of issuing the invitation if:

a) foreigners are not eligible to enter the Republic of Moldova pursuant to Article 6, paragraph (1), letters a), c), e) and f);

b) there is any reason for interdicting the entry into the Republic of Moldova referred to in Article 8, paragraph (1), letters b) – i).

(8) The decision on refusal to issue the invitation shall be communicated in writing to the applicant within three working days of the adoption and may be appealed in the Administrative Court.

(9) In case of approval, the invitation shall be handed to the person who invites, to send it to the foreign guest.

(10) The foreigner may request the granting of a visa within 90 days from the date of approval of the invitation.

(11) The competent authority responsible for foreigners shall ensure that records of invitations issued in integrated automatic information system in the field of migration and asylum, access to the data of concerned authorities.

(12) The form, content, guarantee and the procedure for issuing the invitation shall be determined and approved by the Government.

**Article 29. State Tax and Fees Charged for Preparing and Issuing Invitations**

For drawing up and issuing the invitations, individuals and legal entities pay tax in accordance with the State Tax Law No. 1216-XII of December 3, 1992.

**Article 30. Exceptions to the Invitation Procedure**

The following categories of foreigners are exempted from the invitation procedure:

- a) the minor child whose parent, foreign citizen, is in possession of a residence permit in the Republic of Moldova or the identity card for stateless persons, provided that it is to be valid for at least 90 days from the date of the granting of entry visa;
- b) foreigners requiring transit visa and airport transit visa provided that they meet the provision of Article 6, paragraph (1), letter d);
- c) citizens of the countries with which the Republic of Moldova has concluded international treaties in this regard or stateless persons residing in these countries;
- d) minor child whose parent is a foreign national married to a citizen of the Republic of Moldova;
- e) foreigners who hold a residence permit or a valid visa (with the exception of transit visa), issued by one of the Member States of the European Union or of states parties to the Schengen Agreement;
- f) stateless persons who provide proof of birth in the territory of the Republic of Moldova or of M.S.S.R.
- g) foreigners invited by government or central government authorities for investment projects in the interest to the national economy;
- h) foreigners holders of diplomatic and service passports.

**Chapter IV**

**GRANTING and PROLONGATION of the RIGHT to TEMPORARY RESIDENCE RIGHT**

**Article 31. General Conditions for Granting a Temporary Residence Right**

(1) The foreigner may request to the competent authority for foreigners granting the right to temporary residence in the Republic of Moldova on the basis of a long stay visa for the purpose for which it was issued, except in the case referred to in Article 42<sup>1</sup>.

*[Article 31 of paragraph (1) as amended by PL236 of 26.10.12, OG263-269/21.12.12 Article 849]*

(2) The right of temporary residence may be granted:

- a) for immigration to work;
- b) for studies;
- c) to family reunification;
- d) for humanitarian, volunteer or religious activities;
- e) for long medical treatment, balneal-sanatorium and recovery treatment;
- e1) for the protection of victims of trafficking in human beings;
- f) for other purposes, where the foreigner's activity is not contrary to the legislation of the Republic of Moldova or his/her presence in the Republic of Moldova it is necessary in the public interest or national security;
- g) foreign investors.

**Article 32. Granting of Temporary Residence Right**

(1) To be granted a right of temporary residence, the foreigner shall submit to the competent authority for foreigners, with at least 30 calendar days before the expiration of the term for which he/she was granted the right, an application in this regard.

(2) The application for granting the right to temporary residence shall be accompanied by the original and the copy of the document, based on which the crossing of the state border was allowed, proof of living space, medical insurance and financial means, by the criminal record from the country of origin and original civil registry documents and their copies.

(3) Within a period of up to 30 calendar days from the date of the application, the competent authority for foreigners shall issue a decision on the grant or refusal to grant the right of temporary residence. The decision will be recorded in the integrated automatic information system in the field of migration and asylum. If the period of stay in the territory of the Republic of Moldova expires before the issuance of the decision, the authority for foreigners shall issue the foreigner a certificate confirming his/her status (certificate of confirmation).

(4) Depending on the reason for the request, the right of temporary residence can be granted on a basis for a period of up to 5 years, and in cases stipulated by law, also for another period.

(5) The decision on refusal to grant the right of temporary residence shall be issued when:

a) the foreigner does not meet the conditions of entry in the Republic of Moldova provided for in Article 6, paragraph (1), letter a), b), c), e) and f);

b) existing any of the grounds of interdicting the entry in the Republic of Moldova pursuant to Article 8, paragraph (1), letters b), c), d), e), g), (h) and i).

(6) The decision on refusal to grant the right of temporary residence shall be communicated in writing to the applicant within three working days of issuance.

(7) The decision on refusal to grant the right of temporary residence may be appealed in the Administrative Court.

### **Article 33. Prolongation of the Right to Temporary Residence**

The competent authority responsible for foreigners may extend the right to temporary residence in the Republic of Moldova if:

a) the foreigner meets the conditions for entry into the Republic of Moldova stipulated by Article 6, paragraph (1), letters a), b), c), e) and f);

b) it did not intervene during the stay in the Republic of Moldova, one of the reasons for the interdiction to enter the Republic of Moldova provided for in Article 8, paragraph (1), letters b), c), d), e), g), h) and i);

c) the foreigner possess a crossing border document valid in the period when applying for prolongation of the right to residence in the Republic of Moldova;

d) the foreigner requests the prolongation of the right to residence for the same purpose for which he/she was granted a visa and the right of residence on whose grounds he/she is in the territory of the Republic of Moldova;

e) previously the foreigner has complied with the above purposes for which the stay in the Republic of Moldova was approved;

f) the foreigner proves living space throughout the period in respect of which he/she requests the right to temporary residence and brings the proof of health insurance, in the manner set.

### **Article 34. Application for Prolongation of the Right to Temporary Residence**



(1) The applicant for prolongation of the right to temporary residence shall submit to the competent authority for foreigners an application in this regard with at least 30 calendar days before the expiration of the term for which his/her stay was approved.

(2) The application shall be accompanied by the documents referred to in Article 32, paragraph (2).

(3) The request shall be resolved within 30 calendar days from the date of application.

(4) For sound reasons, the applicant may be called to an interview. Failure to show up for reasons attributed to the foreigner, may be a cause for rejection of the application.

(5) Within a period of up to 30 calendar days from the date of application referred to in paragraph (1), the competent authority for foreigners shall issue a decision on the prolongation or refusal to extend the right to temporary residence if, when examining the application, the provisions of Article 33 are not met and any conditions related to the purpose of stay, as provided for in this chapter.

(6) The decision on refusal to extend the right of residence, the reasons that formed its basis shall be communicated in writing to the applicant within 3 working days of issuance.

(7) The decision on refusal of prolongation of the right to temporary residence may be appealed in the Administrative Court.

#### **Article 35. Granting the Right to Temporary Residence to Immigrant Workers**

The right of temporary residence shall be granted to the immigrant workers on the basis of employer's request and of the decision of the authority competent in the field of labour migration, together with the documents referred to in art. 32 para. (2) in the conditions lay down by the legislation in force.

#### **Article 36. Extension of Right to Temporary Residence of an Immigrant Worker**

The right to temporary residence is extended to the immigrant worker on the basis of the request of the employer and the competent body's decision on the regulation of labour migration, if the purpose of stay meets the conditions for which this right was granted initially.

#### **Article 36<sup>1</sup> Granting and extension of the Temporary stay of foreign investors**

(1) The right of temporary residence is granted to a foreigner who invested in Moldova in the decision authorized body in the regulation of labour migration, together with the documents referred to in art. 32 para. (2) other than the document which confirms the means of support.

(2) Extension of the right to temporary residence foreigner who invested the decision is made in the approved authority in regulating labour migration that meets the conditions for the purpose of the stay was granted this right.

(3) The period for considering the application and issue a decision on granting / extension of the right to temporary stay not exceeding 15 days. "

#### **Article 37. Granting and Extending the Right to Temporary Residence for Studies**

(1) The right to temporary residence for studies shall be granted and extended, where appropriate, at the request of the foreigner pursuant to a request of the educational institution, of a document certifying the enrolment by the educational institution, confirmation of financial means to cover the stay and studies in the country.

(2) The foreigners who have entered the Republic of Moldova to study and are scholars of the Republic of Moldova shall be granted the right of residence and this right shall be extended under the

conditions referred to in paragraph (1) without the confirmation of the existence of subsistence funds and the means necessary to carry out studies.

(3) The conditions referred to in paragraph (1) provide that the right of residence shall be granted on a basis of a long-stay visa for the purpose of vocational training, internships for some documentation or research in an institution of education. (4) Foreigners admitted to education in accredited state or private education institutions, the right to temporary residence shall be granted for the entire period of studies.

### **Article 38. Granting and Extending the Right to Temporary Residence for Family Reunification**

(1) The right to temporary residence may be granted to foreigners married to citizens of the Republic of Moldova residing in the Republic of Moldova or foreigners having the right to reside in the Republic of Moldova, or foreigners whom the status of a stateless person has been recognized, with the condition that the marriage shall not be fictional, established in accordance with the legislation in force.

*[Article 38 paragraph (1) as amended by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]*

(2) Foreigners to whom the right of temporary residence has been granted, with the exception of those who have been granted this right for the purpose of studies, may require family reunification to the competent authority for foreigners for:

a) the wife or husband;

b) minor children, unmarried, resulting from the marriage or outside of marriage, as well as those adopted by both spouses or one of them, for children under custody of both spouses or one of them only by decision of a competent authority from the home country, provided that these children are effectively in the care of either of the spouses;

c) parents who are dependent on the holder of the right to temporary residence;

d) persons on which are fixed guardianship or trusteeship.

(3) The application for family reunification is approved under the following conditions:

a) there is no polygamy;

b) the applicant has living space;

c) the applicant has the means of subsistence in the amount of the corresponding right of residence category which he/she holds.

(4) Where there is doubt on the link of kinship, the authority responsible for foreigners may request evidence for finding the truth.

(5) The disposals of paragraph (3), letters b) and c) do not apply to foreign nationals married to citizens of the Republic of Moldova or foreigners who have the right of permanent residence in its territory.

(6) The right of temporary residence for family reunification is extended, individually, each member of the family on the same period for which the right to temporary residence was granted to the foreigner that is located in the Republic of Moldova, at his/her request, upon presentation of proof of subsistence means at a level of at least average monthly salary on economy for each family member.

### **Article 39. The Right to Temporary Residence for Family Members Independently**

(1) The foreigner that is a holder of the right to residence for family reunification can be extended the right to temporary residence independently if:

a) he/she reached the age of majority;

- b) the person who has requested for family reunification deceased;
- c) marriage has ceased through divorce or death.

(2) To extend the right of residence, the applicant shall additionally submit, where appropriate, the birth certificate, death certificate, certificate of divorce or court decision of marriage.

(3) The right to temporary residence provided for in paragraph (1) is extended for a period of up to 6 months.

(4) Any prolongation of the right of residence shall be granted only under the conditions and for the purposes provided for in this law.

#### **Article 40. Business Activity and Employment of a Holder of the Right to Residence for Family Reunification**

The foreigner, holder of the right of residence for family reunification may be employed or carry on business activity or freelance under the law.

#### **Article 41. Granting and Extending the Right to Temporary Residence for Humanitarian or Religious and Volunteer Activities**

The right to temporary residence for humanitarian, religious or volunteer activities can be granted or extended upon request, if the foreigner:

- a) submits an extract from the register of religious denominations and their components or of the non-commercial company Register;
- b) is representative of a recognized worship in the Republic of Moldova or of a humanitarian organization, as appropriate;
- d) is employed under a contract of volunteering or cooperative agreement;
- e) meets the criteria established in art. 32 or depending on the case art. 33.

#### **Article 42. Granting and Extending the Right to Temporary Residence for Treatment**

(1) The right to temporary residence for long-term treatment, balneal-sanatorium or recovery may be granted or extended to the foreigner that follows a course of treatment in a public medical-sanitary, departmental or private institution, if he/she submits:

- a) a letter of acceptance from the institution, to be defined in the diagnosis and the minimum period required for the treatment;
- b) brings the proof of financial means for subsistence and treatment.
- c) ) meets the criteria established in art. 32 or depending on the case art. 33.

(2) The right specified in paragraph (1) may be granted also to an eventual companion who assists the foreigner unable to care for himself, if this is expressly mentioned in the letter of acceptance of the medical institution.

#### **Article 42<sup>1</sup>. Granting and Extending Temporary Stay for Victims of Trafficking in Human Beings**

(1) The right to temporary residence for victims of trafficking in human beings may be granted and/or extended to the foreigner who is or who has been victim of trafficking in human beings, including the case when he/she entered illegally in the territory of the country, if the following conditions are cumulatively met:

- a) the foreigner shows a clear will to cooperate with the competent authorities to identify and punish

the participants in committing the crime whose victim one is;

b) the foreigner has broken all relations with those suspected of committing the crime whose victim one is;

c) the stay on the territory of the country of the foreigner is necessary for the proper conduct of criminal process;

d) the foreigner does not pose danger to national security and/or public order.

(2) By way of derogation from Article 32, paragraph (2) at the request of the granting or prolongation of the right to temporary residence for victims of trafficking in human beings, the foreigner shall annex:

a) order of criminal prosecution of its recognition as an injured party;

b) the border crossing document or any other document confirming his/her identity, and in case they are missing – an affidavit that shall include his/her identity data;

c) home address or residence in the Republic of Moldova for confirmation.

(3) The right to temporary residence for victims of trafficking in human beings may be granted, at the request of the victim, for a period of 6 months, with the possibility of extension on the new period of up to six months, in accordance with paragraph (1). At the expiry of the temporary residence in respect of victims of trafficking in human beings the general disposals concerning foreigners in the Republic of Moldova shall be applied.

(4) The right to temporary residence for victims of trafficking in human beings can be removed in one of the following situations:

a) the victim on his/her own initiative resumed contact and actively maintains it with persons suspected of committing the offence;

b) competent authorities consider fraudulent the victim's cooperation or considers his/her complaint as being unfounded or fraudulent;

c) foreigner's stay on the territory of the country presents a danger to national security and/or public order;

d) the victim has ceased to cooperate in the criminal process;

e) one of the situations referred to in Article 275 of the Code of Criminal Procedure intervened.

(5) The right of temporary residence for victims of trafficking in human beings and the corresponding residence permit shall be issued free of charge.

*[Article 42<sup>1</sup> included by PL236 of 26.10.12, OG263-269/21.12.12 Article 849]*

#### **Article 43. Granting and Extending the Right to Temporary Residence in Other Cases**

(1) The right to temporary residence may be granted or extended to the foreigner who is entitled to citizenship of the Republic of Moldova by recognition or regaining.

(2) The right to temporary residence may be granted or prolonged for other activities than those provided for in this chapter, which do not contradict the legislation in force of the Republic of Moldova, if the foreigner submits evidence justifying his/her presence in the territory of the Republic of Moldova and if he/she meets the conditions laid down in Article 32 or in Article 33, as the case may be.

### **Chapter V**

#### **GRANTING A PERMANENT RESIDENCE RIGHT**

##### **Article 44. The Right of Permanent Residence**

The right of permanent residence shall be granted upon request, under the present law, for an

indefinite period, to the foreigner under the right to temporary residence.

**Article 45. Granting and Suspending the Right to Permanent Residence**

(1) The right of permanent residence in the Republic of Moldova may be granted to foreigners entitled to the right of temporary residence, if he/she meets the following conditions:

a) entitled to legal temporary and continuous residence in the territory of the Republic of Moldova for at least 3 years- in the case of an foreigner married to a citizen of the Republic of Moldova;

b) entitled to legal temporary and continuous residence in the territory of the Republic of Moldova for at least 5- years in the case of foreigners from other categories;

c) brings the proof that he/she has sufficient financial means of support; exceptions are foreigners married to citizens of the Republic of Moldova;

d) has living space;

e) speaks the official language at a satisfactory level;

f) still meets the conditions for entry into the Republic of Moldova provided for in Article 6, paragraph (1), letters a), c), e) and f);

g) did not intervene, during the stay in the Republic of Moldova, one of the reasons for the interdiction to enter the Republic of Moldova stipulated by Article 8, paragraph (1), letters b), c), d), e), g), h) and i);

h) no criminal record in the past three years.

(2) For foreign nationals married to citizens of the Republic of Moldova, the duration of the marriage shall be mandatory for at least three years, otherwise the provisions of paragraph (1), letter b) shall be applicable.

(3) Foreigners whose residence is in the interest of the Republic of Moldova it may be approved the granting of permanent residence without fulfilling the conditions laid down in paragraph (1).

(4) If both parents are holders of the right of permanent residence, the minor foreigner gets residence in the Republic of Moldova together with his parents. The minor has the right to obtain the establishment of residence in the Republic of Moldova and in the case where only one parent is the holder of the right of permanent residence, if he/she is under that parent's care.

(5) The right of permanent residence is granted to foreigners who, under the laws in force, are entitled to the citizenship of the Republic of Moldova by gaining recognition and meeting the conditions referred to in paragraph (1), letters d), e) and h).

(6) The foreigners admitted to studies and migrant workers are exempted from the provisions of this article.

(7) The right of permanent residence shall cease:

a) at the request of the holder;

b) the foreigner leaves the country to establish residence in the territory of another state;

c) in the case of absence of the foreigner in the territory of the Republic of Moldova for a period exceeding 12 consecutive months;

d) in the case of stating the foreigner as undesirable person;

(8) In the case referred to in paragraph (7), letter c), the foreigner may lodge a new application for the granting of the right of permanent residence in the Republic of Moldova, after a temporary legal residence and continuous residence for 12 months.

(9) The right of permanent residence may be cancelled or revoked under this Act.

**Article 46. Conditions of Applying for the Right of Permanent Residence in the Republic of Moldova**

(1) The application for the granting of the right to permanent residence in the Republic of Moldova shall be submitted personally to the competent authority for foreigners.

(2) The application shall be written in the official language and shall be accompanied by the following documents:

- a) civil status certificate;
- b) valid border crossing document;
- c) document confirming the legal ownership of residential space;
- d) document confirming the subsistence funds;
- e) criminal record or other document having the same legal value, issued by the authorities of the country of origin;
- f) medical certificate to the effect that the foreigner does not suffer from diseases that may endanger public health;
- g) document of medical insurance.

(3) The competent authority for foreigners shall issue, within a period of up to 90 calendar days from the date of registration of the application, a decision on granting or refusing to grant the right of permanent residence, which will be recorded in the integrated automatic information system in the field of migration and asylum.

**Article 47. Rejection of the Application for the Right of Permanent Residence in the Republic of Moldova**

(1) If after the application for granting the right of permanent residence in the Republic of Moldova, the conditions laid down in Article 46, paragraphs (1) and (2) are not met, the competent authority for foreigners shall reject the application.

(2) The competent authority for foreigners shall notify the applicant in writing, within 10 working days, the decision rejecting the application for the granting of the right of permanent residence in the Republic of Moldova, as well as the reasons for that decision.

(3) The decision rejecting the application for the granting of the right of permanent residence in the Republic of Moldova may be challenged in the Administrative Court.

(4) Foreigners to which the request to grant the right of permanent residence in the Republic of Moldova was rejected may be granted, upon request, temporary residence according to the situation preceding the application for granting of the right of permanent residence, if meeting the legal conditions in this respect.

(5) The repeated application for the granting of permanent residence in the Republic of Moldova may be filed after removing the reasons that led to the rejection.

**Chapter VI****CANCELLATION AND REVOCATION OF THE RESIDENCE RIGHT IN THE REPUBLIC OF MOLDOVA****Article 48. Cancellation of the Right of Residence**

The competent authority for foreigners may cancel, by reasoned decision, the right of residence in the Republic of Moldova, granted or renewed under the present law, if:

- a) it is found later that at the time of the grant or prolongation of the right of residence, the

foreigner did not meet the conditions laid down by this law;

b) it is determined that some documents which formed the basis for the granting of the right of residence are forged.

#### **Article 49. Revocation of the Right of Residence**

The competent authority for foreigners may revoke, by reasoned decision, the right of temporary residence in the Republic of Moldova if:

a) as a result of checks carried out by the specialized structure of the competent authority for foreigners or referrals received from other competent authorities according to the law, it is established that the foreigner no longer meets the conditions for prolongation of the right to residence or no longer meets the purpose for which it was granted this right;

b) it is established that the foreigner has violated customs rules or regulations regarding the state border.

#### **Article 50. Informing a Foreigner about the Decision on Cancelling or Revoking the Right of Residence**

The decision cancelling or revoking the right of residence shall be informed in writing to the foreigner who is in the territory of the Republic of Moldova by the competent authority for foreigners, within 3 working days of issuance. The decision may be challenged in the Administrative Court.

### **Chapter VII**

## **REGIME OF FOREIGNERS' REMOVAL FROM THE TERRITORY OF THE REPUBLIC OF MOLDOVA**

#### **Article 51. Return of Foreigners from the Territory of the Republic of Moldova**

Against foreigners who have illegally entered the territory of the Republic of Moldova, whose residence in that territory became illegal, whose visa or whose right of residence has been cancelled or revoked, whom were refused to extend the right of temporary residence, whose right of permanent residence has ceased, whose request for recognition on the status of stateless persons was rejected, the given proceedings were terminated or whose status of stateless person has been cancelled, as well as against former asylum seekers, the competent authority for foreigners orders the measure of return from the territory of the Republic of Moldova and applies the interdiction on entry into the Republic of Moldova for a determined period in accordance with Article 10.

*[Article 51 as amended by PL284 of 28.12.11, OG30-33/10. 02.12 Article 93]*

#### **Article 52. Return Decision**

(1) The decision to return is an administrative act of the competent authority for foreigners in which an foreigner's stay is declared as illegal and which obliges foreigners mentioned in Article 51 to leave Moldova within a certain time limit, as follows:

a) within 15 calendar days- the foreigner whose visa has been cancelled or whose stay became illegal;

b) within 30 calendar days – the foreigner who has been refused the prolongation of the right of residence or to whom this right has been revoked or cancelled;

c) within 3 months- the foreigner that shall liquidate an investment;

d) within 15 calendar days – former asylum seekers, applicants of the status of stateless persons or foreigners whose status of stateless person has been cancelled.

*[Article 52, paragraph (1), letter d) as amended by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]*

(2) The time limits laid down in paragraph (1) shall be calculated from the date on which the decision

on return has been communicated to the foreigner, under the present law.

- (3) In duly justified cases, taking into account the specific circumstances of each case, such as the legal residence term, the existence of children attending school and the existence of other family ties, the time allotted under paragraph ( 1) may be extended, upon request, to up to 30 days. Decision on extension of the leave period or the refusal to extend it is communicated in writing to the foreigner. The decision on refusal may be appealed in court within 5 working days from the notification.
- (4) In respect to foreigners that didn't execute the decision on return, crossed or attempted to illegally cross the state border, entered the country within the period of a previous entry ban, whose identity could not be established, who have been declared undesirable and against whom expulsion has been ordered, the competent authority shall issue the decision foreigners return under escort, which shall be accompanied, where appropriate, with placement into public custody as provided in art. 64 .

### **Article 53. Notifying a Foreigner on the Return Decision**

(1) The decision on return shall be transmitted to the foreigner by the competent authority for foreigners.

(2) The return decision shall be drawn up in two copies, in the official language and in an international language, understood by the foreigner.

(3) If the foreigner is present, a copy of the decision on return is handed to him/her to put his/her signature on the copy that remains at the competent authority for foreigners.

(4) If the foreigner is not present, the communication is made:

a) by mail, with acknowledgement of receipt, to the address stated by the foreigner as his/her place of residence;

b) by display at the headquarters of the competent authority for foreigners, if it is not known the address to which the foreigner resides.

### **Article 54. Contesting the Return Decision**

(1) The return decision may be appealed in the Court within 5 working days from the date of communication.

(2) The exercise of the remedies provided for in paragraph (2) does not have suspensory effect of the execution of the decision of return. In duly justified cases and in order to prevent imminent damage, the complainant may ask the Court to order the suspension of the execution of the return decision until the action is solved. The Court shall urgently examine the application for suspension, the decision rendered in this case being enforceable by law.

### **Article 55. Declaration of Undesirability**

(1) The declaration of a foreigner as undesirable person is a measure ensuring the authority, ordered against a foreigner who has been performing, performs or in whose regard there are strong hints that he/she intends to carry out activities likely to endanger national security or public order.

(2) The measures provided for in paragraph (1) is ordered by the competent authority for foreigners on its own initiative or at the initiative of other authorities with competences in the field of public order and national security that have data or reasonable clues within the meaning of those referred to in paragraph (1).

(3) The competent authority for foreigners issues a founded decision declaring the



foreigner undesirable person after it was found that it is true. When the decision declaring the foreigner as undesirable person is based on the reason of national security, the decision will not include the reasons underlying it.

(4) The right of residence of the foreigner stops properly at the date of issue of the decision on declaring the person undesirable.

(5) The period for which a foreigner may be declared undesirable person is from 5 to 15 years, with the possibility of prolongation for a further period of between these limits, if it is found that the reasons that led to the taking of the measure have not ceased.

(6) The measure of declaring a foreigner undesirable person shall be recorded in the Integrated Automated Migration and Asylum Information System.

#### **Article 56. Notifying the Foreigner on the Decision of being Declared as Undesirable Person**

(1) The decision on the declaration of the foreigner as undesirable person shall be communicated to the concerned by the competent authority for foreigners, pursuant to Article 53.

(2) The communication of data and information that provide reasons for the decision declaring the foreigner as undesirable person can be made, for reasons of national security, only under the conditions laid down and only to the recipients named in explicit way by normative acts that regulate the activities of national security and the protection of national secrets. Such data and information may not be in any way, directly or indirectly, communicated to the foreigner declared as undesirable person, including in the examination in the Court of the challenging of the decision declaring the foreigner as undesirable person.

#### **Article 57. Contestation of the Decision on Declaring a Foreigner as Undesirable Person**

(1) Within 5 working days from the date of communication, the decision on declaring a foreigner as undesirable person can be appealed in the Court of Law.

(2) The exercise of the remedies provided for in paragraph (1) does not have suspensory effect of the decision on declaring the foreigner as undesirable person. In duly justified cases and in order to prevent imminent damage to occur, the complainant may ask the Court to order the suspension of the execution of the decision before the action is solved. The Court shall urgently examine the application for suspension, the decision rendered in this case being enforceable by law.

#### **Article 58. Removal of a Foreigner under Escort**

(1) Removal of a foreigner under escort means accompanying the latter by special staff of the competent authority for foreigners up to the state border crossing point opened to international traffic or to the country of origin, transit or destination. Removal under escort is applied to foreigners:

- a) that didn't leave the territory of the Republic of Moldova voluntarily at the expiry of the term given through the decision on return stipulated at art.52 para (1);
- b) crossed or attempted to illegally cross the state border,
- c) entered the country within the period of a previous entry ban,
- d) declared undesirable
- e) against whom expulsion has been ordered.

(2) If the foreigner has a valid identity document for crossing the state border, financial means and if it is not necessary to carry out some other formalities, the measure provided for in paragraph (1) shall be implemented within 24 hours.

(3) If the measure of return cannot be applied within the period indicated in paragraph (2), the

foreigner shall be taken into public custody or granted the tolerated stay on the territory of the Republic of Moldova.

(4) For foreigners who do not possess valid documents for crossing the state border travel documents will be requested from diplomatic missions or consular offices accredited in the Republic of Moldova of foreigner's country of origin.

(5) For foreigners coming from countries which do not have diplomatic or consular missions in the Republic of Moldova travel documents shall be required in the country of origin through the competent foreign relations authority.

#### **Article 59. Deportation on the Basis of Readmission Agreements**

(1) Foreigners referred to in Article 51 may be deported also based on the readmission agreements concluded by the Republic of Moldova with other countries, under the conditions laid down in these agreements.

(2) At the request of the country which has concluded the agreement on readmission with Moldova, it may be allowed the transit through the territory of the Republic of Moldova by the foreigner subject to readmission to a third country, provided that he/she is escorted and guarantees are provided that he/she can continue the journey and that he/she can get in the country of destination.

#### **Article 60. Prohibition on Deportation**

(1) Deportation is prohibited if:

- a) the foreigner is a minor and the parents have the right of residence in the Republic of Moldova;
- b) the foreigner is married to a citizen of the Republic of Moldova, and the period of illegal stay is not more than one year and the marriage is not declared invalid;
- c) there are justified concerns that the foreigner's life is endangered or that he/she will be subjected to torture, inhumane or degrading treatment in the country where he/she is to be returned;
- d) deportation is prohibited by the international treaties to which Moldova is a party;
- e) the foreigner is in the situation referred to in Article 68, paragraph (1), letter e), except the case when the tolerance period of resistance in the Republic of Moldova pursuant to Article 69, paragraph (5), was not extended.

(2) The execution of the deportation measure shall be suspended in the case of foreigners who are in one of the situations referred to in Article 12, paragraph (1) until the cessation of the reasons for prohibiting deportation from the Republic of Moldova.

(3) The persons referred to in paragraph (1) may be given or, where appropriate, extended the right of residence in the Republic of Moldova by the competent authority for foreigners for one of the purposes and under the conditions indicated in chapters IV and V. The persons referred to in paragraph (1), letter e) may be granted the right of permanent residence in accordance with the provisions of Article 45, paragraph (3).

(4) The provisions of paragraph (1), letters b) and c) and paragraphs (2) and (3) shall not apply to foreigners who endanger public order, national security or who suffer from diseases that threaten public health and refuse to follow treatment of established medical authorities.

#### **Article 61. Assisted Voluntary Return**

(1) Foreigners residing on the territory of the Republic of Moldova may request the assistance of the

competent authority for foreigners to return to the country of origin or a third country, if they do not have the necessary financial means.

(2) The competent authority for foreigners, in collaboration with relevant national and international organizations, shall develop joint programs to identify specific ways to support foreigners referred to in paragraph (1) in returning to their countries of origin, as well as finding the necessary financial resources for this purpose.

(3) The foreigners mentioned in paragraph (1) may once benefit individually from the support granted by the competent authority for foreigners, through the programmes referred to in paragraph (2), to return to the country of origin.

#### **Article 62. Expulsion**

(1) Foreigners who had committed an offence or a criminal offence in the territory of the Republic of Moldova may be subject to expulsion under the conditions provided for in the Criminal Code and the Code of Administrative Offences.

(2) The residence right of foreigners expires on the date when the expulsion measure has been declared.

(3) The Court may order that, before carrying out the expulsion, the foreigner may be taken into public custody.

(4) If the foreigner does not have identity document for crossing the state border or sufficient financial means, the competent authority for foreigners shall proceed in accordance with Article 58, paragraphs (4) and (5).

(5) Detailed procedures relating to expulsion of foreigners shall be established by Government decision.

#### **Article 63. Prohibition of expulsion**

(1) A foreigner may not be expelled to a state, if there are justified concerns that his/her life would be under threat there or that he/she will be subjected to torture, inhuman or degrading treatment.

(1<sup>1</sup>) Stateless persons who are lawfully within the territory of the Republic of Moldova cannot be expelled, unless there are reasons of national security or of public order at stake. The expulsion measure may be ordered only by the Court.

*[Article 63, paragraph (11) introduced by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]*

(2) The expulsion procedure may not be implemented, and if declared it may not be executed, if the foreigner is in one of the situations referred to in Article 12 paragraph (1).

(3) Prohibition of expulsion lasts until the demise of the grounds on which it was based.

(4) A foreigner that is in one of the situations referred to in paragraphs (1) and (2) may be expelled for reasons of national security or of public order.

(5) The finding of situations referred to in paragraphs (1) and (2) is within the competence of the Court, following the communication made by the competent authority for foreigners.

#### **Article 64. Placement under Public Custody**

(1) Placement under public custody is a measure of public restriction of the freedom of movement enforced by the Court against the foreigner who could not be returned within the time limit referred to in this law, crossed or attempted to illegally cross the state border, entered the country within the period of a previous entry ban, whose identity could not be established, declared undesirable, or against whom expulsion has been ordered.

(2) A foreigner subject to return, placement under public custody shall be decided by the Court for a period of 30 days, at the request of the competent authority for foreigners.

(3) The foreigner subject to expulsion procedure may be taken into public custody by a court decision until the expulsion executed by the competent authority for foreigners.

(3<sup>1</sup>) The court shall examine the request of the competent authority for foreigners for the placement in public custody of the foreigner on the same day that the request is made.

(4) Placement under public custody of foreigners declared undesirable shall be decided by the Court at the request of the competent authority for foreigners.

(5) The extension of the duration of custody for foreigners referred to in paragraphs (2), (3) and (4), which could not be deported from the territory of the Republic of Moldova within 30 days shall be decided by the Court at the request of the competent authority for foreigners.

(6) The maximum period of custody of the foreigner against whom the return has been ordered cannot exceed 6 months.

(7) The foreigner who was sentenced to return may lodge a complaint against placement under public custody to the Court, which is obliged to examine it within 5 working days from the date of receipt. The submission of a complaint does not suspend the execution of placement under public custody.

(8) Foreigners taken into custody, as well as those returned, within 24 hours, shall be fingerprinted and photographed.

(9) Foreigner shall be subject to administrative liability for unauthorized departure from the Migrant Centre during their stay in detention or during escort to / from the centre.

#### **Article 64<sup>1</sup>. Placement under Public Custody of minors and families**

(1) Unaccompanied minors and families with minors shall be placed under public custody only as a measure of last resort and for the shortest possible period.

(2) The best interest of the child shall be a primary consideration in the context of placement of minors under public custody.

(3) Minors placed under public custody have the right to education, educational programs, taking into consideration the needs of ethnic, cultural, religious, as well as age and state of health.

(4) Families placed under public custody shall be provided with separate accommodation, which ensures an adequate level of privacy.

#### **Article 65. The Centre for Temporary Placement of Foreigners**

(1) Foreigners taken into public custody shall be placed in the Centre of temporary placement of foreigners, hereinafter referred to as the Centre.

(2) The Centre is a specialized structure managed by the competent authority for foreigners, for temporary accommodation of foreigners declared undesirable or those subject to return or expulsion and which have been taken into public custody.

(3) Organization, operation and logistical support of the Centre shall be regulated by Government Decision.

#### **Article 66. Rights and Obligations of Foreigners Staying at the Centre**

(1) Foreigners accommodated at the Centre have the rights provided by law, and the rights stipulated in international treaties to which Moldova is a party.

(2) Foreigners accommodated at the Centre are entitled to legal, medical, social assistance and to respect of their opinion and religious, philosophical and cultural beliefs.

(3) Foreigners who stay at the Centre have the right to be informed in writing, immediately after, in the language they speak or understand, about the main reasons which led to their placement under custody and about the rights and obligations that they have during accommodation at the Centre.

(4) For the entire period of their accommodation at the Centre, the foreigners will have access to communication with representatives of the diplomatic and consular officers of the state of origin.

(5) Foreign nationals accommodated at the Centre shall be treated without any discrimination of race, sex, age, culture, nationality, religion or membership of a particular social group.

(6) During the accommodation, foreigners are obliged to abide by the rules, the daily schedule and the order laid down in the rules of internal organization and functioning of the Centre.

#### **Article 67. Tolerance of Stay on the Territory of the Republic of Moldova**

(1) Tolerance of stay on the territory of the Republic of Moldova, hereinafter referred to as tolerance, is the permission granted by the competent authority for foreigners to remain in the territory of the country to foreigners who do not have right of residence and who, for objective reasons, cannot leave the territory of the Republic of Moldova.

(2) Objective reasons, within the meaning of this law, shall mean circumstances beyond the foreigner's will, which are unpredictable and cannot be removed and prevent the foreigner leaving the territory of the Republic of Moldova.

#### **Article 68. Categories of Foreigners who are Eligible to be Granted Tolerance**

(1) Tolerance may be granted to:

- a) foreigners who were placed under public custody and who were not returned within 6 months;
- b) foreigners placed in situations referred to in Article 12, paragraph (1) and who do not meet the conditions laid down in this law for the granting of a right of residence;
- c) foreigners who were denied by a final court decision any form of protection, in accordance with the legal provisions, and who, for objective reasons, have not left the territory of the Republic of Moldova within the time limit established by law;
- d) foreigners whose temporary presence in Moldova is required by the political interest;
- e) foreigners who are or who have been the victims of trafficking in human beings, on the period of reflection.

*[Article 68, paragraph (1), letter e) as amended by PL236 of 26.10.12, OG263-269/21.12.12 Article 849]*

(2) Tolerance shall not be granted to foreigners declared undesirable or those subject to expulsion.

#### **Article 69. Tolerance Regime**

(1) Tolerance shall be granted for a period of up to 6 months, which may be extended for new periods of up to 6 months, until the elimination of causes.

(2) Tolerance does not cancel the obligation of foreigners to leave the Republic of Moldova upon cessation of grounds thereof.

(3) Tolerance ceases at the time of leaving the territory of the Republic of Moldova by the foreigner.

(4) Upon the cessation of tolerance grounds, the foreigner shall be immediately deported from the territory of the Republic of Moldova, without prior notice.

(5) In the case of persons specified in Article 68, paragraph (1), letter e), at the request of the criminal investigation body, the competent authority for foreigners may cancel the tolerance, if it is established that the foreigner has resumed contact in own initiative and maintain active liaison with persons

suspected of committing a crime of which he/she is a victim or that he/she is a danger to national security and/or public order.

*[Article 69, paragraph (5) in section PL236 of 26.10.12, OG263-269/21.12.12 Article 849]*

(6) The foreigner is obliged to present himself on a monthly basis or on call, to the competent authority for foreigners and to inform on any change of residence.

(7) Tolerance shall have territorial validity limited by the foreigner's residential area, and any departure outside it is allowed only with prior approval of the competent authority for foreigners.

(8) In the case of non-compliance with the obligations referred to in paragraphs (6) and (7) the foreigner may be taken into public custody.

#### **Article 70. Competent Authority for Foreigners**

(1) The activity of competent authority for foreigners is a public service and it is held in the interest of the individual, community and in support of state institutions, exclusively to execute the law.

(2) In the exercise of duties, the competent authority for foreigners shall cooperate with special bodies of the central public administration, with non-governmental organizations and international organizations.

(3) The organizational structure and responsibilities of the competent authority for foreigners are established by the Ministry of Internal Affairs.

#### **Article 71. Cost Coverage**

(1) Costs for deportation of a foreigner who possesses financial means from the territory of the Republic of Moldova shall be covered by the latter.

(2) If the foreigner does not have financial means and entered in the Republic of Moldova on the basis of an invitation, the person or entity who invited the foreigner covers all the costs.

(3) The employer as natural or legal person is obliged to bear the costs of the foreigner's deportation that one illegally employed or whose residence permit is no longer valid.

(4) Costs from deportation of foreigners who do not have the necessary means for this purpose, the costs of transportation, supply, maintenance and accommodation in the Centre, as well as the costs of medical care and hospitalization shall be borne by the budget of the competent authority for foreigners.

(5) The costs of the construction, planning, maintenance and operation of the Centre shall be borne by the budget of the competent authority for foreigners.

(6) The rules relating to the maintenance and personal hygiene, as well as the rules of foreigner's nutrition taking into custody shall be established by Government Decision.

### **Chapter VIII**

#### **DOCUMENTING FOREIGNERS**

##### **Article 72. The Issuance of Identity Documents to Foreigners**

(1) The competent authority for foreigners shall issue the foreigner to whom it was granted or extended, where necessary, the right of residence in the Republic of Moldova or who was recognized as stateless persons the following identity documents:

*[Article 72, paragraph (1) as amended by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]*

*a) temporary residence permit- to a foreigner who has been granted or has been extended, where appropriate, the temporary right of residence;*

*b) permanent residence permit- to foreigner, except for stateless persons, to whom it was granted legal permanent residence in the Republic of Moldova;*

*c) identity card for stateless persons and, upon request, the travel document – the stateless person who was granted a legal permanent residence in the Republic of Moldova or has been recognized the status of stateless persons.*

*[Article 72, paragraph (1), letter c) as amended by PL284 of 28.12.11, OG30-33/10.02.12 Article 93]*

(2) The identity documents shall be implemented by the competent body designated by the Government.

(3) Application for the issue of identity documents for foreign nationals shall be lodged at the One-Stop Shop set up within the framework of the competent authority for foreigners.

### **Article 73. Residence Permit and Identity Card for Stateless Persons**

(1) The residence permit and identity card for stateless persons confirms the identity of foreigners and the right of residence in the Republic of Moldova, as well as the duration and the purpose for which this right was granted.

(2) The holder of a residence permit or identity card for stateless persons shall carry it with him/her all times, never pass it to another person and present it at the request of competent bodies.

Article 74. The validity of the temporary residence permit

(1) The validity of the temporary residence permit is limited to the period for which it was granted or, as the case may be, the right of temporary residence of the holder in the Republic of Moldova has been extended.

(2) The temporary residence permit shall be renewed each time the temporary right of residence is extended.

Article 75. The validity of the permanent residence permit and identity card for stateless persons

(1) Permanent residence permit shall be issued upon granting of the right of permanent residence in the Republic of Moldova during the period of validity of the identity card, and is renewed successively.

(2) The identity card for stateless persons shall be issued upon granting of the right of permanent residence in the Republic of Moldova, in accordance with the legislation in force concerning identity documents of the national system of passports.

### **Article 76. Travel Documents Issued to Foreigners**

Diplomatic missions and consular offices of the Republic of Moldova may issue travel documents to the foreigner located abroad, with the right of residence in the Republic of Moldova, which is no longer in possession of a valid identity document for crossing the state border and who, for objective reasons, cannot get such a document from the diplomatic representation of the country of which he/she is a national.

### **Article 77. Travel Documents**

The travel document is proof of identity and quality of the stateless person with right of residence in the Republic of Moldova of the holder and it gives him/her the right to exit and enter the country through any state border crossing point open to international passenger traffic.

### **Article 78. Cancellation of the Residence Permit, Identity Card for Stateless Persons and Travel Document**

(1) In case a permanent or temporary right of residence is cancelled for a holder of the residence permit, identity card for stateless persons or travel document for stateless persons, this document shall be cancelled from the date of the decision to cancel and withdraw no later than the date on which this decision is brought to the knowledge of the foreigner.

(2) If the holder of an identity card for stateless persons loses the status of stateless person with the right of permanent residence in the Republic of Moldova, he/she shall be obliged to submit the document to the competent authority for foreigners, which shall revoke and cancel it.

**Article 79. Theft, Loss, Damage or Destruction of the Residence Permit, Identity Card for Stateless Persons and Travel Document**

(1) The competent authority for foreigners issuing a new residence permit, identity card or travel document in lieu of the one stated as stolen, lost, damaged, or destroyed, within no more than 30 calendar days from the date of declaration thereof.

(2) Residence permits, the identity card for stateless persons or passport damaged shall be withdrawn and cancelled by the competent authority for foreigners.

**Article 80. Form and Content of Identity Documents for Foreigners**

The form and content of identity documents for foreign nationals referred to in this chapter shall be determined by Law No.273-XIII of 9 November 1994 on the identity cards of the national system of passports.

**Article 81. The State Tax**

A state tax shall be charged for the examination of the application for granting, extending the right of temporary residence, the right of permanent residence, as well as for the issuing of identity cards for foreigners.

**Chapter IX**

**RECORDS ON FOREIGNERS, THE PROCESSING OF PERSONAL DATA AND THE CONDITIONS OF STAY ON THE TERRITORY OF THE REPUBLIC OF MOLDOVA**

**Article 82. Records on Foreigners in the Context of Information Subsystem of the Competent Authority for Foreigners**

(1) The competent authority for foreigners shall establish an Information Subsystem (part of Integrated Automated Migration and Asylum Information System), as a complex system processing personal data of foreigners, legal duties necessary to the admission, stay and deportation of foreigners from the territory of the Republic of Moldova.

(2) The rules of operation and use of Information Subsystem of the competent authority for foreigners are approved by order of the Minister of Internal Affairs.

**Article 83. The Institutions Authorized to Process Personal Data of Foreigners**

(1) To implement the provisions of this Act, the regulations or instructions issued hereunder, the competent authority for foreigners, the Border Police Department under the Ministry of Internal Affairs, other competent authorities for migration may perform tasks of processing foreigner's personal data.

(2) The processing and protection of personal data of foreigners is carried out in accordance with the law.

**Article 84. Records and Conditions of Foreigners' Residence on the Territory of the Republic of Moldova**

(1) Records of foreigners entering or leaving the territory of the Republic of Moldova shall be carried out at the time of state border crossing of the Republic of Moldova, through the application of the statement in question in acts of national identity and by entering the information in these documents in



the Integrated Automated Migration and Asylum Information System.

(2) Foreigners who are not required to obtain a visa for entry into the Republic of Moldova are allowed to enter the country and may be up to 90 days within a period of 6 months beginning with the date of first entry into the country.

(3) Foreigners with temporary legal stay may remain on the territory of the Republic of Moldova only until the expiration of their residence right provided by the visa or, if appropriate, by the residence permit or identity card for stateless persons.

## **Chapter X**

### **LEGAL REGIME APPLICABLE TO CERTAIN SPECIFIC CATEGORIES OF FOREIGNERS**

#### **Article 85. The Legal Regime Applicable to Minor Foreigners Located on the Territory of the Republic of Moldova with no Legal Representatives**

(1) In the case of minor foreigners who entered and remain unaccompanied on the territory of the Republic of Moldova, the competent authority for foreigners shall proceed as follows:

- a) establish their identity and their mode of entry into the country;
- b) ensures, irrespective of their mode of entry into the Republic of Moldova, the representation by a competent institution according to the law, which will give them the necessary protection and care, including accommodation in special protection centres of minors, under the same conditions as children that citizens of the Republic of Moldova;
- c) adopt measures to identify their parents, regardless of their place of residence, for the purpose of family reunification;
- d) until the identification of their parents, provide school-aged minors with access to the education system;
- e) in case the parents do not have residence in the territory of the Republic of Moldova, return the minor to the country of residence of the parents or in the country where they have been identified, other family members, upon their consent;
- f) in the case the parents or other family members have not been identified or the minor is not accepted in the state of origin, grant him the right of temporary residence in the territory of the Republic of Moldova.

(2) Interviews with minor foreigners who are unaccompanied or who are unaccompanied in the territory of the Republic of Moldova shall be attended by an expert on children's rights protection.

(3) To identify appropriate solutions, the competent authority for foreigners shall cooperate with the other institutions, as well as with national and international organizations specialized in the field of protection of children's rights.

#### **Article 86. Minor Foreigners' Access to Education**

(1) Minor foreigners residing in the Republic of Moldova have access to primary education under the same conditions as minor citizens of the Republic of Moldova.

(2) The competent body in the field of education shall establish, according to law, the limits and the conditions of recognition and equivalence of studies carried out in the country of origin of foreign students enrolled in the national education system.

#### **Article 87. Repatriation**

(1) The right to repatriation is granted to persons who were born in the Republic of Moldova and that,

for certain reasons, they did not receive citizenship of the Republic of Moldova, as well as to their descendants, regardless of their place of residence.

(2) The competent authority for foreigners grants to persons referred to in paragraph (1) the right to repatriation, issuing them a repatriation confirmation.

(3) The repatriation confirmation constitutes a ground for issuing the permit of permanent residence in the territory of the Republic of Moldova or the identity card for stateless persons.

## **Chapter X<sup>1</sup>**

### **STATELESS STATUS RECOGNITION PROCEDURE**

#### **Article 87<sup>1</sup>. 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 of 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 87<sup>2</sup>. 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 87<sup>3</sup>. 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. The applicant 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 87<sup>4</sup>. 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 87<sup>5</sup>. 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 87<sup>6</sup>. 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 87<sup>7</sup>. 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 87<sup>8</sup>. 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 87<sup>9</sup>. 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 87<sup>10</sup>. 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 87<sup>11</sup>. 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.” [Chapter X<sup>1</sup> introduced by PL284 of 28.12.11, OG30-33/10. 02.12 Article 93]

## **Chapter XI IMMIGRATION MANAGEMENT**

**Article 88. Immigration Management Measures**

(1) In order to ensure efficient immigration management, the Government establishes yearly or as needed:

b) the amount of the allocations needed for food, maintenance and accommodation of foreigners at the Centre, as well as allocations for medical care and hospitalization;

c) the minimum amount of subsistence means depending on the duration and the purpose of the stay and the average prices of accommodation and meal in the Republic of Moldova, as well as the return to the country of origin;

d) the amount of subsistence means for foreign students, according to education fees, health insurance, accommodation and subsistence throughout the period of study;

e) procedure for determining the levels of knowledge of the state language.

(2) the Government may adopt any other additional measures of effective immigration management.

**Article 89. Examination of Disputes and Legal Liability for Violation of this Law**

(1) Any disputes arising out the implementation of this law are solved in the manner prescribed by the legislation in force.

(2) Violation of the terms of this law shall entail criminal, civil, administrative liability, or, where appropriate.

## **Chapter XII FINAL AND TRANSITIONAL PROVISIONS**

**Article 90**

Cases pending at the date of entry into force of this law shall be settled in accordance with its provisions.

**Article 91**

The Government, within a period of 6 months from the date of entry into force of the present law shall:

- a) adopt the necessary acts for implementation of this law and ensure the activity of the competent authority for foreigners;
- b) submit to the Parliament proposals on bringing the legislation in force in accordance with this law;
- c) harmonize its normative acts with this law.

**Article 92**

This law shall enter into force three months after the date of its publication in the Official Gazette of the Republic of Moldova.

**Article 93**

Upon enactment of this law the Immigration Law No. 1518-XV of 6 December 2002 (Official Gazette of the Republic of Moldova, 2003, No. 1-2, Article 2), with amendments and additions, shall be abrogated.

**PRESIDENT OF THE PARLIAMENT**  
**No. 200. Chisinau, July 16, 2010.**

**Mihai GHIMPU**