

Law on Integration of Foreigners in the Republic of Moldova

Law nr. 274 from 27.12.2011

Given the need to establish a uniform legal framework for the integration of foreigners in the economic, social and cultural life of the Republic of Moldova, to ensure the rights, freedoms and obligations of determining their

This law provides partial transposition of the European Council Directive no. 83/2004/CE of 29 April 2004 on minimum standards for the qualification to be third country nationals or stateless persons as refugees or benefit of persons who otherwise need international protection and the content protection granted.

Chapter I - GENERAL PROVISIONS

Article 1. *Regulatory domain*

This law regulates the process and ways to facilitate the integration of foreigners in the Republic of Moldova.

Article 2. *Scope*

(1) This law is applicable to the following categories of foreigners:

- a) Foreigners holding temporary stay right for family reunification;
- b) Foreigners holding temporary stay right for work;
- c) Foreigners holding temporary stay right for studies;
- d) Foreigners holding temporary stay right for humanitarian or religious activities;
- e) foreigners who hold the right of permanent residence;
- f) persons who have been recognized as a refugee in the Republic of Moldova;
- g) foreigners who have obtained one of the following forms of protection in Moldova: refugee status, humanitarian protection, asylum.

(2) not covered by this law:

- a) Foreigners holding temporary stay right for long-term medical treatment, balneotherapeutic, recovery or other activities does not confer the right of permanent residence in Moldova;
- b) foreigners who have temporary protection;
- c) persons who by law have the right of gaining or regaining the citizenship of the Republic of Moldova;
- d) other categories, for which established a special legal status under national law or international

regulations.

Article 3. Definitions

In this law, the main terms have the following meanings:

Integration - the process of active participation of foreigners who have obtained a form of protection or a right of residence in the Republic of Moldova in economic, social and cultural life of Moldovan society in which they are empowered to contribute and realize its full potential as members of this society, to realize their rights and duties without discrimination or exclusion for their own benefit and for the benefit of the state;

sociocultural accommodation - foreign acquisition by a minimum of general knowledge about society, culture, economy and [history of Moldova](#), necessary social life;

integration program - a set of measures and activities necessary to facilitate the social integration of foreigners who have obtained a form of protection in Moldova, undertaken at their request, the cooperation between public authorities and local government and NGO sector;

commitment to integration - written agreement between the applicant and the competent authority integration program for foreign participation in the integration program;

individual plan of integration - integration activities all program beneficiaries identified by the actors involved in the integration process;

specialized assistance - assistance provided by trained personnel in specially equipped centers for special cases.

Article 4. Basic Principles

(1) The integration of foreigners in the Republic of Moldova is made with the principle of nondiscrimination, the interests of the child and equal treatment.

(2) integration activities of foreigners is done by evaluating each case.

Article 5. Types of integration activities Foreigners

(1) Foreigners who benefit under this law, public administration through central and local government authorities, the following integration tasks:

a) sociocultural adaptation sessions (training on values and national traditions, political and administrative organization system of the Republic of Moldova);

b) courses of study the state language;

c) information and advice on how to access employment, health services and social protection measures;

d) guidance and training to facilitate economic integration, in conjunction with skills and labor market needs of the country.

(2) Foreigners who have obtained political asylum in the Republic of Moldova will benefit from activities provided for refugees.

Article 6. Special cases

Foreigners who have obtained a form of protection in Moldova and have low potential for self-healing (unaccompanied minors, single parents with children, families with three or more dependent children to people with disabilities, people who have reached retirement age) conditioned by factors of an objective and independent of their will, have equal and fair access to assistance and Moldovan nationals under the law.

Article 7. Coordination role

(1) Ministry of Internal Affairs was responsible structure - authority for foreigners - coordinates the integration of foreigners in the Republic of Moldova.

(2) central government and local authorities will work together to implement the provisions of this Act and shall cooperate with the foreign competent authority in order to achieve effective integration of foreigners.

Chapter II - INTEGRATION PROCESS

Section 1 - Integration of refugees and beneficiaries of humanitarian protection

Article 8. Activities and integration of refugees beneficiaries of humanitarian protection

(1) Refugees and beneficiaries of humanitarian protection have access to all integration activities stipulated in art. Article 5. (1) and the integration activities of Chapter III.

(2) In the case of refugees and beneficiaries of humanitarian protection programs are designed for integration, supported wholly or partly from public funds or external sources of funding and carried out in cooperation between public authorities and local government and NGO sector.

Article 9. Sociocultural adaptation sessions

(1) Refugees and beneficiaries of humanitarian protection participate in sessions to accommodate sociocultural conditions identical to those applied to other categories of foreigners referred to in art. Two.

(2) sociocultural adaptation sessions are mandatory, being organized by the Ministry of Culture and Ministry of Education, in collaboration with the foreign competent authority, within 30 days after obtaining a form of protection by local authorities in place of living in specialized institutions.

(3) In the organization of the sessions to accommodate sociocultural NGOs may be attracted to specific concerns in this area.

(4) sessions to accommodate sociocultural organization is made of available financial resources of authorities and institutions or external sources of funding and support of integration programs.

Article 10. Courses of the state language

(1) language study courses state for refugees and beneficiaries of humanitarian protection are organized by the Ministry of Education through subordinate educational institutions, and local authorities from their residence, on application by the competent authority for foreigners. The courses are free.

(2) At the end of the course of studying the state language, a committee appointed by the district / municipal education, youth and sports or higher education institution shall ensure the level of knowledge of language and a certificate of participation.

(3) Certificate of participation in the course of studying the state language under paragraph. (2) will not be considered alien to enrollment in the educational system, to assess its competence in languages to obtain Moldovan citizenship or the level of knowledge of state when exercising right of permanent residence in Moldova.

(4) In developing the methodology to establish the duration and course of language study program of State, Ministry of Education will consider the specificity of the beneficiaries of some form of protection.

Article 11. Access to education

(1) Refugees and beneficiaries of humanitarian protection are enrolled in preschool, primary and secondary general conditions set by law for citizens of Moldova.

(2) Minors who have acquired a form of protection in the Republic shall, during the school year, start a free course in the state to integrate into the educational system.

(3) During the course of initiating, participating children free of academic teaching, practical and entertaining in the schools.

(4) Following the initiation course, an evaluation committee whose composition and function are established by the district / municipal Education, Youth and Sports appreciates the level of knowledge of language and establishes enrollment of minors in the corresponding study.

(5) Refugees and beneficiaries of humanitarian protection have access to secondary education, vocational, and higher education, also allow them to recognize acts of studies and academic titles obtained abroad, as provided by national legislation and international agreements to which Republic of Moldova.

Article 12. Access to labor market

(1) Refugees and beneficiaries of humanitarian protection have access to employment, the

unemployment insurance system, measures to prevent unemployment and to stimulate employment as determined by the law for citizens of Moldova.

(2) Ministry of Labour, Family and through employment agencies, has the necessary measures to adapt services to specific needs of beneficiaries of integration programs, which include:

- a) organization of territorial agencies of employment training programs;
- b) involvement in facilitating the relationship between the beneficiaries of integration programs and potential employers;
- c) ensuring integration registration program beneficiaries looking for a job;
- d) identification of vacancies and provide information integration program beneficiaries;
- e) identify appropriate ways to communicate with foreigners who have obtained a form of protection in Moldova and calls for labor market integration services, in collaboration with foreign competent authority;
- f) The unemployment allowance, under the conditions specified in art. 30 of the Act on employment and social protection of people looking for a job.

(3) Refugees and beneficiaries of humanitarian protection can benefit from guidance and training offered by other organizations interested in the field.

(4) Persons included in the integration program can not unreasonably refuse the proposed work.

Article 13. Access to health services

(1) Refugees and beneficiaries of humanitarian protection have access to medical services within the mandatory health insurance under the same conditions as those established by law for citizens of Moldova.

(2) mandatory insurance premium is paid care from Monday to obtain a form of protection.

(3) a form of protection for beneficiaries enrolled in an integration program, the first compulsory health insurance is provided by the State during the lifetime of the program.

Article 14. Access to social protection

Refugees and beneficiaries of humanitarian protection have access to public social insurance and social assistance national system under the law for citizens of Moldova.

Section 2 - Integration of other categories of foreigners

Article 15. Access to the integration activities

(1) foreigners specified in Art. Article 2. (1). a), d), e) and f) benefit from integration activities under Art. Article 5. (1). a)-c).

(2) foreigners specified in Art. Article 2. (1). b) and c) benefits from the integration under Art. Article

5. (1). a) and b).

Article 16. Accommodate sociocultural

(1) Minimum sociocultural knowledge needed to accommodate the alien shall be based on methodology developed in consultation with the Ministry of Culture Ministry of Education, which is verified by testing alien to end business integration language or, where appropriate, in a language international circulation. The organization of sociocultural adaptation sessions and certification of knowledge is mutually agreed by the foreign competent authority, the Ministry of Culture and Ministry of Education.

(2) sociocultural adaptation sessions are an indispensable element of integration of foreigners, is achieved through local authorities from their residence, specialized institutions, the financial resources available to the authorities and institutions or external sources of funding.

(3) In the organization of the sessions to accommodate sociocultural NGOs may be attracted to specific concerns in this area.

(4) The alien may receive one free session of sociocultural adaptation. If the alien has not maintained under paragraph test. (1), it can occur repeatedly sociocultural adaptation session fee.

Article 17. Study of state

(1) Knowledge of state is a precondition for granting compulsory right of permanent residence in Moldova and one of the basic preconditions of economic integration, social and cultural foreigners.

(2) The methodology and program of language study courses are developed by the State Ministry of Education in collaboration with the foreign competent authority. Courses are offered at cost, on request made by the foreign competent authority for foreigners.

(3) courses of study of language shall be organized by the Ministry of Education by educational institutions subordinate and local public administration authorities of the place of residence.

(4) Evaluation of knowledge of the state shall be subject to Art. Article 10. (2) and (3).

(5) are exempt from assessing the state of knowledge of foreigners who have reached retirement age and categories of people who can not attend due to physical or mental disabilities.

(6) Ministry of Education, in accordance with the regulations in force, shall recognize periods / acts of foreign studies and qualifications obtained abroad for their registration in education institutions in Moldova or their employment classification.

Article 18. Facilitating access to labor market work

(1) Facilitate the access of foreigners to the labor market, except those specified in Art. Article 2. (1). b) and c), is achieved through information on labor market opportunities, labor mediation services, guidance and training and other employment services, as required by law.

(2) orientation and training services are offered on application made alien to the National Agency for Employment or foreign competent authority, then the Agency forward.

(3) The services specified in par. (2) are provided by local employment agencies work according to the possibilities and needs of the labor market and national economy.

(4) Ministry of Education shall develop mechanisms for recognition or equivalence of professional skills and qualifications acquired by foreigners in their countries of origin and provides information on foreign stock records that have requested access to the labor market.

(5) Foreigners holding temporary stay right for work benefiting from measures related to integration, language and health in accordance with the individual contract of employment with the employer.

(The employer is responsible for integrating the migrant worker.)

Article 19. Access to health services

Foreigners specified in Art. Article 2. (1). a)-f), employed in the Republic of Moldova under an individual contract of employment and foreign citizens and stateless persons residing in Moldova have the same rights and obligations regarding access to medical services as the citizens of Moldova, in accordance by law.

Article 20. Access to social protection

Foreigners specified in Art. Article 2. (1). a)-f) have access to public social insurance and social assistance national system under the law for citizens of Moldova.

Article 21. Access to education

(1) Foreigners have access to preschool, primary and secondary in conditions similar to those established for Moldovan citizens.

(2) Access to vocational secondary to tertiary education and higher education is done in terms established by law.

Chapter IV - TREATMENT OF CERTAIN CATEGORIES SPECIAL FOREIGN

Article 28. Assistance in special cases

(1) notify the competent authority for foreign specialized institutions in the field about the existence of special cases provided in art. 6, whose assistance they are to take. Foreign competent authority with specialized institutions, assess the situation of persons who fall within the special cases and determine if they require specialist care.

(2) Refugees and beneficiaries of humanitarian protection which fall within the special cases can benefit from free accommodation for a period not exceeding six months in detention centers run by

the foreign competent authority.

(3) After the expiry indicated in para. (2), recipients of assistance are transferred to specialized centers in other management authorities and local government.

(4) The special cases are included in integration programs and the people in this category has, in parallel, the services institutions in the field.

Article 29. Care of unaccompanied minors have obtained a form of protection Republic of Moldova

(1) Unaccompanied minors who obtained a form of protection in Moldova are included in the child protection system in accordance with the law, within 15 days after notification by the competent authority of the foreign department / directorate support social and family protection / Municipal Department for Child Protection - Chisinau.

(2) Department / the social and family protection / Municipal Department for Child Protection - Chisinau has the necessary measures to adapt services to specific needs of unaccompanied minors as follows:

- a) special training in specialized institutions;
- b) using the services of interpreters and experts with the activities of specialized institutions;
- c) adaptation of accommodation to the cultural specificity of unaccompanied minors who obtained a form of protection in Moldova.

(3) Department / the social and family protection / child protection the whereabouts of unaccompanied minors take the necessary steps to ensure representation of it and apply an appropriate form of protection under the law.

(4) Department / the social and family protection / Municipal Department for Child Protection - Chisinau minor regular assessments and inform the competent authority for foreigners.

(5) To protect the interests of the unaccompanied minor, ward / the social and family protection / Municipal Department for Child Protection - Chisinau with other authorities and competent institutions take steps to find his family. If life is threatened or the minor's physical and mental integrity or his relatives, particularly if they remained in their country of origin, collection, processing and dissemination of information concerning those persons should be confidential.

(6) Unaccompanied minors who have a form of protection in the Republic of Moldova participates, along with the activities of specialized institutions, the programs of individual integration plans developed by the department / the social and family protection / Municipal Department for the protection of child - Chisinau in collaboration with the foreign competent authority.

Chapter V - ROLE IN STATE INSTITUTIONS PROCESS INTEGRATION

Article 30. Powers of competent authority foreign

Foreign competent authority:

- a) cooperate with the central government and local and international NGOs involved in the integration of foreigners;
- b) monitoring and evaluation of the integration of foreigners;
- c) provide evidence of foreigners beneficiaries of integration;
- d) submit annually to the authorities involved in delivering the integration of foreigners estimated number of potential beneficiaries of integration to include in budget expenditures means the authorities;
- e) the end of the calendar year, the Government has integrated report on the accommodation of strangers and, if appropriate, propose solutions and necessary measures of intervention;
- f) together with other authorities involved, identify the resources needed to conduct programs for the integration of foreigners who have obtained a form of protection or a right of residence in the Republic of Moldova.

Article 31. Ministry of Labour and Social Protection Family

Ministry of Labour and Social Protection:

- a) registering foreigners seeking employment;
- b) offers accommodation in social institutions subordinated by law;
- c) keep track of foreigners involved in the welfare system.

Article 32. Ministry of Education

Ministry of Education:

- a) developing the methodology and program of language study courses state;
- b) consult the Ministry of Culture to develop methodology to accommodate sociocultural sessions;
- c) provide assessment level of learning and knowledge of state;
- d) recognize, in accordance with the regulations in force periods / acts of foreign studies and qualifications obtained abroad for their registration in education institutions in Moldova or their employment classification;
- e) provide training, provide child care and education in residential institutions;
- f) keep records of minors engaged in training.

Article 33. Ministry of Culture

Ministry of Culture:

- a) developing the methodology sessions to accommodate sociocultural consulting the Ministry of Education;

b) participate in developing individual plans to integrate and contribute, through its structures, the implementation of integration programs.

Article 34. Ministry of Health

Ministry of Health:

a) provide access to medical services within the mandatory health insurance in accordance with Art. 1:19 p.m.;

b) assist in cases referred to in art. 6.

Article 35. Local authorities

Local authorities:

a) assists in running programs and community projects to facilitate the active participation of foreigners in social and cultural community;

b) undertake measures to increase awareness of local population on migration, asylum, social integration of foreigners, the development of tolerance and intercultural understanding;

c) identify opportunities for foreign accommodation included in the integration programs.

Article 36. Collaboration to facilitate integration of Foreigners

Central government and local authorities, in partnership with NGOs and international networking can work together to facilitate the integration of foreigners, including non-governmental organizations delegating and outsourcing certain activities.

Article 37. Mechanism for coordinating the integration

Central government and local authorities shall consult periodically the implementation of this law. The consultation will involve representatives of civil society and international organizations operating in the field of migration and asylum.

Article 38. Settlement and responsibility for violation of legal this law

(1) Disputes arising in the implementation of this Law shall be settled as provided by law.

(2) Violation of this law disciplinary liability, civil or criminal, as appropriate.

Chapter VI - FINAL AND TRANSITIONAL DISPOSITION

Article 39

(1) This Law shall enter into force on July 1, 2012.

(2) Government within six months after entry into force of this law, will bring its legislation in

accordance with this act.

(3) Foreigners who have obtained a form of protection in Moldova before the entry into force of this law and have not benefited from integration may apply to participate in integration program within 30 days from the date of entry into force of this law.