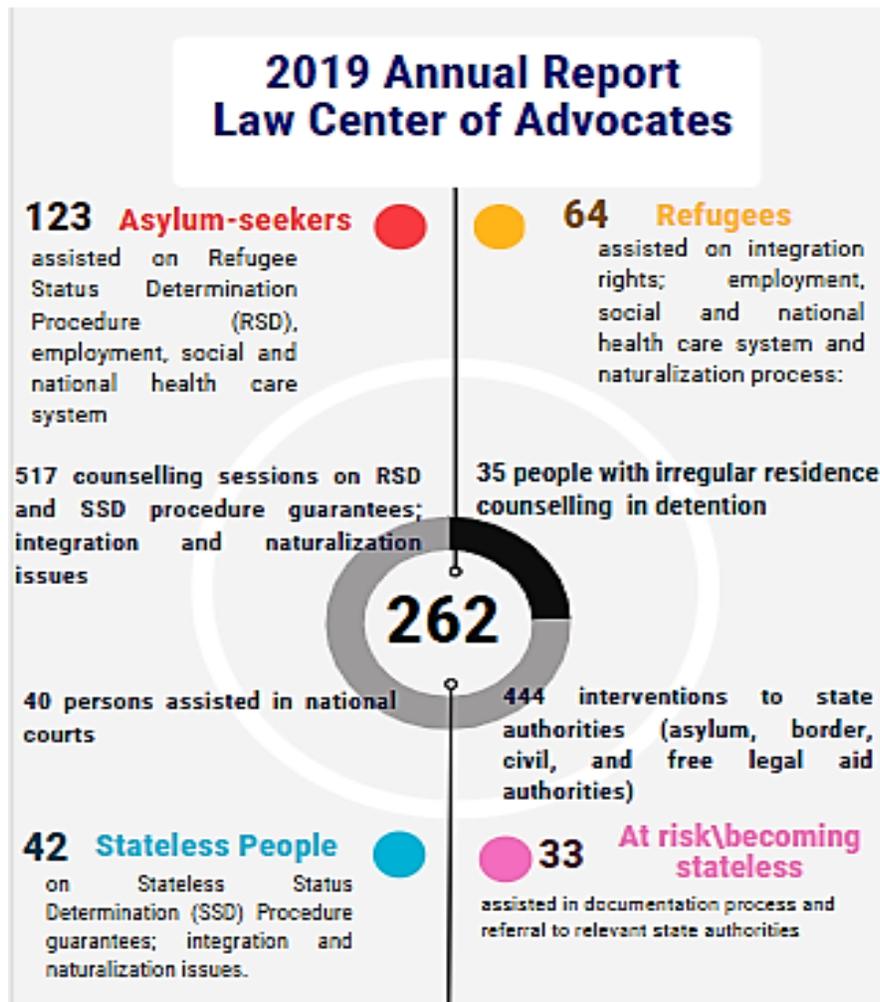


# LAW CENTER OF ADVOCATES

*Public Association, Non-Governmental Organization*



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## GENERAL BACKGROUND

**The Law Center of Advocates (LCA)** – is a non-governmental, non-political, non-profit association. LCA's mission lies on the implementation of the projects and programs aimed at promotion of the Rule of Law; promotion of human rights; promotion of advocacy institution development, endorsement and draft law expertise; legal education program development; developing continuous training programs and legal improvement trainings; legal assistance to all refugees, asylum seekers, beneficiaries of humanitarian protection and stateless persons, etc.

With the support of the UNHCR, LCA had settled and accomplished continuously along years the following objectives: advocacy and legal representation services, interpretation services, border monitoring, legal publications and training events aiming to promote refugee law and international standards of refugee protection, provision of a course on laws and treaties related to refugees and statelessness issues previously taught at key universities from Moldova, legal counseling on socio-economic rights aiming to facilitate integration of all beneficiaries of international protection.

In 2019, Law Center of Advocates implemented 2 projects:

- (1) **Legal assistance for asylum-seekers and refugees in Moldova**, and
- (2) **Legal aid to stateless persons in Moldova**.

The Projects were implemented by NGO "Law Center of Advocates" in cooperation with UNHCR, Bureau for Migration and Asylum (BMA), National Legal Aid Council (NLAC), General Inspectorate of Border Police (GIBP); National Penitentiary Administration (NPA); National Institute for Justice (NIJ), and Ombudsperson Office in Moldova.

## Legal assistance for asylum-seekers and refugees in Moldova

The project provided high-quality, free-of-charge legal assistance to asylum-seekers and refugees in Moldova, as well as at improving the Moldovan authorities' capacity to process asylum claims in line with international standards.

In 2019, the Law Center of Advocates (LCA):

- Provided free-of-charge legal counselling for asylum-seekers and refugees and facilitate access to legal aid whenever possible.
- Conducted border monitoring visits.
- Visited reception and detention conditions in all facilities under the supervision of the Ministry of Internal Affairs;
- Building the capacity of the Government with regard to access to territory and asylum procedures;
- Addressing systematic issues on refugee status determination, national security, family reunification, discrimination and access to national social and health care via judicial engagement and strategic litigation.

### Direct assistance

- **Provided free-of-charge legal counselling for asylum-seekers, refugees and beneficiaries of humanitarian protection and identified their needs.**
- **123 asylum-seekers and 64 refugees** were counselled during the reporting period on Refugee Status Determination Procedure (RSD), integration rights; employment, social and national health care system and naturalization process:
- **365 interventions** to state authorities (asylum authorities, border authorities, civil authorities, free legal aid authorities) to facilitate the communication between the government and the asylum-seekers and refugees: access to the territory and asylum procedure; ensured that procedural guarantees are respected by state authorities and ensured that the asylum-seekers understand their rights in the procedure of examination of their asylum application; facilitated the access the social and health assistance, employment and education national systems (pensions issues, social allowances, health insurance policy etc.); support the effective integration including family reunification, access to naturalization process.
- **413 counselling sessions** on RSD procedure guarantees; integration and naturalization issues.
- 55 Reported incidents on Access to justice, Basic and Essential service, Family unite, Right to nationality and Territory and Access.
- **naturalization process** – in 2019, 11 refugees and people with humanitarian protection from Syria, Uzbekistan, Iraq, Egypt, and Armenia were granted Moldova citizenship, including 6 children (3 refugee children from Syria and 3 refugee children from Uzbekistan).

- **Regular monitoring visits to relevant detentions facilities**

In 2019, the Law Center of Advocates (LCA) conducted **38 protection visits** at Migration Accommodation Center (MAC), where **191 individual meetings** with **29 asylum-seekers** and first meeting with **35 foreigners; 9 people in need of international protection**, with LCA interventions, submitted the asylum-applications. The top countries of asylum applications in detention – Bangladesh, Pakistan, Armenia, and Ukraine. Concerning the all **29 asylum-seekers** in public detention, LCA had **50 interventions** before the Chisinau Court, and **16 appeal claims** to the Court of Appeal; **28 asylum-seekers** were released from

public custody, and in one case the Court of Appeal rejected the LCA request and the asylum-seeker from Bangladesh was detained until 6 months.

Main findings: asylum-seekers are still detained at MAC upon Bureau for Migration and Asylum requests; judges at the Riscani Court have limited knowledge on public custody of the asylum-seekers; the MAC administration detained persons with 2-8 hours more than is decided by the court; detainees do not know the reasons of their placement in MAC; detainees do not have access to open-air daily, food is not adapted to religious beliefs and is not diverse, access to warm water is limited and lack of interpreters in court as well as in communication with the detention center staff. Detainees claimed problems with the state lawyers/public defenders regarding the quality of legal assistance during the Court hearing. The detained people reported that the public defenders have a weak presence and resume their speech to 1-2 minutes.

- **Addressing systematic issues through the following advocacy interventions: Refugee Status Determination Procedure, detention of the asylum-seekers, discrimination and integration and national security.**

In 2019, the Law Center of Advocates represented 40 persons in national courts: 33 cases at Chisinau Court, 14 cases at Chisinau Court of Appeal and 3 cases at the Supreme Court of Justice. More than 39 applications before the national courts (first Court (26), Court of Appeal (10) and Supreme Court of Justice (3) and 62 hearings in national courts.

### Capacity building

- **Guardianship authorities' personnel trained on refugee status determination procedure (RSD) in case of unaccompanied and separated children and their rights within the RSD procedure. One training for 25 guardianships' personnel.**

On 19 April, Law Center of Advocates (LCA) in cooperation with the Bureau for Migration and Asylum (BMA) organized an information session for 25 personnel of the guardianship authority from Chisinau about the refugee status determination (RSD) procedure in case of unaccompanied and separated children and their rights within the RSD procedure. Total participants at the training 30 people, including 25 personnel of the guardianships' authority; representatives of Asylum and Integration Directorate and Law Center of Advocates lawyers and legal counsellor.

- **Social workers and police officers learned about the referral mechanism of identified victims on Sexual and gender-based violence (SGBV) in the context of asylum and prevention of SGBV against refugees and asylum-seekers. Two trainings for 20 social workers and 25 police officers.**

First event: On 24 April, LCA in cooperation with the National Coalition of NGOs 'Life without domestic violence' organized training for the police officers and social assistants from Chisinau about gender equality and the prevention of SGBV. 15 police officers and 10 social assistances learned about the referral mechanism of identified victims; social norms, gender norms and stereotypes; the link between violence, masculinity and femininity; gender stereotypes; SGBV in the context of asylum and the prevention of SGBV against refugees and asylum seekers. Total participants at the event 27 people, including 25 target groups and 2 LCA staff.

Second event: On 28 May, LCA in cooperation with the Bureau for Migration and Asylum organized training for the police officers and social assistants from Balti about gender equality and the prevention of SGBV. 15 police officers and 10 social assistances discussed about the referral mechanism of identified victims; social norms, gender norms and stereotypes; the link between violence, masculinity and femininity; gender stereotypes; SGBV in the context of asylum and the prevention of SGBV against refugees and asylum seekers. Total participants at the training 27 people, including 25 target groups and 2 LCA staff.

- **Judges learned about the applicability of the asylum law concerning the public custody of asylum-seekers and discussed to uniformize the judicial practice in asylum custody issues applicable for all national courts. One round table to advocate for the reduction of cases of detention of asylum-seekers for 36 judges.**

On 19 June, LCA in cooperation with The Supreme Court of Justice and the 'Moldovan Association of Judges' NGO organized a training for judges on the alternative detention of asylum-seekers. 36 judges involved in examination of public custody cases from national courts, as well as representatives of Bureau for Migration and Asylum, UNHCR, and lawyers exchanged the opinion regarding the applicability of the asylum law concerning the public custody of asylum seekers; discussed to uniformize the judicial practice in asylum custody issues applicable for all national courts. Total participants at the event 40 people, including 36 judges target group, one representatives of the BMA, 1 UNHCR and 2 LCA staff.

- **Migration officers learned about the required condition in receiving the asylum applications, confidential and non-refoulement principles and referral mechanism of the asylum application to the competent asylum authority. One training for 26 migration/police officers.**

In the Moldova asylum context, the authorities competent to receive applications for asylum are asylum authorities, territorial subdivisions of the Bureau of Migration and Asylum and the police bodies. On 29 March, LCA in cooperation with the Bureau of Migration and Asylum organized one training with the migration officers from the north territorial subdivision of BMA and police managers from 15 north-districts. 10 migration officers and 16 police managers learned about the required condition in receiving the asylum applications; confidential and non-refoulement principles; referral mechanism of the asylum application to the Asylum and Integration Directorate; the commitment to respect the rights of asylum-seekers based on the Asylum Law. Total participants at the event 31 people, including 26 target group, 2 representatives of Asylum and Integration Directorate and 3 LCA staff.

- **Border police and students of the Border Police College learned about the rights to seek international protection and the state obligation regarding the access to the territory of the people in need of international protection. One training for 30 border guards and one informative session for 25 students.**

Law Center of Advocates (LCA) continued to support trainings for Moldova border guards' services on refugee and international protection.

**On 5 March**, LCA facilitated an informative session for students from the Academy „Ștefan cel Mare” of the Ministry of Internal Affairs (MIA). 19 students from the Border Security specialization learned about the fundamental human right to seek asylum and addressed stereotypes, prejudice, and xenophobia towards refugees. The activities with the students from the Police Academy did not require any financial resources, LCA contributed with its expertise.

**On 12 March**, LCA in cooperation with the General Inspectorate of Border Police was organized one training for 30 border guards from all Moldova regions were learn about the rights to seek international protection and the state obligation regarding access to the territory of the persons in need of international protection. The input achieved as planned in March.

**On 19 March**, LCA in cooperation with the Border Police College organized an informative session for 25 students where the future border guards learned about the obligations to ensure access to the asylum procedure for those who may be in need of international protection, developed skills to identify vulnerable persons and adequately supported them. The training was focused on Asylum procedure and stereotypes about refugees. During the training was used role games in order to break the stereotypes regarding refugees; the simulations of border crossing procedures and debriefed the study cases. The input achieved as planned in March.

- **Public defenders were trained on the Refugee Status Determination (RSD) procedure and the importance of the lawyers at the early stage of asylum administrative procedure. One training for 13 public defenders/lawyers.**

On 26 March, Law Center of Advocates (LCA) organized in cooperation with National Legal Aid Council (NLAC) for 13 lawyers/public defenders learned about: the role of lawyer during RSD interview (administrative phase); the RSD cases represented in the national courts; national security aspects in asylum procedure; immigration detention (public custody) of asylum seekers – national positive case law. Following the new amendments on Regulation regarding the participation of public defenders during the asylum interviews, Bureau of Migration and Asylum (BMA), National Legal Counsel Aid and LCA initiated the consultations to establish a Referral Mechanism on requests for delivery of qualified legal aid for asylum-seekers during the asylum procedure between Bureau of Migration and Asylum and National Legal Counsel Aid. Total participants at the training 20 people, including 13 target group, 2 representatives of NLAC, 2 representatives of Asylum and Integration Directorate and 3 LCA staff. The input achieved as planned in March.

- **Guiding public defenders in asylum cases**

Law Center of Advocates (LCA) assisted the public defenders in asylum cases for improving professional skills in the representation of asylum cases. Relevant protection information was provided to 10 lawyers/public defenders) in asylum and public custody cases: country origin information; relevant UNHCR guidelines; ECHR case-law; national positive case-law; guiding on individual asylum and public custody cases. In **52 cases**, LCA facilitated the access of the asylum-seekers to free legal assistance provided by the National Legal Aid Council through the public defenders, including **49 cases** in refugee determination procedure; 1 tolerated status; 2 cases in integration issues.

## Legal aid to stateless persons in Moldova

In 2019, the Law Center of Advocates (LCA) made the following advocacy interventions:

- **Judges trained on stateless and naturalization procedures. One training for 12 judges.**

From 26 to 27 September 2019, the Law Center of Advocates (LCA) in cooperation with the National Institute of Justice (INJ) and the UNHCR Regional Representation for Central Europe (RRCE) organized one training for judges and representatives of asylum authorities on International standards in stateless and asylum context and the naturalization procedures in Moldova. 12 judges, 5 representatives of Asylum and Integration Directorate (including the newly recruited personnel) and 1 representative of Ombudsperson Office learned about the refugee and asylum context; refugee definitions; grounds for recognition of refugee under Article 1(A) of the 1951 Geneva Convention. Despite the decision of the Supreme Court of Justice, dated 26 September 2019 that did not authorize the organization of the Extraordinary General Assembly of Judges, a group of judges organized the General meeting on 27 September 2019. Consequently, in the second part of the training, not all the participants attended the event. Total participants at the training 25 persons: 12 judges, 5 representatives of Bureau for Migration and Asylum, 2 representatives of UNHCR RRCE, 1 representative of Ombudsperson Office and 5 LCA team.

- **Provided free-of-charge legal counseling for 76 people of concern, including 38 applicants for stateless status, 5 stateless status people and 33 people at risk to become stateless:**

- **79 interventions** to state authorities (stateless authorities, civil authorities, free legal aid authorities) to facilitate the communication between the government and stateless people.

- **104 counselling sessions** on SSD procedure guarantees; integration and naturalization issues.
- **24 reported incidents** on Access to justice, Basic and Essential service, Right to Documentation; Right to nationality
- **4 cases represented** in the national courts.

- **Elaborated and printed information leaflets regarding naturalization procedure:**

1000 bilingual (Romanian and Russian) leaflets regarding the naturalization procedure were elaborated and printed in order to ensure that the stateless status people know and understand the legal procedure of naturalization. 800 leaflets were distributed to Bureau of Migration and Asylum; others were distributed during the implementation of the projects direct to people and local stat authorities.

- **Regular monitoring visits to relevant detentions facilities**

In 2019, the Law Center of Advocates (LCA) conducted **38 protection visits** at Migration Accommodation Center (MAC), where **20 individual meetings** with **5 people at risk to become stateless. 4 people from Ukraine, Russian Federation, Iraq, Georgia**, with LCA interventions, submitted the stateless applications. Concerning the **3** applicants for stateless status in public detention (Iraq, Ukraine and Russian Federation), LCA had **6 interventions** before the Chisinau Court and **one** appeal claim to the Court of Appeal.

- **Communication with the relevant state authorities:**

LCA in cooperation with Bureau for Migration and Asylum, organized informative sessions for relevant actors in order to inform about the Stateless Status Determination Procedure and informed about the relevant authorities were to refer the identified at risk to become stateless or undocumented people:

- 2 meetings with child protection authorities; with local authorities;
- 45 social-workers (including child social care) and police officers were familiarized about the general information and referral mechanism regarding the identified undocumented people;
- 13 public defenders informed about the Stateless Status Determination Procedure guarantees.
- 36 judges familiarized about the applicability of the statelessness legislation concerning the public custody of applicants for stateless status.
- Advocacy meeting with state authorities regarding the reduction of statelessness in Moldova - the relevant state authorities (Bureau for Migration and Asylum (BMA), organized a meeting with the Public Services Agency (PSA) and the Office of the President of Moldova) agreed on the following actions: to reduce the term of naturalization period from 8 to 3-5 years; to verify if the people with the stateless status hold the citizenship of other states; simplify the procedure of recognition in case of people with stateless status.