**PROJECT PERFORMANCE REPORT**

**Section 1: Basic Information – Project Data**

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| **Project title:** | *Legal assistance to refugees and asylum-seekers in Moldova* |
| **Project Start Date:** | *01-01-2019* |
| **Project Planned End Date:** | *31-12-2019* |
| **Total Project Budget:** | *MDL 1,646,135.36* |
| **Situation(s):** | *1900 Annual budget EXCOM* |
| **Operation/Country:** | *HUN RO ABC* |
| **Population Planning Group(s):** | *1HUN0 Refugees and Asylum Seekers in Moldova* |
| **Goal(s):** | *PR Advocacy for protection and solutions* |
| **Cost Centre(s):** | *21101 Moldova* |
| **Partner Code:** | *1178006* |
| **Submitting Partner Name:** | *Law Center of Advocates, Moldova* |
| **Reporting Period:** | *01-01-2019 – 31-12-2019* |
| **Date of Report:** | ***04-02-2020*** |

**Section 2: Core Questions**

1. **Overall Performance:**

The project aimed at providing high-quality, free-of-charge legal assistance to a minimum of 187 asylum-seekers and refugees in Moldova, as well as at improving the Moldovan authorities’ capacity to process asylum claims in line with international standards.

To this end, 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.
1. **Changes and Amendments:**

The first amendment to the Project Partnership Agreement was made in June 2019. Project extension until 31 December 2019.

*No other changes or amendments to the original project.*

1. **Measuring Results:**

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| **Results Chain** |
| **Population Planning Group:** | *1HUN0 Refugees and Asylum Seekers in Moldova* |
| **Goal:** | *PR Advocacy for protection and solutions* |
| **Rights Group:** | *1 Favorable protection environment* |

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| **Objective Name** | ***111 Law and policy developed or strengthened*** |
| **Problem Description:** | *According to the findings of the participatory assessments, access to social assistance, health, education, employment have room for improvement. While the inter-institutional foreigners’ integration mechanism offers opportunities and integration perspectives to persons of concern, it requires more coordination and communication among stakeholders and beneficiaries.* |
| **Output** | **Status Update on Progress Achieved** |
| ***111AA Advocacy conducted*** | *In 2019, the Law Center of Advocates (LCA) made the following advocacy interventions:** ***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. The input achieved as planned in April.** ***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. The inputs achieved as planned in April and May.** ***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 representants 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. The input achieved as planned in June.* * ***Migration officers learned about the required condition in receiving the asylum applications, confidential and non-refoulment 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 representants of Asylum and Integration Directorate and 3 LCA staff.** ***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.**LCA made the following interventions:** *sent official letters to the Bureau of Migration and Asylum, Ministry of Internal Affairs and General Prosecutor Office regarding the ill-treatment of the child in detention.*
* *reported about the right to medical care and quality food with the Ombudsperson Office in Moldova.*
* *informed the Supreme Council of Magistrates about the unlawful practice of placement under the public custody of asylum seekers and applicants for statelessness that is against the Law 200/2010 on foreigners.*
* *requested the position of the Supreme Court of Justice on the unlawful practice of placement under the public custody of asylum seekers that is against the Law 200/2010 on foreigners.*
* *informed the Ombudsperson Office about the unlawful practice of placement under the public custody of asylum seekers that is against the Law 200/2010 on foreigners, Ombudsperson issued recommendations for BMA in this regard.*
* *informed BMA about the legal standards and legal provisions on the terms of detention and the violations of freedom;*
* *informed the Ombudsperson Office about the existing violation of freedom of foreigners, and Ombudsperson issued recommendations for BMA in this regard.*
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| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of advocacy interventions made* | *All regions Moldova* | *5* | *5* |

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| **Objective Name** | ***114 Access to the territory improved and risk of refoulement reduced*** |
| **Problem Description:** | *The law provides for access to the territory and asylum procedure. While the right to apply for asylum, along with access to the territory, are observed by the authorities, there is a continuous need to monitor the access to the territory and build the capacity of the law enforcement and border authorities and improve access to protection information, legal counselling and interpretation services.* |
| **Output** | **Status Update on Progress Achieved** |
| ***114AA Advocacy conducted*** | *All the planned activities have been proceeded as planned in March 2019.** ***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 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.****Additionally****, as a request of the General Inspectorate of Border Police, 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.* |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of advocacy interventions made to promote access to entry points and detention centers* | *All regions Moldova* | *2* | *2* |
| **Output** | **Status Update on Progress Achieved** |
| ***114AI Systematic and independent border monitoring established or conducted*** | *In 2019, the Law Center of Advocates (LCA) continued to monitor that the people in need of international protection have access to territory and fair asylum procedure through:* * ***Border monitoring visits****:*

*LCA conducted* ***72 monitoring visits*** *at the border crossing points, including 2 multifunctional visits:* *52 visits at International Airport Chisinau, monitored the mostly relevant flights: Kyiv, Moscow, and Istanbul.* *19 visits at border crossing points, including 6 crossing points with Ukrainian border and 3 crossing points with Romanian border): BCP Tudora, BCP Palanca, BCP Giurgiulesti-Reni, BCP Otaci, BCP Valcinet and BCP Briceni with Ukrainian border and BCP Leuseni, BCP Lipcani and BCP Giurgiulesti-Galati with Romanian border.****Asylum applications at the border areas:****In 2019, based on GIBP data, 15 asylum applications were submitted at the border entry points. In 8 cases (3 people - mother with 2 children from Armenia; 2 people from India; 3 people - one family with a child from Iraq) were individually monitored by LCA for access to the territory and the asylum procedure.****Main findings****: Concluding all monitoring missions to BCP undertook in 2019, the majority of border police officers are very well informed about legal provisions and their instructions regarding asylum seekers, however, they still face some gaps regarding the identification of asylum seekers among irregular migrant. Even if not all of BCP are adapted for asylum seekers, border police officers try to ensure the fundamental needs of asylum seekers using the resources they have, including the accommodation of the people in need of international protection at the border, till the people are referred to Bureau for Migration and Asylum.* ***Positive aspects:*** *Border Police on the land Border Crossing Points have good knowledge in referral mechanism of the asylum applications, they professionally work with asylum-seekers, concerning their fundamental human rights.****Challenges:**** *Border Police from Chisinau International Airport continues to ignore asylum claims coming from people in need of international protection, they pretend they do not hear, do not see the written asylum words, they accept asylum claims only when LCA is coming to assist the people in need of international protection.*
* *Border Police from Chisinau International Airport are not accepting just the invoked fear of persecution in the country of origin as a claim of asylum.*

*Two multifunctional team visits:**On 18 March, Law Center of Advocates (LCA) in cooperation with Bureau of Migration and Asylum organized a common visit to Palanca-Maiaki international crossing point with Ukrainian border. Main findings: The renovated Border Crossing Point (BCP) Palanca-Maiaki is a common border crossing point between Moldova and Ukraine, situated on the territory of the Republic of Moldova. The BCP Palanca-Maiaki has the capacity to receive 5000 persons and 2000 cars per day. The new building has a lot of facilities for people in need international protection: two asylum rooms, one for men another one for women, each room has 2 bed and a wardrobe. There is also a bathroom with shower and toilet. Besides that, there are isolators for persons who irregularly cross the border, that also provides a sleeping place. In the asylum seekers registered book, there have been registered 15 asylum seekers since 2012 (1 stateless person, others from Ukraine, Lithuania, Russian Federation). There is no information board for asylum seekers, Border Police officers said that they had an old type info board but after renovation it disappeared. Besides informative leaflets and brochures at border police officer office, there is no public information about asylum in Moldova.* *On 5 December, Law Center of Advocates (LCA) in cooperation with Ombudsperson’s Office Moldova the (Torture Prevention Directorate personnel) organized a joint monitoring visit at the International Airport Chisinau transit zone. The aim of the visit to monitoring the effective implementation of legislation concerning the access to the territory and asylum procedure of the people in need of international protection and the observance of the, including asylum seekers.* ***Main findings:*** *the representative of the Ombudsperson’s Office had restrictive access to the transit zone. The border police officers have limited knowledge regarding the access of the representative of the Ombudsperson’s Office to all transit/sterile zone without any authorization; the asylum rooms are not used according to destination, but for the personal purposes of the border police personnel; the border police do not have a record/registration of the persons placed in the asylum rooms; based on the Ombudsperson’s Office report concerning the monitoring visits some border personnel employees expressed a clearly negative attitude towards the Ombudsperson’s team; one family from Iraq with a four-year-old child was kept in the departure room for more than 22 hours; after their flights to France was not authorized by the Moldova border police due to the fake passports; the family had limited access to food, water (only once a day vouchers worth 100 MDL(5USD) / person per meal; after discussion with multifunctional-team, the foreigners stated that they are subjected to persecution in the country of origin, a fact by which they categorically refuse to return to the country of origin; the lack of interpreters and the limited knowledge to identify the people in need of international protection.** ***Protection information is accessible and available at all majority entry points:***

*2 border crossing points no information board regarding the asylum in Moldova; 11 have informative boards visible for people in need of international protection.* *During the monitoring visits, more than 250 leaflets on asylum protection in information were disseminated to the monitored border crossing points for ensuring that the people in need of international protection have access to information on the rights to seek asylum in Moldova.*  |
| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of border monitoring visits conducted and registered* | *All regions Moldova* |  *72* |  *72* |

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| **Results chain** |
| **Population Planning Group:** | *1 HUNO- RAS in Moldova* |
| **Goal:** | *Advocacy for protection and solutions* |
| **Rights Group:** | *2 Favorable protection environment* |

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| **Objective Name** | ***213 Access to and quality of status determination procedures improved*** |
| **Problem Description:** | *The law provides for access to the territory and asylum procedure. While the right to apply for asylum, along with access to the territory, are observed by the authorities, there is a continuous need to monitor the access to the territory and build the capacity of the law enforcement and border authorities and improve access to protection information, legal counselling and interpretation services.* |
| **Output** | **Status Update on Progress Achieved** |
| ***213AA Advocacy conducted*** | *In 2019, the Law Center of Advocates (LCA) mage the following important advocacy interventions:** ***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.** ***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.* *-* ***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.**-* ***48 regular visits*** *at Temporary Accommodation Center* ***where 259 individual meetings*** *with 81 asylum-seekers from Azerbaijan, Tajikistan, Georgia, Bangladesh, Yemen, Uzbekistan, Iraq, Turkey, Nigeria, Comoros, Ukraine, Russian Federation, United States of America were held. Main findings: In the temporary accommodation center (TAC) for asylum seekers, there is no emergency placement room for placement of asylum seekers who are released from the Migration Accommodation Center (MAC) on Friday evening during the weekend. Thus, asylum seekers are forced by the legal mechanisms to sleep on the street, because they cannot be placed on Friday night in the temporary accommodation center for asylum seekers. The LCA is trying to find solutions to such cases, but it would be good if an emergency room for such situations would be created in the TAC.**-* ***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).* * ***Meeting with asylum-seekers*** *– 6 meetings organized; 56 people attended the events.*

*Law Center of Advocates (LCA) organized 6 meetings for 56 asylum-seekers in order to create a platform for communication and sharing information regarding relevant protection needs:**- racial and discrimination issues.**On 19 March, during the Global Fight Racism Week, LCA held an informative session with asylum-seekers on racism, phenomena that generate inequality, and means to fight racism and discrimination. 16 asylum-seekers learned about the sources of racism, stereotypes, discrimination and how to avoid intolerance. During the discussion, all the beneficiaries stated the all are equal, that respect is nourished in the family, it should be taught at school, that is all begins with each and every one of us and our attitude towards the people around.**- human trafficking and labor exploitation.**On 31 March, LCA organized one informative session for asylum-seekers residing in Temporary Accommodation Center (TAC) on risk and protection measure associated with human trafficking, labor exploitation and how to identify the risk to become victim. To prevent the asylum-seekers from becoming victims of trafficking, 19 asylum-seekers form Bangladesh and USA was informed about the risk and protection measure associated with human trafficking, labor exploitation and how to identify the risk to become victim.* *- general provision regarding the communication with lawyers; legal procedure before the court etc.* *On 25 June, LCA organized one meeting with asylum-seekers and public defenders were created a platform of discussion between the asylum-seekers and the lawyers. 19 asylum-seekers from Bangladesh, Uzbekistan, Kazakhstan, Russian Federation informed about the rights to be assisted free of charge by a public defender; the types of consultation service provided by the public defenders regarding the asylum cases; the communication between the asylum-seekers and the lawyers.* *- discrimination issues.**On 10 October 2019, LCA organized one informative session for asylum-seekers residing in Temporary Accommodation Center (TAC) on equal rights and non-discrimination issues. 10 asylum-seekers learned about discrimination criteria (race, ethnic origin, nationalities, religions, sex, and disabilities), who to protect the rights, don’t accept to be discriminated, how to complain a discrimination act.**- access to primary health care and register to the family doctor* *On 26 November, LCA in cooperation with the Bureau for Migration and Asylum held an informative session with asylum-seekers on access to primary health assistance and register to the family doctor. 15 the asylum-seekers residing in the Temporary Accommodation Center (TAC) was informed about the legal procedure on how to apply for registration to the family doctor at the state medical institution ‘Aviatia Civila’. The asylum-seekers can be assisted with primary medical care at the family doctor at the state medical institution ‘Aviatia Civila’.****-*** *meeting with asylum-seekers. SGBV informative session**On 10 December 2019 - The International Day of Human Rights marks the end of the campaign "16 days of activism against gender-based violence" in this context, the Law Center of Advocates in partnership with the Association against Violence "Casa Marioarei," the Police Inspectorate of the Center and with the participation of Charity Center for Refugees and refugee women, a community-organized informative session on sexual and gender violence. 15 participants: 3 police officers, representatives of UNHCR Partners in Moldova (5 LCA and, LCA volunteers (2 students from Faculty of Journalism) and the host organization "Casa Marioarei" and refugee women (2) were involved in discussion on Gender-based violence under local context, informed about the rights, and assistance provided to the victims of violence.**Additionally, Law Center of Advocates co-facilitate 2 meetings organized by the management of the Temporary Accommodation Center on:**- explanation the judicial procedure to challenge before the court the asylum decision for 11 asylum-seekers from Bangladesh the rejection decision concerning the asylum application.* *- regarding the instable situation in Chisinau and to avoid the crowded areas in order to the security situation the asylum-seeker residing in Temporary Accommodation Center.* * ***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 Counsel thought the public defenders, including* ***49 cases*** *in refugee determination procedure; 1 tolerated status; 2 cases in integration issues.**Main findings: The public defenders had a lack of knowledge in communication skills with the asylum-seekers, do not provided with the interpreters, not all the lawyers speak English.* *Main LCA interventions: coaching on writing applications to the court. Specific issues on asylum cases; advised to use the decision of Constitutional Court, on “national security and public order” danger; how to use COI in RSD procedure (judicial phase); representation in the Court in the situation then asylum seeker left the territory of Moldova; encourages asylum seekers to write complaints about state-guaranteed lawyers.** ***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.**(1) Detention* *Law Center of Advocates (LCA) represented during the national courts 29 asylum-seekers on public custody representing asylum-seekers to ask for their release from public custody.**- participated at the 50 hearing in public cases concerning the asylum-seekers.**- 16 appeals claim to the Court of Appeal.**- prepared and lodged one application to the European Court of Human Rights on Article 5 concerning the arbitrary detention of an asylum seeker from Bangladesh.**(2) Guarantees of the asylum-seekers during the Refugee Determination Procedure**The Law Center of Advocates (LCA) represented 7 persons in* ***11 cases*** *concerning the asylum guarantees for asylum-seekers from Turkey, Russia, Nigeria, Cote d’Ivoire, Bangladesh. Relevant issues for strategic litigation: the asylum authority did not assess the applicants’ evidence; the asylum interviews and decisions do not reflect all the material facts of the asylum application; lack of credibility assessments; declared the asylum-seekers as ‘undesirable people’ for public order danger; rejected access to ordinary RSD procedure in the second asylum application; Documentation during the access to a new asylum procedure.**The case of criminal investigation and punishment of asylum-seekers, for irregular border crossing use of fake passports. On 15 May 2019, the Supreme Court of Justice rejected the prosecutor's appeal and maintained the decision of the Court of Appeal to ceased criminal prosecution and fined the asylum-seekers in the administrative order.* *(3) Discrimination* *The Law Center of Advocates (LCA) represented one individual in* ***2 cases*** *concerning:**- the costs for identity documents of refugees**On 17 July 2019, the Supreme Court of Justice recognized as direct discrimination based on nationality criteria the application of differentiated costs for identity documents of refugees and stateless people compared to the ones applicable for Moldovan citizens. The decision is final.* *- access of the beneficiary of humanitarian protection to accommodation based on his specific need (elderly with a disability). On 31 October 2019, the Court of Appeal rejected the LCA application to recognize the Bureau for Migration and Asylum responsible for discrimination concerning one beneficiary of humanitarian protection with specific needs on the basis the age and disability. The Court of Appeal refused to declare the Bureau for Migration and Asylum responsible for taking reasonable accommodation actions and collect moral damages in the amount of 5,000 MDA.*  *(4) Integration* *The Law Center of Advocates (LCA) represented one case concerning access to national health care assistance – fathers with 4 and more children.* *With the Law Center of Advocates (LCA) intervention, on 18 January, the Constitutional Court obliged the Government to provide both parents with four and more children under the same conditions with free health insurance. Currently, 3 refugee families with 4 and more children* *from Iraq, Sudan, Kirghizstan are provided with free health insurance.* *(5) National security**The Law Center of Advocates (LCA) represented 2 persons in 3* ***cases*** *concerning:**- one case before the Constitutional Court**Despite the ‘public order’ is not an exclusion clause for refugee status, the BMA use this reason to exclude some refugees from protection. On 14 January, Constitutional Court addressed that the reasons to exclude an asylum-seeker based on national security and public order should be assessed by Bureau for Migration and Asylum, without formally approving the conclusion of the Security and Intelligence Service. The Court stated that the decision to exclude the asylum-seekers from refugee status must be preceded by a full investigation into all the circumstances of his individual case and cannot be taken automatically. The notion of 'public order' may, inter alia, cover a conviction for committing a serious crime.**- 2 individuals in**2 cases of asylum-seekers from Turkey**The asylum-seekers family from Turkey during their asylum procedures are declared “undesirable persons”. In LCA’s opinion, the State does not have to return asylum-seekers until the end of the RSD procedure. Additionally, Turkish authorities asked their extradition, but Moldovan authorities did not use the extradition procedure, which offers more procedural guaranties for the asylum-seekers. The 2 cases are pending before the first court.* *In total, at the end of the year, the Law Center of Advocates (LCA) had 5 pending cases at Chisinau Court, 1 pending cases at Chisinau Court of Appeal and 1 pending cases at Supreme Court of Justice.* *•* ***Legislative monitoring****Law Center of Advocates (LCA) continued to monitor the relevant pieces of legislation including asylum, citizenship, foreigners, and integration.* *•* ***Monitor Refugee Status Determination (RSD) jurisprudence****88 RSD cases monitored at administrative and judicial instances:** *43 negative decisions issued by the administrative instance in 2019:*
* *Lack of credibility – 1 case from Cameroon;*
* *Harm does not lead to persecution – 20 cases: 12 cases from Bangladesh, 1 case from Turkey, 1 case from United States of America, 2 cases from Uzbekistan, 2 cases from Armenia, 1 case from Pakistan, 3 cases from Azerbaijan, 1 case from Georgia.*
* *Harm does not/persecution, national security & public order – 13 cases from Bangladesh, including one child from Bangladesh.*
* *Public order - 5 cases from Turkey.*
* *Access to new RSD procedure – 1 case.*
* *Decisions issued by the national courts:*
* ***37 decisions of the first court****:*

*30 negatives* ***-*** *1 case from Armenia, 16 cases from Bangladesh, 1 case from Cote d’Ivoire, 1 case from Kazakhstan, 1 case from Lebanon, 1 case from Pakistan, 4 cases from Russian Federation, 1 case from Syria (exclusion clauses), 5 cases from Turkey (including one case based on exclusion clauses), 2 cases from Ukraine, 2 cases from Uzbekistan, and 1 case from USA).* *4 returned for review – 4 cases from Bangladesh.**3 cancelled – 2 cases from Russian Federation and 1 case from Turkey** ***15 decisions of the Court of Appeal*** *(9 negatives, 5 cancelled, one the judgment was reversed to Chisinau Court).*
* ***9 decisions*** *of the Supreme Court of Justice decisions (all negative).*
* *Lawyers who represent the cases:*
* *NLAC lawyers – 55 cases (7 lawyers).*
* *LCA lawyer – 7 cases (one lawyers).*
* *Private lawyers – 10 cases (5 lawyers).*
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| **Performance Indicator(s)** | **Site/Location** | **Performance Target** | **Actual progress**  |
| *# of advocacy interventions made for establishment or improvement of government status determination procedure* | *All regions Moldova* | *13* | *13* |

1. **Affected Persons:**

The majority of people assisted by the Law Center of Advocates are new asylum-seekers from Bangladesh, Armenia, Pakistan, Yemen, Uzbekistan, Azerbaijan and India.

On 31 December 2019, there were 107 asylum-seekers and 423 refugees registered with the Bureau of Migration and Asylum. Of these, 187 including 25 children (12 girls and 13 boys) and 162 adults (38 women and 124 men) received legal assistance through LCA during the period January to December 2019.

**Demographic Data for Population of Concern (Affected Persons)**

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| **Population Planning Group:** | *1HUN0 Refugees and Asylum Seekers in Moldova* |
| **Sub-group (if applicable):** | *Refugees/beneficiaries of humanitarian protection/asylum-seekers* |
| **Age Group** | **Male** | **Female** | **Total** |
| **in numbers** | **in %** | **in numbers** | **in %** | **in numbers** | **in %** |
| 0-4 | 3 | 1.1**%** | 0 | 0% | 3 | 1.1% |
| 5-17 | 10 | 4.9% | 12 | 6.5% | 22 | 11.4% |
| 18-59 | 114 | 61.6% | 36 | 19.4% | 150 | 81% |
| 60 and > | 10 | 5.4% | 2 | 1.1% | 12 | 6.5% |
| **Total:** | **137** | **73%** | **50** | **27%** | **187** | 100% |
| **Planned** | **100** | **73.5%** | **36** | **26.5%** | **136** | **100%** |
| **Variant**  | **4** | **25.8%%** | **3** | **0.8%** | **10.3%** | **100%** |
| **Major Sites:** | *Chisinau, Orhei, Calarasi, Floresti, Balti* |

1. **Participation of and Accountability to the Affected Population:**

**Communication and transparency.**

Law Center of Advocates (LCA) provided to asylum-seekers and refugees with timely, accurate, and relevant information on their rights, the roles and responsibilities of LCA, and the organization's program activities to assist the persons in need:

- information about the right to seek asylum in the Republic of Moldova (with LCA contact details – email, Green Line that is available non-stop) are provided at international border crossing points:

- the informative boards are placed at entry points with visible information provided in 6 languages: Romanian, English, Russian, Arabic, Turkish and Farsi\Dari.

- 250 leaflets disseminated to border crossing points, detention facilities (prisons), and regional migration offices covered the central, north and south regions of Moldova.

- information about the assistance provided by LCA (including the cards of legal counselor and lawyers) are disseminated to Asylum and Integration Directorate premises and at Temporary Accommodation Center (where it is mandatory to be accommodated all the new asylum-seekers).

- during the visits to the Temporary Accommodation Center (asylum center) and Migration Accommodation Center (for irregular migrants), the LCA lawyer and legal counselor discussed with all new accommodated persons to inform them on the roles and responsibilities of LCA, and the organization's activities; shared relevant protection information.

- in the asylum application form, there is information about the possibility of being assisted by LCA at the interview or during the asylum procedure.

- in the communication form regarding the asylum decision, the state authority notified in written form the asylum-seekers with a negative decision about LCA and its contact details.

- LCA organized bi-monthly informative sessions and meetings with persons residing in the Temporary Accommodation Center and informing the persons about the relevant information on their rights, the roles and responsibilities of LCA.

- the events organized by LCA and relevant refugee protection information were published via social media and distributed to relevant stakeholders via email.

Law Center of Advocates elaborated and approved the mechanism of complaints. The affected people can report the incidents to email - complaints@cda.md. The information is placed in Temporary Accommodation Center visible for all people accommodated in TAC.

1. **Risk Management and Integrity:**

The parliament crisis from June 2019 did not affect the implementation of the projects.

To address the minor challenges, the Law Center of Advocates conducted more formal and informal meetings with the relevant state authorities such as the Ministry of Internal Affairs, the Bureau of Migration and Asylum, the National Legal Aid Council, the Ombudsperson, the Ave Copiii and the Charity for Refugees.

For the Law Center of Advocates, the partnership with the state authorities will continue to be a strategic point in assistance the asylum-seekers, refugees, and beneficiaries of humanitarian protection.

All the staff is familiarized with LCA policies and mechanisms regarding the combatting and reporting misconduct, including fraud, corruption, sexual exploitation and abuse, violation of human rights, and non-ethical conduct. All employed LCA staff signed the consent of the UNHCR Code of Conduct.

 **7. Exit Strategy and Sustainability:**

**Referral Mechanism on requests for delivery of qualified legal aid for asylum-seekers during the asylum procedure**

Free of charge state legal aid is available for all asylum-seekers with low income. An agreement between the National Legal Aid Council (NLAC), Bureau of Migration and Asylum (BMA), and Law Center of Advocates (LCA) provided the facilitation of the LCA to refer the asylum cases to the state legal aid assistance. Following the new amendments concerning the participation of public defenders during the asylum interviews, BMA and NLAC initiated the consultations to establish a Referral Mechanism on requests for delivery of qualified legal aid for asylum-seekers during the administrative asylum procedure. Although the BMA agreed to invite the public defenders at the administrative level, no case was registered. In 2019, LCA attended at the 34 asylum interviews at the request of BMA and asylum-seekers.

**Capacity building**

LCA considers that improving the capacities of the government institutions/personnel in the asylum context constituted one pillar of sustainability and that protection and welfare of persons of concern will not be affected:

- border police personnel trained on access to the territory and asylum procedure for people in need of international protection;

- the public defenders and lawyers improved the ability to analyze and lead the cases related to asylum;

- enhancing the capacity of the guardian authorities’ personnel on good practices, tools, and protection of unaccompanied children;

- enhancing the ability of the social and medical staff and the police officers on sexual and gender-based violence responses and prevention systems.

To increase the capacities of the state authorities, Law Center of Advocates organized 7 trainings/meetings were more than, 213 relevant stockholders learned about national and international standards, the identification and referral of vulnerable people, such as unaccompanied and separated children, survivors of SGBV and women at risk, the access to the territory and asylum procedure.

**8. Lessons Learned:**

Although the number of applicants is not so higher, there remained significant challenges regarding ensure the proper rights:

Asylum-seekers cannot access the national health system

According to the Law regarding compulsory health insurance, foreigners can benefit from mandatory health insurance. As foreigners are specified, “refugees and beneficiaries of humanitarian protection” as persons that have the same rights and duties under the field of health insurance as citizens of the Republic of Moldova. According to the legislation, the foreigners who have been granted the right of temporary residence on the territory of the Republic of Moldova for family reunification, studies, humanitarian or religious activities have the obligation to ensure themselves by paying the health insurance policy similar to the Moldovan citizens. The legislation does not include asylum-seekers as a category of beneficiaries of health insurance; this way asylum-seekers cannot be ensured individually, by paying the health insurance policy similar to other foreigners that have the right of temporary residence on the territory of the Republic of Moldova. Asylum-seekers remain excluded from the national health system.

Lack of financial support from the Government

The Moldova Government does not provide any financial or other kinds of assistance for asylum-seekers. UNHCR continues to assist the asylum-seekers with monthly financial assistance.

The lack of any support (financial or another kind of support) from the government places the asylum-seekers in the more vulnerable situation of extreme poverty, that might have adverse effects on their well-being and the quality of their life.

Lack of accommodation/services for unaccompanied children asylum-seekers

Under the Asylum Law, unaccompanied children asylum-seekers are children at risk, separated from their parents. In this context, unaccompanied children must benefit from the same rights and treatment as children citizens of the Republic of Moldova. In practice, the Moldovan Government is not ready to deal with unaccompanied children asylum-seekers coming from intercultural context. There is a lack of placement for unaccompanied children. The only center that is specialized in accommodation of asylum-seekers has no special department dealing with unaccompanied children and providing services to them according to the national legislation. Unaccompanied children asylum-seekers are temporarily placed in the Shelter for victims of trafficking; there are no other centers that are ready to receive children asylum-seekers, especially at the age of 14-18.

Asylum seekers are still detained in public custody upon BMA request

In the period January to May 2019, the Law Center of Advocates (LCA) litigated the cases of asylum-seekers in detention, this way LCA created a positive practice when the Chisinau Court was rejecting the BMA request of placement or prolonging asylum-seekers in detention and was releasing persons immediately. Since May 2019, all cases regarding public custody were transferred to the Riscani Court where LCA is litigating again and trying to create a positive practice among judges.

***Law Center of Advocates will continue to lobby and advocates before the Moldova Government:***

* need to pursue the monitoring of detention practices targeting asylum-seekers and build the capacity/raise awareness of Officials of the Bureau for Migration and Asylum and Asylum to ensure protection and basic-need of asylum-seekers in Moldova.
* to introduce asylum-seekers as a category of beneficiaries of health insurance in the Law on compulsory health insurance. Asylum-seekers will be ensured individually by paying the health insurance policy similar to other foreigners that have the right of temporary residence on the territory of the Republic of Moldova.
* to create a placement area for unaccompanied children asylum-seekers at the Temporary Accommodation Centre for Asylum Seekers, or at other relevant centers.
* to create special services for unaccompanied children asylum-seekers based on the principle that all children on the territory of the Republic of Moldova benefit from the same rights as children citizens of the Republic of Moldova.
* to continue strategic litigation by representing in Court of all asylum-seekers that were detained in Migration Accommodation Center.
* to advocate through the Ombudsperson Office and other National/International Human Rights Institutions for creating the alternatives of detention and avoiding the detention of asylum seekers
* to train judges in the field of Law 200/2010 on foreigners’ provisions regarding asylum seekers and applicants for statelessness.
* monitor the situation of deprivation of liberty of asylum-seekers and foreigners with specific needs.
* to start strategic litigation if the practice of illegal deprivation of liberty of asylum-seekers in MAC will continue
* to continue monitoring the respect of the rights of foreigners under the public custody.
* together with Ombudsperson Office will create flyers with the rights and obligations of foreigners under the public custody (easy-to-read).
* to facilitate the visa procedure for beneficiaries of international protection applying for a visa. The e-visa system does not support the application for a visa based on family reunification. In the majority case, refuges with a positive decision for family reunification cannot exercise their family and asylum right.

**Section 3: Additional Questions**

**9. Value for Money/Cost Effectiveness:**

The total grant of the Partner Project Agreement is 1,649,135.36 MDL.

At the end of the reporting period, the rate of expenditure is aligned with the rate of implementation 94,43% of the total budget. The saved of money in the implementation of the project as a result of:

- the procurement procedure – after the tender procedures, LCA selected the best price for services and goods.

The Law Center of Advocates (LCA) managed to achieve all the targets/expected results during the year.

During the implementation of the project, the Law Center of Advocates did not register any cost overruns or high costs output/objective.

**10. Coordination:**

No changes in the coordination mechanism during the implementation of the project:

- close cooperation with the UNHCR Regional Representation for Central Europe regarding the protection and programme/financial issues.

- regular meetings and communications with relevant governmental institutions – the Bureau for Migration and Asylum, the National Legal Aid Council, the General Inspectorate of Border Police; the Department of Penitentiary Institution; the Public Agency Service; the Ombudsperson Office.

- good cooperation with the local NGOs: ‘Memoria’ NGO specialized in assistance of victims of torture and trauma people; ‘Life without domestic violence’, and the ‘Casa Marioarei’ NGOs specialized in assistance of victims of domestic violence and abuse; ‘Moldovan Association of Judges’ NGO specialized in trainings for judges in achieving the outcomes of the project.

**11. Partners/Third Parties:**

The Project was implemented in cooperation with UNHCR, Bureau for Migration and Asylum (BMA), National Legal Aid Council (NLAC), General Inspectorate of Border Police (GIBP), Supreme Court of Justice (CSJ). In cooperation with relevant institutions, the Law Center of Advocates achieved the planned results of the project: 8 trainings/seminars/round tables and informative sessions for overage 200 governmental personnel (border police personnel; public defenders; social workers: police officers). Bureau of Migration and Asylum contribute with space for organizing 3 seminars in the regional subdivision and Temporary Accommodation Center premises. The state authorities participated as experts in various LCA trainings and seminars.

Third parties (non-commercial entities) - Not Applicable.

**PMC-11: Annual Feedback Forms**

**PARTNER TO UNHCR ANNUAL FEEDBACK FORM**

**Year: 2019**

**Country: Moldova**

**Agreement Symbol: MDA01/2019/0000000066/001**

|  |  |
| --- | --- |
| 1. Was your organization invited to participate in the Country Operations Plan?
 | [x]  YES [ ]  NO |
|  If so, did you participate in the Country Operations Plan? [x]  YES [ ]  NO |
| 1. Was your organization informed about the outcome of the Operations Plan by mid-November?
 | [ ]  YES [x]  NO |
|  If yes, when? |
| 1. Was the Project Partnership Agreement signed before the 2nd week of January?
 | [x]  YES [ ]  NO |
|  If no, when? |
| 1. Was there a common understanding reached during the negotiation process leading to the Project Agreement?
 | [x]  YES [ ]  NO |
|  If no, please explain |
| 1. Was there timely release of funds in accordance with the terms of the Project Partnership Agreement and implementation rate?
 | [x]  YES [ ]  NO |
|  If no, please provide further detail |
| 1. Was a joint monitoring plan developed within the first trimester of the Project?
 | [x]  YES [ ]  NO |
| 1. Was the monitoring plan implemented accordingly?
 | [x]  YES [ ]  NO |
|  If no, please provide further detail |
| 1. Did UNHCR provide timely feedback on Partner financial and performance reports?
 | [x]  YES [ ]  NO |
| 1. Was your organization correctly informed about project closure and was it implemented in time?
 | [x]  YES [ ]  NO |
|  If no, please provide further detail |
| 1. Was your organization informed of the results of the project audit?
 | [x]  YES [ ]  NO |
| 1. In cases of UNHCR budgetary constraints, was the agreed Project Budget adversely affected?
 | [ ]  YES [ ]  NO |
|  If so, was your organization informed in a timely manner? [ ]  YES [ ]  NO |
| 1. Was your organization able to get in touch with UNHCR personnel when needed? [x]  YES [ ]  NO

 If no, please provide further detail |
| 1. Do you have any suggestions for improvement in terms of partnership and project management?
 |

Continue the close cooperation with the UNHCR Regional Representation for Central Europe regarding the protection and programme/financial issues. To organized periodic visits mission in Moldova and skype/video conference of different topics relevant to proper implementation of the project following UNHCR instructions and policies; inform regarding new UNHCR guidance appropriate to Partners.

Name of Partner Organization:

Name of the Authorized Official: Oleg PALII

Signature: Date: 03 March 2020

**The “8+3” template - A new way of standardizing, simplifying and harmonizing humanitarian reporting**

**FEEDBACK QUESTIONNAIRE**

This short feedback survey is designed to help those managing the common reporting pilot evaluate how well it is working, how it affects the overall reporting process, and to collect concerns or feedback about the template itself. These will be used to evaluate the overall pilot success, to develop suggestions for modifying the template or other aspects of the pilot, and to develop future recommendations for the harmonizing and streamlining reporting work stream.

It is important to fill these out at the same time partners finalize the reporting template, and submit these questions with their final report, to the donor. If, for reasons of confidentiality, partners do not wish to fully answer these question in the same form as their donor report, they may send a copy of their answers toHarmonizingReporting@gppi.net***.***

1.       How long did this report take you to develop material for and fill out (excluding these pilot questions)? Was that roughly the same, more, or less than other reporting?

*About 2 weeks was taken to develop materials for and fill out the annual report. All the documents were collected during the year, the LCA internal interim report (in the same format as Annual report) was drafted in September.*

2.       Have you also had to submit reporting on this common template to other donors? Which? Was it beneficial to have a similar template?

*Only for UNHCR reporting.*

3.       Were there questions that you found less useful than others in capturing project impact, or important humanitarian elements? Were there questions you would have added?

*No*

4.       Were there other reporting steps required for this project other than this reporting template, for example additional supporting documentation requests, requests for additional reports or updates by donors, or other?

*No*