



IMPLEMENTATION OF TEMPORARY PROTECTION GRANTED ON THE TERRITORY OF THE REPUBLIC OF MOLDOVA TO DISPLACED PERSONS FROM UKRAINE: THE SITUATION AFTER SIX MONTHS

2023

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"Enhancing access to justice for living in dignity",
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ABBREVIATIONS

CDA	Law Centre of Advocates
CES	Commission for Exceptional Situations of the Republic of Moldova
ID	Identity document of the beneficiary of temporary protection
GD	Government Decision
GIM	General Inspectorate for Migration
TORF	Territorial Office for Registration of Foreigners of the GIM
TP	Temporary protection
EU	European Union
UNHCR	Office of the UN High Commissioner for Refugees

CONTEXT

The Russian Federation's military aggression against Ukraine continues to cause massive loss of life and destruction of civilian infrastructure. As of February 2022, millions of people in Ukraine have been forced to leave their homes in search of safety, protection and assistance outside Ukraine or within the country to less dangerous regions. This armed conflict has generated one of the largest refugee crises in the world. According to UNHCR¹ statistics, updated on September 6, 2023, globally 6,201,600 refugees from Ukraine have been registered, of which 5,832,400 - in Europe.

In response to the massive influx of refugees from Ukraine, the European Union, by Council Implementing Decision 2022/382 of March 4, 2022, decided to grant temporary protection to persons arriving from Ukraine, triggering the application of the Temporary Protection Directive 2001/55/EC.

UNHCR welcomed the unprecedented decision to implement the Temporary Protection Directive in EU Member States as a way to provide immediate protection against refoulement and guarantee refugees access to their rights².

On January 18, 2023, the Government of the Republic of Moldova approved the granting of temporary protection to refugees from Ukraine as well as certain third country nationals as of March 1, 2023. This milestone provided a more secure legal status for displaced persons from Ukraine - a key step towards better inclusion of refugees in Moldova. Temporary protection, introduced on the territory of the Republic of Moldova for a period of one year with the possibility of extension, provides access to a range of rights and services, including access to employment, temporary accommodation, emergency and primary healthcare, education for minors in general public education institutions and social assistance for families with children and unaccompanied children.

The Law Centre of Advocates (CDA) developed this study to provide an overview of the current situation regarding the implementation of temporary protection in the Republic of Moldova and a better understanding of the needs and experiences of displaced persons from Ukraine in obtaining this form of protection, with a focus on refugees' access to their rights.

The study reflects conclusions and recommendations on optimizing access to rights and protection for refugees in Ukraine.

According to the statistical data of the GIM, as of July 30, 2023 there were **65,199** Ukrainians staying in the territory of the Republic of Moldova for a period of more than 90 days, of which **38,711** were minors and **26,488** adults. Stateless persons and third-country nationals displaced from Ukraine, staying on the territory of the Republic of Moldova for more than 90 consecutive days, constituted **4,417** persons, including **828** minors and **3,589** adults. Citizens of Ukraine staying in the Republic of Moldova for less than 90 days - **21,164** persons, of whom **6,277** minors and **14,887** adults, and stateless persons and third-country nationals displaced from Ukraine - **3,207** persons, of whom **286** minors and **2,921** adults.

¹ <https://data2.unhcr.org/en/situations/ukraine>

² <https://www.unhcr.org/news/news-releases/news-comment-unhcr-welcomes-eu-decision-offer-temporary-protection-refugees>

METHODOLOGY

The given study is based on research carried out by the CDA from August 7 to 23, 2023. In this research, 1139 displaced persons from Ukraine were interviewed to determine their needs, intentions and experiences in relation to the implementation of the temporary protection mechanism on the territory of the Republic of Moldova.

At the same time, direct consultations were held with 15 representatives of the refugee community on their experiences of realizing their rights under the provisions of Government Decision No. 21/2023 and discussions were held with 8 legal advisors from the CDA, who provide support and advice to refugees from Ukraine.

The document was also supplemented with information from various sources: public information, reports, studies, research from authorities, international organisations and civil society organisations.

The national legal framework, Directive 2001/55/EC, as well as the European Commission Communication on operational guidelines for the implementation of EU Council Decision 2022/382 were the basis for the conclusions and recommendations presented in the study.

IDENTIFICATION OF THE NEEDS, INTENTIONS AND EXPERIENCE OF DISPLACED PERSONS FROM UKRAINE IN RELATION TO THE IMPLEMENTATION OF THE PROTECTION MECHANISM

The Law Centre of Advocates sought to identify the needs, intentions and experience of displaced persons from Ukraine in relation to the implementation of the temporary protection mechanism in the Republic of Moldova.

In order to achieve this intention, a questionnaire with 24 questions was elaborated, including 2 open questions. The questions were grouped into 10 clusters:

1. Profile of interviewees
2. Accommodation and intentions
3. Experiences and intentions regarding obtaining temporary protection
4. Special needs
5. Access to learning
6. Employment
7. Barriers to accessing health services
8. Barriers in accessing social assistance measures
9. Assessments on the safety of residence in the Republic of Moldova
10. Assessments on the credibility of institutions and organisations

The questionnaire was distributed via the free online Google Forms application to 35 CDA legal advisers and 13 CDA legal consultants seconded to the General Inspectorate for Migration. The questionnaire was available in Russian.

Responses were gathered from August 7 to 23, 2023 in Accommodation Centres, in locations where CDA legal advisers provide legal advice to refugees and in the foreigners' registration offices of the GIM.

A total of 1139 questionnaires were completed during the interview period. Only refugees who agreed to answer the questions were interviewed on condition of anonymity.

Profile of interviewees:

The gender representation of respondents shows that out of the total number of respondents, 837 (73.5%) are female and 302 (26.5%) - male. No person selected the third option.

According to the age structure, 25.3% of respondents are aged 36-45, 19.6% - 26-35, 16.9% - 46-55, 16.2% - 56-65, people over 65 and young people aged 18-25 are the age categories with the lowest share, respectively 13.7% and 8.3%.

Of the interviewees, about 50.5% reported that they came to the Republic of Moldova with children: 22.9% - with one child, 17.6% - with 2 children, 6.8% - with 3 children and 3.2% - with more than 3 children.

Accommodation and intentions

At the time of the interview 36.7% of respondents reported living in Refugee Temporary Accommodation Centres, 32% - renting accommodation, 23.7% - staying with relatives, 7.3% - selected "other". The share of those accommodated in hotels is very small and constitutes 0.4%.

At the time of the survey, the interviewees lived in 35 administrative-territorial units and in Chisinau, Balti, Bender municipalities. Most respondents lived in Chisinau municipality (337 persons), Transnistrian region (155 persons), Stefan Voda district (71 persons), Balti municipality (68 persons), Cahul district (67 persons), Hincesti district (46 persons), Ungheni district (48 persons), Anenii Noi district (45 persons). It should be noted that there is no direct relationship between the number of interviews conducted and the number of refugees hosted in the respective administrative-territorial unit. The determining factor was the presence and activism of CDA counsellors in these districts/municipalities.

The majority of respondents (66.2%) stated that they intend to stay at their current place of residence for as long as necessary, 25% of respondents do not know how long they will be able to stay at their current place of residence, 3.4% - do not intend to stay at their current place of residence for more than one year, 3.4% - not more than 6 months, another 2.1% - not more than 3 months. Further analysis shows that those who do not intend to stay in the current place of living for more than 3 months, are accommodated in all types of accommodation and plan to leave the Republic of Moldova, those who do not intend to stay in the current place of living for more than 6 months, are mostly accommodated by relatives or live in rented apartments.

Experiences and intentions on obtaining temporary protection

Asked whether they have obtained temporary protection on the territory of the Republic of Moldova, 58.1% gave an affirmative answer, 26.1% do not benefit from temporary protection, 14.7% of respondents have pre-registered for temporary protection through the portal www.protectietemporara.gov.md, and the share of those who were refused temporary protection is 1.1%. At the same time, 52.3% of respondents stated that at least one family member had already received temporary protection.

Of the 26.1% of respondents who reported that they do not benefit from temporary protection, 45.6% intend to apply for temporary protection. The share of respondents who do not intend to apply for temporary protection in the Republic of Moldova for various reasons varies between 16.7% and 2.4%. Thus, about 9.4% do not need temporary protection because they intend to leave the Republic of Moldova, and 2.45% do not see the need to obtain temporary protection; 16.7% are not eligible for temporary protection because they are citizens of the Republic of Moldova, 7.3% consider that they do not fall into the categories of persons eligible for temporary protection, 3.6% have a residence permit on the territory of the Republic of Moldova, 6.4% are asylum seekers, and 4.3% have refugee status or benefit from humanitarian protection on the territory of the Republic of Moldova. It should be noted that respondents had the possibility to select several proposed options.

When asked whether they encountered obstacles in the process of obtaining temporary protection, 79% of respondents answered in the negative. The share of those who encountered various obstacles is 21%. Obstacles formulated in the questionnaire were

selected as follows: obtaining confirmation of the address of residence/temporary residence (49.8%), pre-registration procedure (34.8%), lack of the document confirming the citizenship of Ukraine (11.2%), travelling to the territorial foreigners' registration office of the GIM (5.2%), insufficient information about TP and rows at the territorial foreigners' registration offices of the GIM (4.1% each), lack of translator services (1.1%). The share of those who selected "other obstacles" is 17.2%. Respondents had the possibility to select more than one of the proposed options.

When asked about the sources of information about TP, the majority of respondents (72.1%) mentioned consultations offered by NGOs, 37.8% of respondents - the internet and social networks, 15.9% - acquaintances and family members, 10.4% - websites of public institutions, 8.1% - websites of various organizations. Respondents had the possibility to select several response options.

Special needs

Respondents were asked if they or their relatives had special needs (serious medical condition, disability, age, care of unaccompanied or separated children). Some 29.5% of respondents reported that they or at least one family member has special needs, including being disabled (25.5%), having serious medical needs (47.2%), being elderly (41.4%) and caring for separated or unaccompanied children (2.8%), other special needs (10.7%). Respondents were given the opportunity to select several suggested options.

Asked whether they had sought help in relation to the reported special needs, 32% of respondents said they had turned to public authorities, 34.8% - to NGOs, 16.8% - to international organisations, 17.4% had turned to a lawyer, 36.8% had not turned for help. At the same time, 47% of respondents who sought help, managed to solve their problem, 33.6% solved the problem partially, 13.2% said that they did not manage to solve their problem and another 6.2% - do not know if the problem was solved. The detailed analysis of the responses shows that the people who did not solve their problem or solved it partially, have serious medical needs or are disabled people.

Access to learning

Asked whether they had succeeded in enrolling their children in educational institutions (pre-school, primary and secondary education), only 36% of respondents surveyed by CDA who came to Moldova with children answered in the affirmative. The others did not enrol their children in educational institutions for various reasons: 21% - did not consider it necessary to enrol their children in educational institutions in the Republic of Moldova, 4% - reported language barriers, 3% - were refused due to the lack of necessary documents for enrolling their children in the educational institution, 1% - were refused due to the lack of places in the chosen educational institution, 1% - lack of necessary information, and 35% selected the option - other reasons. No respondent mentioned the refusal of enrolment of the child in the educational institution in connection with the lack of a permanent home address. Respondents were able to select more than one of the proposed options.

Employment

About 77.7% of the respondents surveyed by the CDA are not employed, 11.6% said they are formally employed and 10.7% - informally employed. Asked about the reasons for not being employed, 27.1% of respondents mentioned age, 12.8% - health problems, 22.5% - no one to leave the children with, another 14.9% reported that they could not find a job according to

their speciality, and 8.6% were not employed because of the wages offered, which they considered insufficient. In addition, 5.9% of respondents cited language barriers as a reason for non-employment and 1.5% - lack of information about employment conditions and vacancies. Remarkably, 10.6% of non-employed respondents stated that they were not interested in working in the Republic of Moldova, and another 17.6% selected the option "other reasons" for not being employed. Respondents had the possibility to select more than one response option.

Barriers to accessing health services

Out of the total number of respondents, 39.1% mentioned that they did not need medical assistance during their stay in the Republic of Moldova and 36.3% reported that they did not encounter any barriers in accessing the medical services they needed. 18% mentioned as a serious barrier the limited list of medical services they can receive free of charge, 15.7% reported high costs of medical services, 2.3% mentioned that they were refused medical assistance, 6.9% reported other barriers in accessing medical services. Respondents had the possibility to select more than one response option.

Barriers to accessing social assistance measures

During the interview it has been found that for 20.5% of respondents lack of information was an obstacle to accessing social assistance services. Some 49.9% mentioned that the cost of living in the Republic of Moldova far exceeds the amount of financial aid offered. According to 2.9% of respondents, the lack of a home address is still a barrier to accessing social services. Another 3.9% cited lack of necessary documents as a barrier to accessing social services, 4.3% mentioned language barriers and 34% reported other barriers. Respondents had the possibility to select more than one answer option.

Assessments on the safety of stay on the territory of the Republic of Moldova

When asked if they feel safe in their current place of residence, the majority of respondents (82%) answered yes. Some 16.2% feel safe to some extent and 1.6% chose "don't know". No respondents reported feeling unsafe in their current accommodation.

At the same time, respondents were offered a list of statements reflecting their experience of being in the Republic of Moldova, as follows:

- the residents show tolerance towards displaced persons from Ukraine;
- I have been a victim of hate speech from residents of the community;
- I have been a victim of hate speech by representatives of public authorities;
- the representatives of public authorities show openness and willingness to help displaced persons from Ukraine;
- I have witnessed hate speech towards displaced persons from Ukraine.

In the light of these statements, 86% of the respondents believe that the inhabitants show tolerance towards displaced persons from Ukraine, 50.8% believe that representatives of public authorities show openness and willingness to help. At the same time, 3.6% of the respondents witnessed hate speech towards displaced persons from Ukraine, 2.1% were victims of hate speech from residents of the community, and 1.8% of the respondents - from representatives of public authorities. Respondents were given the opportunity to select more than one response option.

Assessing the credibility of institutions and organisations

In the survey, respondents were asked to name a few public institutions or organisations they trust. According to the results of the survey, more than half of the respondents trust the public association Law Centre of Advocates (54.7%), the UN Refugee Agency (UNHCR) was mentioned by 13% of the respondents, the Caritas Moldova Charitable Foundation was trusted by 9.4% of the respondents, the international organization ACTED (Agency for Technical Cooperation and Development) - 9.2%, the international humanitarian organization INTERSOS was trusted by 4.6% of the respondents. The General Inspectorate for Migration was mentioned by 3.4% of respondents, and LPAs - by 2.4% of respondents. It should be noted that a large proportion of respondents mentioned 2, 3 or even 4 organisations or public institutions they trust. These include several public associations in the Republic of Moldova, representatives of international organizations working in Moldova and public institutions: UNICEF, IOM, ADRA Moldova, HelpAge International, CRS, World Vision Moldova, Women's Rights Centre, CasMed, Ave copiii, Laolalta, GENDERDOC-M, Keystone Moldova and others.

ENTERING TEMPORARY PROTECTION IN THE REPUBLIC OF MOLDOVA

According to the Law on Asylum in the Republic of Moldova No. 270/2008, temporary protection is a form of protection of an exceptional nature designed to provide, in the event of a massive and spontaneous influx of displaced persons who are unable to return to their country of origin, immediate and temporary protection to such persons, if there is a risk that the asylum system may not be able to process this influx without adverse effects on its efficient functioning, in the interest of the persons concerned and other persons in need of protection. Temporary protection shall be granted by Government Decision, which shall lay down the measures and the period for which temporary protection is granted.

Temporary protection must be applied with due respect for fundamental human rights and freedoms and non-refoulement obligations.

Temporary protection was granted on the territory of the Republic of Moldova by Government Decision No. 21 of January 18, 2023, starting on March 1, 2023, more than one year after the circumstances justifying the granting of this form of protection have arisen.

By the same Government Decision, the "Conditions for granting temporary protection" (Annex No. 1) and the "Action plan for granting temporary protection to displaced persons from Ukraine" (Annex No. 2) were approved.

GD 21/2023 transposes art. 4 (1), art. 6, art. 8 (1), art. 9, 10, 12, 13, art. 14 (1) of Council Directive 2001/55/EC of July 20, 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, published in the Official Journal of the European Union L 212 of August 7, 2001, and Council Implementing Decision (EU) 2022/382 of March 4, 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and introducing temporary protection, published in Official Journal of the European Union L 71 of March 4, 2022.

The GD 21/2023, together with Law 270/2008, constitutes the national normative framework for regulating the procedure and conditions for granting temporary protection, the rights and obligations of beneficiaries, the duties of implementing institutions in ensuring the realization of the rights and benefits offered by the normative framework.

The General Inspectorate for Migration is responsible for implementing and enforcing the temporary protection mechanism. At the same time, the Ministry of Internal Affairs, the Ministry of Education and Research, the Ministry of Labour and Social Protection, the Ministry of Health and the National Health Insurance Company are responsible for planning and reporting on the use of financial means for the implementation of temporary protection.

From February 24, 2022 until the entry into force of GD 21/2003, residence in the Republic of Moldova and access to the rights of displaced persons from Ukraine were regulated by the provisions of the Commission for Exceptional Situations (CES) of the Republic of Moldova, empowered to issue provisions for the implementation of measures in the context of the declaration of a state of emergency throughout the territory of the Republic of Moldova, by

Parliament Decision No 41 of 24.02.2022. Thus, by the provisions of CES were ordered or authorised:

- crossing the state border of foreigners coming from Ukraine on the basis of an extended list of identity documents, including expired documents and copies of them³;
- provision of medical assistance to foreign citizens arriving from Ukraine who meet the criteria of the case definition for COVID-19 and in all cases of medical and surgical emergencies⁴, provision of reproductive health services⁵, medical services to children aged 0-18 years⁶ and women aged 18-55 years⁷, dialysis services⁸ included in the Single Programme of Compulsory Health Insurance;
- granting the right to work on the territory of the Republic of Moldova to Ukrainian citizens without obtaining the right of temporary residence for work purposes⁹;
- establishing the opportunity for all children from refugee families from Ukraine to attend educational institutions as auditors¹⁰;
- establishment of the mechanism for the identification, assistance and monitoring of children at risk who came from the territory of Ukraine during the declaration of the state of war in Ukraine¹¹;
- granting the right to Ukrainian citizens and their family members who entered the Republic of Moldova during the state of emergency, as well as those who were lawfully on the territory of the Republic of Moldova at the time of the declaration of the state of emergency, to remain on the territory of the Republic of Moldova without observing the 90 calendar days' time limits in any period of 180 calendar days¹².

From March 1, 2023 until the repeal of some provisions of the CES provisions mentioned above, there have been two parallel legal regimes regulating the legal stay on the territory of the Republic of Moldova of displaced persons from Ukraine and the realisation of certain rights.

By the CES Decision No. 68 of 10.05.2023, in order to return to the usual legal framework regulating the regime of foreigners in the Republic of Moldova and to ensure a predictable transition of the method of calculating the period of stay on the territory of the country of persons entitled to temporary protection, a number of provisions of the previous provisions on the stay of refugees from Ukraine on the territory of the Republic of Moldova were repealed.

³ CES provision no. 1 of 24.02.2022

⁴ CES provision no. 2 of 25.02.2022; CES provision no. 9 of 10.08.2022

⁵ CES provision no. 14 of 14.04.2022

⁶ CES provision no. 23 of 30.05.2022

⁷ CES provision no. 45 of 31.10.2022

⁸ CES provision no. 32 of 08.08.2022

⁹ CES provision no. 4 of 01.03.2022

¹⁰ CES provision no. 10 of 15.03.2022

¹¹ CES provision no. 14 of 14.04.2022

¹² CES provision no. 21 of 18.05.2022

In the view of the Refugee Coordination Forum's Protection Working Group, set out in "Comments on the implementation of Temporary Protection (July 7, 2023), some of the provisions of CES Provision no. 68 *"although predictable for many, have created significant anxiety among the Ukrainian refugee community, as it requires them to regularise their legal status in Moldova in some way (e.g. temporary protection, asylum application, statelessness application, residence permit) by August 13, 2023 or risk becoming undocumented in the country. If they were outside the legal residence regime in the country, they would lose access to a range of government services as well as become more vulnerable to protection risks and human rights violations. They could also be subject to deportation to Ukraine, although the Ministry of Interior and the General Inspectorate for Migration have publicly stated on various occasions that the government will not forcibly return refugees to Ukraine, given international non-refoulement obligations."*

The GIM has assured that persons who have applied for temporary protection and are awaiting documentation will not be fined¹³.

The return to the country of foreigners who have left the territory of the Republic of Moldova at the end of 90 days is made under general conditions, provided for in article 84 of the Law no. 200/2010 on the regime of foreigners in the Republic of Moldova. At the same time, these persons will not be subject to the measure of return in view of the provisions of art. 60 para. (1) letter e) of Law 200/2010, which specifies that *"removal is prohibited if there are justified fears that the foreigner's life is endangered or that he/she will be subjected to torture, inhuman or degrading treatment in the state where he/she is to be returned"*. Therefore, if a displaced person from Ukraine or a family member of such a person, upon expiry of 90 days of stay on the territory of the Republic of Moldova, has pre-registered for TP through the portal www.protectietemporara.gov.md and for various reasons has temporarily left the territory of the Republic of Moldova, he/she will not be able to return to Moldova and, respectively, will not be able to physically present him/herself at the offices of the GIM for documentation of beneficiaries of temporary protection on the scheduled day and time in order to obtain the identity document of the beneficiary of temporary protection.

¹³ GIM press conference – August 3, 2023, <https://www.youtube.com/watch?v=mkndqBgHmNE>

CATEGORIES OF PERSONS ELIGIBLE FOR TEMPORARY PROTECTION

According to the Government Decision no. 21/2023, in the Republic of Moldova temporary protection is granted to the following categories of persons:

- 1) Ukrainian citizens residing in Ukraine before February 24, 2022;
- 2) Ukrainian citizens who were on the territory of the Republic of Moldova before February 24, 2022;
- 3) Stateless persons and nationals of third countries other than Ukraine who were beneficiaries of international protection or equivalent national protection in Ukraine before February 24, 2022 and who cannot safely return to their country or region of origin;
- 4) Family members of the persons mentioned above.

In the case of families already constituted in the country of origin and separated due to circumstances during the mass influx, to the extent that the family was present and residing in Ukraine before February 24, 2022, the following persons shall be considered as members of the family:

- 1) Spouse of the breadwinner;
- 2) Partner - third country national/stateless person who is cohabiting with a nominated person and with whom he/she has at least one child;
- 3) Unmarried minor children, whether by marriage, out of wedlock or adopted under the national law of the country of origin;
- 4) The dependant of the holder, including for disability or medical reasons;
- 5) Dependent parents of the holder or his/her spouse;
- 6) Persons for whom guardianship or trusteeship is established.

While implementing the GD 21/2023, several questions have arisen regarding some categories of persons who are not eligible for temporary protection under the national normative framework.

Concretely, there are at least four categories:

1. Parents, nationals of third countries other than Ukraine, with Ukrainian citizen children.

This category of persons, not being eligible for temporary protection, could apply for refugee status, as a form of protection, following the ordinary procedure, although their children benefit from temporary protection - a form of protection which takes effect on the person from the date of the manifestation of the will to benefit from it.

The CES Provision No. 80 of 04.09.2023 extended the list of categories of persons who are considered family members in the case of families already established in the country of origin and separated due to circumstances during the mass influx, to the extent that the family was present and resided in Ukraine before February 24, 2022. From the moment of the issuance of this provision, for the period of the state of emergency, **parents or legal representatives, nationals of third countries other than Ukraine, accompanying the minor child benefiting from temporary protection, shall be considered as family members.**

As a result of this provision, the above-mentioned category of persons may benefit from immediate protection on the territory of the Republic of Moldova, the granting of different types of protection to members of the same family is avoided and the risk of family separation is reduced.

2. The stateless persons and nationals of third countries other than Ukraine who can prove that they were legally resident in Ukraine before February 24, 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law and who cannot return to their country or region of origin in safe and stable conditions, and their family members. The European Commission has encouraged EU Member States "to consider that these persons have prima facie more significant links with Ukraine than with their country or region of origin and therefore their country of origin is Ukraine. This is all the truer for stateless persons, who by definition have no country of origin to return to¹⁴".

The Commission has recommended that Member States apply equal treatment to these categories of persons, provided that they can demonstrate significant and durable links with Ukraine on the basis of a valid permanent residence permit issued in accordance with Ukrainian law.

Although Law No. 270 of 18.12.2008 on asylum in the Republic of Moldova provides for alternative forms of protection, namely refugee status and humanitarian protection, they differ essentially from temporary protection, both in terms of the content of rights and obligations and the procedure for granting them. According to the law, the examination period of the asylum application can last up to 6 months, and a temporary asylum seeker identity document is issued, valid for a period of 30 days, with the possibility to extend it for further periods of 30 days, until the final settlement of the application. Similarly, major differences in terms of access to medical and social services can be attested to.

3. Non-Ukrainian citizen family members living in Moldova but have a Ukrainian citizen family member (e.g. spouse) in Ukraine or another country. In its comments of July 07, 2023 on the implementation of Temporary Protection, the Refugee Coordination Forum's Protection Working Group encouraged the Ministry of Internal Affairs to interpret or amend the eligibility criteria for temporary protection in line with the provisions of GD 21/2023 to allow non-Ukrainian family members of Ukrainian citizens still residing in Ukraine to access temporary protection in the Republic of Moldova. This would allow family members to remain in close contact with each other, in particular if the Ukrainian family member is unable to leave Ukraine, e.g., due to recruitment requirements.

4. Dependants who are nationals of third countries other than Ukraine and are dependent on a Ukrainian citizen. In the process of implementation of the temporary protection mechanism, situations were identified where non-Ukrainian dependents of a Ukrainian citizen were declared ineligible for temporary protection because they do not fall into any of the categories of persons set out in item 1 of GD 21/2023 (real situation: the person with special needs (locomotor disability) is a Ukrainian citizen and the person who maintains and cares for him/her is a citizen of Azerbaijan).

¹⁴ Communication from the European Commission on operational guidelines for implementing Council Implementing Decision (EU) 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and resulting in temporary protection, [https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52022XC0321\(03\)](https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52022XC0321(03))

This context may lead to situations where the caretaker is forced to leave the territory of the Republic of Moldova because he/she is not on the list of beneficiaries of temporary protection, leaving the person in need of care without caretaker and maintainer. In another train of thoughts, the right of the person in need of care to a caretaker with whom he has already established a relationship, whom he trusts and who can provide him with adequate care is affected.

Observations

Although GD No 21/2023 transposes Council Implementing Decision (EU) 2022/382 of March 4, 2022, the categories of persons who may be granted temporary protection on the territory of the Republic of Moldova are more limited.

Recommendations

Extending the categories of persons eligible for temporary protection on the territory of the Republic of Moldova would be to the advantage of the state, as it would further reduce the risk of overburdening the asylum system due to the submission of individual asylum applications by persons who are not on the list of categories of beneficiaries of temporary protection.

REGISTRATION FOR TEMPORARY PROTECTION AND ISSUANCE OF IDENTITY DOCUMENTS

Conditions for granting temporary protection to displaced persons from Ukraine (Annex no. 1 to GD 21/2023):

Temporary protection takes effect on the person from the date of manifesting the will to benefit from this type of protection, by registering the application for obtaining the identity document (item 5).

The competent authority for foreigners of the Ministry of Interior, on the day of submission of the application by the beneficiary of temporary protection, issues to each beneficiary, free of charge, on the basis of the set of documents submitted, an identity document granting permission to stay on the territory of the Republic of Moldova (item 7).

The data on beneficiaries of temporary protection are registered in the automated information system of the competent authority for foreigners of the MFA and can be accessed by state authorities through the interoperability platform (Mconnect) (item 15).

For the implementation of the Government Decision on granting temporary protection to displaced persons from Ukraine, a two-stage mechanism has been designed:

- stage 1 - online application submission and pre-registration for self and accompanying family members through the portal www.protectietemporara.gov.md;
- stage 2 - physical presentation at one of the GIM offices for documenting beneficiaries of temporary protection on the scheduled day and time and obtaining the identity document.

At the same time, the process of documenting foreigners was upgraded, including through the installation of state-of-the-art *Live Scanner* equipment that allows fingerprints to be taken at the place of documentation and data to be transmitted to the information system of the Information Technology Service of the Ministry of Interior. In order to streamline the process, 12 offices of the GIM were made operational, with 65 workplaces set up for the registration and documentation of beneficiaries of temporary protection, in the municipalities of Chisinau, Balti, Cahul, in the territorial offices for the registration of foreigners of the GIM and through mobile teams.

Through the operationalization of territorial offices for the registration of foreigners, located in the areas of the bridges on the Dniester River, access to the documentation process is facilitated for displaced persons from Ukraine living in the districts on the left bank of the Dniester. In order to improve and ensure access of all categories of beneficiaries to the services provided by the GIM, conditions have been created for persons with different degree/type of vulnerability, giving applicants the choice of the "**GIM Mobile Team**" option. Registration and documentation services for beneficiaries of temporary protection are provided by the GIM through 5 mobile teams for the following categories of persons:

- non-mobile / bedridden people;
- people with reduced mobility due to physical or mental disability or serious health condition;
- people undergoing compulsory treatment in specialized medical institutions.

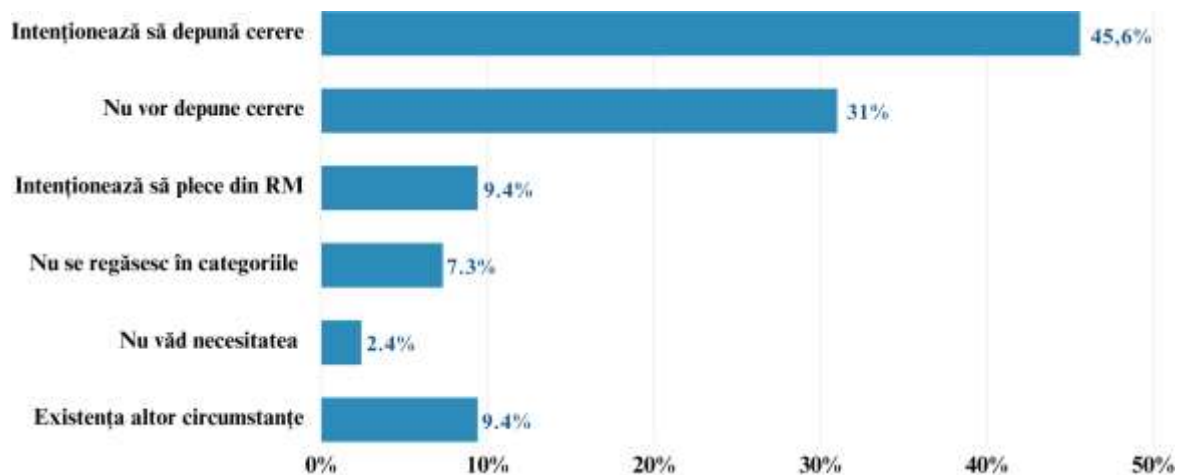
The weekly statistics of the GIM¹⁵ show that with the start of the procedure of pre-registration and documentation with identity documents of the beneficiaries of temporary protection, until 09.10.2023, 25085 persons were pre-registered for temporary protection. In the period 01.03 - 09.10.2023, the GIM issued 18920 identity documents to beneficiaries of temporary protection, of which 6154 identity documents issued to minors.

According to the survey conducted by the CDA between August 7-23, out of the 1139 persons interviewed, 58.1% already benefit from temporary protection, 26.1% do not benefit from temporary protection, 14.7% applied online and pre-registered for temporary protection and 1.1% were refused temporary protection. At the same time, 52.3% of respondents stated that one of their family members (husband, wife, and children) had obtained temporary protection in the Republic of Moldova.



Out of the number of respondents who do not benefit from the TP, 45.6% stated that they intend to apply online and pre-register for the TP, 31% will not apply online for the TP because they hold Moldovan citizenship, either because they are asylum seekers or have obtained asylum on the territory of Moldova, or because they have a residence permit on the territory of Moldova, 9.4% did not apply online for temporary protection because they intend to leave the territory of the Republic of Moldova in the near future, 7.3% stated that they do not fall into the categories of persons eligible for temporary protection, 2.4% do not see the need to apply for temporary protection and 9.4% cited other circumstances for not applying for temporary protection. Respondents were given the opportunity to select several proposed options.

¹⁵ <https://igm.gov.md/ro/content/statistica-s%C4%83pt%C4%83m%C3%A2nal%C4%83-igm-9>



Some 79% of respondents said they encountered no obstacles in obtaining temporary protection.



Out of 21% of respondents who said they faced obstacles or challenges, 49.8% mentioned difficulties they faced in confirming their address of residence/temporary residence in the RM. Another 34.8% indicated difficulties in the process of completing the online application through the portal www.protectietemporara.gov.md, 11% mentioned the lack of identity documents, 5.2% mentioned difficulties in accessing the offices, 4.1% of respondents mentioned difficulties in accessing information about the procedure for obtaining the TP and the long lines in the counters and territorial offices of the GIM issuing identity documents to beneficiaries of temporary protection, 1.1% mentioned the lack of translation services and 17.2% stated that they encountered other obstacles than those listed. Respondents had the possibility to select more than one of the proposed options.



From the daily interaction of CDA legal advisors with refugees from Ukraine, a number of problems and obstacles faced by refugees from Ukraine in the process of obtaining a TP were identified. This information supports/confirms the results obtained through questionnaires.

Thus, the biggest problem was ***the obligation to confirm the address of residence/temporary residence in the RM*** by one of the following documents: declaration of reception in the accommodation by the owner or co-owner of the accommodation - natural persons; application for reception in the accommodation by the owner or co-owner of the accommodation - legal entities; act attesting the right of ownership or use of the accommodation in accordance with item 16 of the Regulation on the issuance of identity documents and registration of residents of the Republic of Moldova, approved by GD 125/2013. This problem was caused by several factors or circumstances: the owner was not temporarily in the country or was not willing to present/notarize the declaration of reception in the accommodation, or refused to go to the offices of the GIM to confirm the reception in the accommodation, did not have the right of ownership of the accommodation, is an elderly person with health problems or mobility difficulties. In many cases, owners of the houses refused to confirm. The declaration of occupancy of the accommodation and to transmit the document attesting the right of ownership or use of the accommodation, considering that by these actions they offer the refugees the right of ownership or use of the accommodation in question or that it will be necessary to pay fees or taxes for the completion of the declaration of occupancy of the accommodation, even if they have transferred the accommodation free of charge. As a result, cases have been reported where persons who need to confirm their home address have been using third parties willing to provide a fictitious declaration of occupancy for a fee. According to some sources, this sum could be as much as 400 euro.

A separate category of displaced persons from Ukraine are persons settled living in parental homes in the Republic of Moldova, the owners of which are deceased without leaving an inheritance. Thus, although the refugee lives in the parental home over which he has no ownership rights, he cannot present to the GIM any document proving the right to ownership or use of the property. At the same time, some municipalities refused to issue documents confirming that the person is the potential heir or lives at the address where the property is located.

In the same vein, there were cases in which the administrators of some placement centres refused to issue the application for accommodation for various reasons, so that the persons accommodated in these centres were deprived of the possibility to apply online and pre-register for an identity document.

By CES Provision No. 80 of 04.09.2023 (item 11) a solution was offered to solve the problems related to the confirmation of the address of residence/temporary residence on the territory of the Republic of Moldova: ***"in addition to the provisions of item 12 of Annex No. 1 to GD 21/2023, for the period of emergency, the beneficiary of temporary protection shall submit the "affidavit on the address of residence"***, which shall be submitted to the GIM. The model of the declaration is approved by order of the Head of the GIM, is published on the official website of the mentioned authority and contains the mention that the applicant for temporary protection is warned about the criminal liability for declaring false information provided for in article 352¹ of the Criminal Code of the Republic of Moldova.

Although the option of registering and documenting beneficiaries of temporary protection on the basis of an affidavit on the address of domicile/residence on the territory of the Republic of Moldova has simplified the procedure for obtaining temporary protection, the GIM has identified and assessed several risks:

- creating the conditions for false or erroneous residence addresses to be declared by TP beneficiaries. Abuse by some beneficiaries in bad faith - declaring wrong addresses, the owners will not even know about the fact that their address is used, which could spark conflicts with the local population;
- increase in the number of beneficiaries of temporary protection, who in reality do not reside in the RM, but enter on a short-term basis to receive assistance/services from the state and/or non-governmental organizations;
- it will not be possible to provide a record of the actual residence of beneficiaries of temporary protection;
- obligation to make changes to the regulatory framework and to create parallel systems of registration of beneficiaries of temporary protection.

Among the difficulties in the process of completing the online application and pre-registration for obtaining the identity document of the TP beneficiary through the portal www.protectietemporara.gov.md we can mention:

- insufficient knowledge of information and communication technology, a problem specific to older people;
- lack of gadgets that would allow access to the portal, a problem specific to older people;
- technical problems related to the functioning of the portal www.protectietemporara.gov.md;
- frequent malfunctioning of the equipment for taking fingerprints in the territorial registration offices for foreigners of the GIM and, as a consequence, redirection of applicants to the municipality of Chisinau;

- mistakes in personal data (name, surname, IDNP) when filling in the identity document of the beneficiary of temporary protection;
- requests for the issuance of identity documents through the "Mobile Team" without response or late presentation of the "Mobile Team".

The lack of identity documents required for granting temporary protection is another impediment to obtaining this form of protection on the territory of the Republic of Moldova. Among the refugees in Ukraine there are adults who have no identity documents or only birth certificates. In order to obtain temporary protection, these persons have to present to the GIM an identity certificate of a Ukrainian citizen, issued by the Ukrainian Embassy in the Republic of Moldova¹⁶. Besides the fact that consular services are offered by the Ukrainian Embassy only on the basis of online appointment, which is very difficult to do, the Embassy does not issue such certificates. Thus, this category of persons cannot prove their identity and eligibility for temporary protection, which obstructs their access to registration procedures for temporary protection. In these circumstances, the only solution to legalize their stay on the territory of the Republic of Moldova is to apply for asylum.

Accessing information about the procedure for obtaining temporary protection does not seem to be a big problem - only 4.1% of respondents surveyed by the Law Centre of Advocates mentioned difficulties in this respect. At the same time, to the question "Where do I get information about temporary protection in the Republic of Moldova", about 72% of respondents mentioned consultations offered by NGOs, 37.8% - from the Internet and social networks, 18.8% - from leaflets, posters, booklets; 15.9% - from acquaintances and family members, 10.4% - from the websites of public institutions, 9.7% - by phone, 8.1% - from the websites of other organizations. It should be noted that this question involved multiple answers.



Thus, by diversifying sources and methods of information, accessible to different ages and people with special needs, as well as territorial coverage through NGOs and LPAs, obtaining information about TP has not become a major challenge for people accommodated in rural localities. At the same time, there might be an explanation for the relatively low number of people getting information from the websites of public institutions: a selective review of the websites of public authorities reveals that a good part of the information materials (especially posters, leaflets, videos) about the TP are accessible in Romanian, and only a small part of them - in Ukrainian or Russian.

¹⁶ Paragraph 3 par. (1) of Annex no. 1 to Government Decision no. 21/2023

Apart from the fact that editing and posting them on Romanian web resources is not very productive, it is also not very financially justified¹⁷.

In this context, the actions undertaken by the GIM to promote temporary protection as a safe and quick form of protection, as well as those undertaken to ensure effective communication and to familiarize institutions with truthful and comprehensive information on the implementation and realization of the mechanism for granting temporary protection to displaced persons from Ukraine, deserve to be appreciated. These include the publication and dissemination of information materials in the form of posters, leaflets, animated videos dedicated to informing the general public; creation of the document "Frequently Asked Questions" (FAQ) and placing it on the official website of the GIM; organization of information meetings with target groups with direct, medium and low level of involvement (employees of green lines, who provide information on temporary protection, heads of placement centres, operators of financial assistance centres, communities led by Ukrainians, etc.); organization of information sessions for the implementing institutions of GD 21/2023 and institutions working with beneficiaries with medium/low level of involvement such as the National Agency for Social Assistance, including at district level the General Directorate for Education, Youth and Sport; the National Agency for Employment, including at territorial level; District Public Health Directorates and Local Public Authorities.

The efforts of local public authorities, civil society organizations and representatives of international organizations operating in the Republic of Moldova to inform displaced persons from Ukraine about the conditions and pre-registration procedure for obtaining temporary protection and to provide them with direct support at all stages cannot be left unattended. In this context it is worth mentioning the results of the survey, according to which the respondents have the highest trust in the following organizations: UNHCR, UNICEF, IOM, Law Centre of Advocates, Women's Law Centre, CasMed, Ave copiii, ADRA Moldova, HelpAge International, CARITAS Moldova, INTERSOS Moldova, ACTED Moldova, CRS, World Vision Moldova, Laolalta, GENDERDOC-M, Keystone Moldova and others.

However, outreach efforts must continue and must meet the needs of all refugees, regardless of ethnicity, disability, age, language spoken or understood. In the case of children, the information provided should also be easily understandable by them, depending on their age and maturity.

¹⁷ <https://justice.gov.md/ro/content/procesul-de-inregistrare-solicitantilor-protectiei-temporare>;
<https://www.madrm.gov.md/ro/content/4527>,
<https://www.youtube.com/watch?v=VEEvWJHFSOY>

To better understand how Ukrainian refugees create, access and share information about the response to the refugee crisis in Ukraine, research conducted by the international non-profit organisation "Internews" on behalf of UNHCR Moldova¹⁸ can be used. The aim of this research is to identify barriers to accessing quality information and information gaps that could be filled by media, humanitarian or government service providers.

Although beneficiaries of temporary protection on the territory of the Republic of Moldova face certain barriers and problems, the central and local public authorities, in cooperation with representatives of international organizations operating in the Republic of Moldova and civil society organizations, have managed to ensure the implementation and enforcement of an effective mechanism for granting temporary protection, in terms of its accessibility.

However, compared to the problems faced by countries applying temporary protection under Directive 2001/55/EC and Council Implementing Decision (EU) 2022/382 of March 4, 2022 (long queues, lack of translation services, difficulties in accessing registration points, difficulties in accessing information)¹⁹, there were no major problems in Moldova in accessing information and services for obtaining TP in languages known by refugees from Ukraine, no language barriers or major barriers preventing the movement of applicants for temporary protection to the offices of the GIM were reported, and the digitization of the procedure for obtaining temporary protection and its division into two stages allowed avoiding queues at the counters of the GIM offices and obtaining the identity document of the beneficiary of temporary protection quickly.

Documentation

According to article 22 of Law 270/2008, the Asylum and Integration Directorate registers the personal data of beneficiaries of temporary protection on the territory of the Republic of Moldova and takes the necessary measures to provide the persons benefiting from temporary protection with the necessary documents **for the entire duration of protection**. Each beneficiary of temporary protection shall be issued with an identity document free of charge granting him/her permission to stay on the territory of the Republic of Moldova.

It is recalled that by GD 21/2023, temporary protection was granted for a period of one year, starting from March 1, 2023. According to Law 270/2008, if the reasons for temporary protection persist, its duration may be extended for periods of 6 months, for a maximum of one year, but not exceeding 2 years.

The identity document of the beneficiary of temporary protection contains the following data: name of the document (Identity document of the beneficiary of temporary protection); name of the issuing authority; series and number; name and surname; date of birth; state identification number of the natural person (IDNP); nationality or mention "Stateless person"; sex; photograph of the holder; date of issue; validity period; security features.

¹⁸ Abundance and scarcity: access to information and barriers in the response to the refugee crisis in Moldova – 2023

¹⁹ [Report on the implementation of the Temporary Protection Directive: six months on, UNHCR Regional Office for Europe, October 2022](#)

Beneficiaries of temporary protection are issued identity documents valid until March 1, 2024. This period of validity is objective, regardless of the date on which the identity document was issued. However, even if the legislation in force does not regulate the possibility of renewing identity documents if the duration of temporary protection is extended, this obligation remains valid. In order to reduce the administrative burden related to the renewal of identity documents, there is the option of granting them for a period of two years, it being clear that temporary protection may be terminated at any time in accordance with the provisions of point 29 of GD 21/2023. If this option is not taken up, it is likely that identity documents will have to be renewed twice, for periods of 6 months.

At the same time, a longer period of validity of the identity document would offer certain advantages to beneficiaries of temporary protection, enhancing their prospects of socio-economic inclusion in the host country and would relieve the State of additional costs in case of an extension of the duration of temporary protection.

Observations

Displaced persons from Ukraine face a number of practical barriers in the process of obtaining temporary protection.

Thanks to the joint efforts of the authorities, civil society organizations and international organizations currently working in the Republic of Moldova to promote temporary protection as a safe and quick form of protection, displaced persons from Ukraine are provided with comprehensive and accurate information. At the same time, information materials are not yet accessible for some categories of refugees with special needs.

The documentation procedure for beneficiaries of temporary protection and the model of the identity document of the beneficiary of temporary protection and the data included in it provide displaced persons from Ukraine with more security and unhindered access to various vital services and are an example of a people-centered approach.

Recommendations

Post information on temporary protection on the official pages of all institutions responsible for the implementation and enforcement of the temporary protection mechanism;

Placing useful information for refugees on the web pages of the implementing institutions in visible and easily accessible places and continuously updating this information;

Forming information networks for each community and diversifying forms of information dissemination;

Making information materials accessible so that they meet the needs of all refugees, regardless of ethnicity, disability, age, language spoken or understood and other criteria.

Reviewing the wording of the validity period included in the identity document of the beneficiary of temporary protection, in view of extending the duration of temporary protection on the territory of the Republic of Moldova.

FREE ACCESS TO JUSTICE

Constitution of the Republic of Moldova, Art. 20:

"Everyone has the right to effective satisfaction by the competent courts against acts violating his/her rights, freedoms and legitimate interests. No law may restrict access to justice".

Directive 2001/55/EC, art. 29:

"Persons who have been excluded from enjoying temporary protection or family reunification in a Member State shall be entitled to judicial redress in the Member State concerned".

According to *the Law on Asylum in the Republic of Moldova No. 270/2008*, decisions rejecting asylum applications, decisions on the termination or cancellation of refugee status, decisions on the termination or cancellation of humanitarian protection may be challenged through administrative litigation without any prior procedure.

According to art. 39 of the Administrative Code, "*Judicial control of administrative activity is guaranteed and may not be restricted. Any person who claims a right that has been infringed by a public authority or by the failure to resolve a request within the legal time limit may apply to the competent court*". According to art. 119 of the Administrative Code, "*An individual administrative act may be issued in writing, verbally or by conclusive conduct. The form of the individual administrative act is chosen by the public authority issuing the administrative act on the basis of the discretionary right corresponding to its obligations. The written administrative act may be issued in paper or electronic form. At the request of a participant, the individual administrative act issued orally shall be confirmed in writing within one week. The request shall be submitted within one month of the communication of the administrative act. The public authority may also issue a written confirmation ex officio.*"

It is currently unclear whether the right to an appeal generally applies in cases where displaced persons from Ukraine who have been refused temporary protection for various reasons, including the existence of exclusion clauses under article 25 of Law 270/2008, can appeal to the administrative court.

It should be noted that out of the number of respondents surveyed by the Law Centre of Advocates on August 23, 2023, 12 persons reported that they were refused temporary protection.

Based on the principle of free access to justice, it is important that every applicant for temporary protection has access to an effective remedy if he or she is not granted temporary protection. At the same time, the State must have effective appeal procedures in place for applicants for temporary protection and provide written reasons for decisions rejecting applications for temporary protection.

Observations

It is currently unclear whether the right to an appeal generally applies where displaced persons from Ukraine, who have been refused temporary protection for various reasons, can appeal to the administrative court.

Recommendations

Written reasons for decisions rejecting requests for temporary protection and regulation of the right to appeal the refusal to grant temporary protection.

RIGHT TO FREE MOVEMENT

Conditions for granting temporary protection to displaced persons from Ukraine (Annex no. 1 to GD 21/2023):

Temporary protection ceases in one of the following situations:

3) [...] if it is established that the person has left the territory of the Republic of Moldova and is outside the territory of the Republic of Moldova for a cumulative period of more than 45 days (par. 29 par. 3).

Directive 2001/55/EC on temporary protection gives displaced persons from Ukraine the possibility to return voluntarily and provides for measures applicable after the end of temporary protection. Also, according to the Operational Guidelines to assist Member States in the application of the Temporary Protection Directive (European Commission)²⁰, "Once a Member State has issued a residence permit in accordance with article 8 of Directive 2001/55/EC, a person enjoying temporary protection has the right to travel to Member States other than the Member State which issued the residence permit for a period of 90 days within a period of 180 days. If the person concerned subsequently moves to another Member State, where he or she receives another residence permit on the basis of temporary protection, the first residence permit issued and the rights deriving from it must expire and be withdrawn, in accordance with the spirit of articles 15 paragraph (6) and 26 paragraph (4) of Directive 2001/55/EC".

According to "**Practical information on the rights and possibilities for persons fleeing war in Ukraine in the EU**", "If they need to return to Ukraine for a short period of time, for example to visit their family, to collect documents or to rescue family members, they do not lose their temporary protection status. A short visit to Ukraine should not be considered by EU countries as a voluntary return decision before the end of temporary protection. This means that a short trip to Ukraine should not lead to the revocation of the residence permit and the loss of the rights attached to the status²¹".

Thus, in most countries that have implemented Directive 2001/55/EC, beneficiaries of temporary protection can travel to Ukraine or a third country without losing their status and associated rights. However, in some countries there are varying periods that can be spent outside the country without losing temporary protection and/or the loss of certain benefits, such as access to accommodation and financial assistance, while in others there are no clear regulations on how long refugees can stay outside the host country without the risk of losing their legal status and/or related benefits²².

²⁰ [https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52022XC0321\(03\)](https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52022XC0321(03))

²¹ https://eu-solidarity-ukraine.ec.europa.eu/returning-ukraine-questions-and-answers_ro

²² [Report on the implementation of the Temporary Protection Directive: six months on, UNHCR Regional Office for Europe, October 2022](#)

In the Republic of Moldova, temporary protection ceases if it is found that the person has left the territory of the Republic of Moldova and is outside the country for a cumulative period of more than 45 days. The GIM stated that although this is a precondition for the termination of temporary protection, it does not prevent the foreigner from repeatedly applying for temporary protection and the legislation does not prohibit the repeated granting of this form of protection

Apart from the fact that there are no regulations and procedures for the repeated application for temporary protection in case of termination of protection in the situation under consideration, this suggested option implies additional resources not only for refugees but also for the authorities: financial resources, human resources, time resources, technological resources.

It is known that a number of refugees make permanent trips between Ukraine and the Republic of Moldova to visit their family members, to complete documents, to check their property and for other reasons. A good number of them have chosen to stay in the Republic of Moldova because of its proximity to Ukraine. According to information provided by the CDA legal advisers, the cumulative period of 45 days of absence on the territory of the Republic of Moldova gives rise to certain reservations about this form of protection.

Although the right to freedom of movement does not belong to the category of absolute rights, the restriction of which is excluded, both the European Court of Human Rights and the Constitutional Court of the Republic of Moldova have repeatedly highlighted and explained the circumstances in which the exercise of this right may be limited. Moreover, article 2 paragraph (3) and (4) of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms lists the cases in which the right to freedom of movement may be restricted.

Analysis of the factual situation, in the light of human rights standards, leads to the conclusion that the establishment of the 45-day period of stay outside the territory of the Republic of Moldova, which serves as a basis for the termination of temporary protection, appears to be unjustified and disproportionate to the legitimate aim pursued. However, the information note to the draft Government decision on the granting of temporary protection²³ does not contain any argument justifying this limitation of the right to freedom of movement.

This issue was addressed by the Ombudsman before the Constitutional Court in the application for review of the constitutionality of article 26 paragraph (3) of the Law on Asylum in the Republic of Moldova No 270/2008, registered at the Constitutional Court on August 4, 2023²⁴.

Observations

The establishment of the 45-day period of stay outside the territory of the Republic of Moldova, which serves as a basis for the termination of temporary protection, seems unjustified and disproportionate to the legitimate aim pursued.

²³ <https://gov.md/sites/default/files/document/attachments/subiect-05-nu-771-mai-2022.pdf>

²⁴ www.constcourt.md/public/ccdoc/sesizari/196a_2023.08.04.pdf

The option of repeatedly applying for temporary protection in the event of its termination in the event of a cumulative stay outside the territory of the Republic of Moldova of more than 45 days involves additional resources for refugees and for the authorities: financial resources, human resources, time resources, technological resources, etc.

Recommendations

Review of the grounds for ending temporary protection limiting the right to free movement.

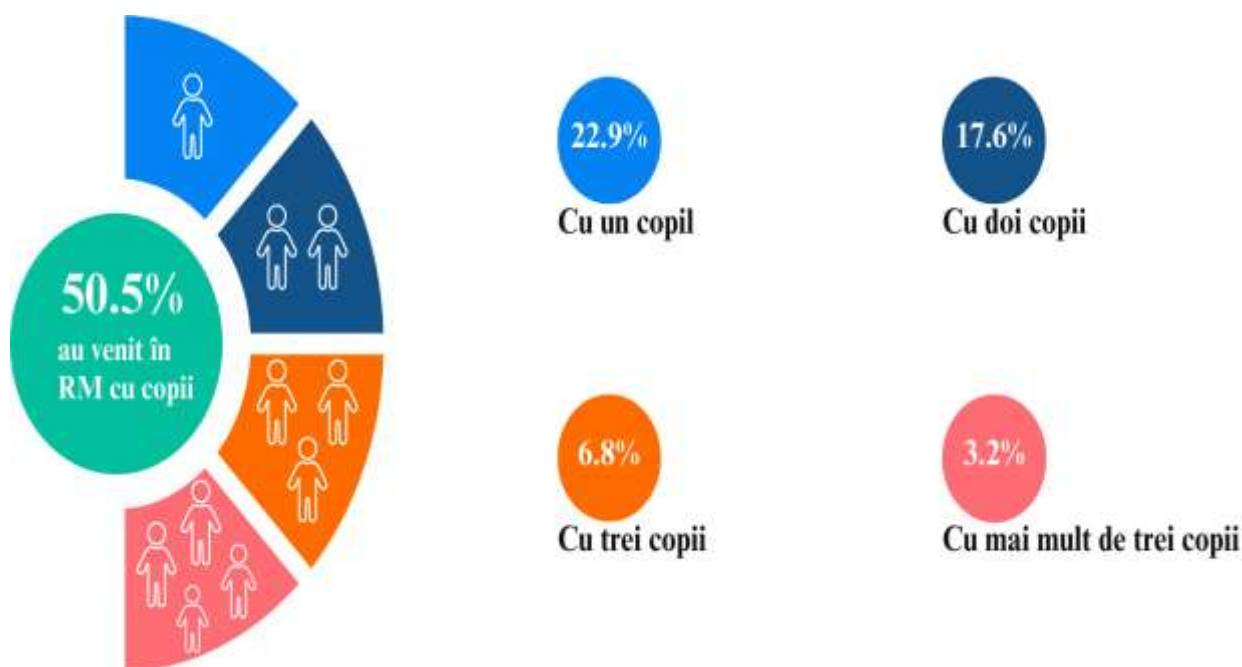
RIGHT TO EDUCATION

Conditions for granting temporary protection to displaced persons from Ukraine (Annex no. 1 to GD 21/2023):

The Ministry of Education and Research ensures access to education for minors who are beneficiaries of temporary protection in public general education institutions within the possibilities of the educational system and under the same conditions as for minors who are citizens of the Republic of Moldova (item 17).

The number of children arriving in Moldova from Ukraine was unprecedented and created significant practical and logistical challenges for rapid integration into the national school system. According to UNHCR statistics, children (persons under 18 years) account for almost half of the population that left Ukraine as of February 24, 2022 due to the war. As of October 10, 2023, there are 111,472 refugees on the territory of the Republic of Moldova, of which 23% are boys (25,575) and 21% girls (23,947)²⁵.

According to the survey conducted by the CDA between August 7 -3, out of the 1139 persons interviewed, 50.5% came to Moldova with children: 22.9% - with one child, 17.6% - with 2 children, 6.8% - with 3 children and 3.2% - with more than 3 children.



²⁵ <https://data.unhcr.org/en/dataviz/248?sv=0&geo=680>

The large number of children displaced from Ukraine and living in the Republic of Moldova has made it necessary to take urgent measures to ensure their access to the education system.

In order to facilitate access to education for children and young people from Ukraine, the Ministry of Education and Research has posted on its website and is constantly updating information on the procedure for enrolling children in educational institutions in Ukrainian and Russian; it has published the list of general educational institutions identified for enrolling children from refugee families from Ukraine for the 2023-2024 school year; it has made available the PDF textbooks produced by the Ministry as well as access to the online library (www.educatieonline.md). For the distance education of students, who apply to study online according to the Ukrainian study program, but also for those who want to continue their studies in higher education institutions in the Republic of Moldova, a series of useful information has also been made public²⁶.

In June 2023 the Ministry of Education and Research and UNICEF Moldova launched the information campaign "Back to School" with the aim to inform and motivate Ukrainian parents and caregivers to enrol their children in educational institutions in the Republic of Moldova.

By September 15, 2023, 623 children from displaced families from Ukraine were registered in early education institutions, and 1261 pupils from Ukraine were registered in primary and secondary schools, cycle I and II. In higher education institutions, 645 students from Ukraine are registered and admitted to higher education in the 2022-2023 academic year (bachelor: 48 admitted on budget, 300 - on contract; master: 14 admitted on budget, 283 - on contract). Currently, the data for the 2023 admission is being updated.

Initially, the educational process of children displaced from Ukraine was regulated by the Instruction on the enrolment in general educational institutions of the Republic of Moldova of children from refugee families from Ukraine, approved by the Order of the Ministry of Education and Research No. 178/2022 of 15.03.2022, with several schooling options being offered, namely:

a) Schooling of refugee children in educational institutions as *pupil*, an option valid for citizens who have applied for asylum and have completed the procedure for recognition and equivalence of studies;

b) Attendance of children in classes with pupils from the Republic of Moldova, as an *auditor*, which implies participation in educational activities without compulsory schooling, participation in various extracurricular activities organized in the premises of primary and secondary educational institutions or attending extracurricular educational institutions, an option valid for all children of Ukrainian citizens who are temporarily on the territory of the Republic of Moldova;

c) The possibility to attend online lessons organized by educational institutions where they studied in Ukraine, to access educational platforms and resources created and coordinated with the Ministry of Education and Science of Ukraine.

²⁶ <https://mec.gov.md/ro/content/v-podderzhku-detey-i-molodezhi-ukrainy>

The legal status of refugee students from Ukraine was regulated by the Order of the Ministry of Education and Research No. 177 of 15.03.2022 on the enrolment of refugee students from Ukraine in the 2021-2022 study year. According to the order, refugee students from Ukraine were given the opportunity to access mobilities in higher education institutions of the Republic of Moldova in accordance with the Recommendations - framework on the organization of academic mobility and recognition of mobility periods. For the academic year 2023-2024, specific regulations for Ukrainian refugee students have not been approved, which indicates the application of the general normative framework.

With the granting of temporary protection, the State guarantees access to education for minors who are beneficiaries of temporary protection in public general education institutions within the limits of the possibilities of the educational system and under the same conditions as for minors who are citizens of the Republic of Moldova. The responsibility for ensuring access to the educational system has been placed on the Ministry of Education and Research.

In order to implement GD No. 21/2023 on granting temporary protection to displaced persons from Ukraine, by Order No. 1109 of 04.09.2023, the Ministry of Education and Research of the Republic of Moldova approved the "Instruction on integration of children from refugee families from Ukraine in general educational institutions of the Republic of Moldova". The Instruction regulates the process of integration of children from Ukrainian refugee families into general educational institutions of the Republic of Moldova and aims to establish the actions of the structures responsible for ensuring access to education for all children from Ukrainian refugee families during their stay in the Republic of Moldova.

According to paragraph 3 of the Instruction, access to pre-school, primary, secondary and high school education is ensured to all children from refugee families from Ukraine who entered the territory of the Republic of Moldova after February 24, 2022.

The application for admission to studies is to be submitted by the parent/legal representative/legal guardian of the child coming from refugee families, depending on the place of residence. The student who had auditory status will be enrolled with student status by submitting an additional application for enrolment, requesting either student status or online instructional services according to the educational program in Ukraine. The application can be submitted at any time during the study year, within the limits of available places in the educational institutions. For students who are already studying in an educational institution in the Republic of Moldova and have been enrolled with student status, there is no need to submit an additional application. For students studying online according to the Ukrainian study program, educational institutions will provide, upon request, conditions: rooms, equipment, and internet connection.

According to paragraph 3 of the instruction "*Pursuant to Article 17 of Government Decision No. 21/2023 on granting temporary protection to displaced persons from Ukraine, public general education institutions (pre-school, primary, secondary and high school) shall ensure access to education for all children from refugee families from Ukraine **who entered the territory of the Republic of Moldova after February 24, 2022, within the limits of available places** and under the same general conditions stipulated in the normative documents in force as for minor citizens of the Republic of Moldova*". This regulation is in contradiction with paragraph 1 sub-paragraph 2 and paragraph 17 of GD 21/2023, which grants the right to

temporary protection also to Ukrainian citizens who were on the territory of the Republic of Moldova before February 24, 2022.

The *ad litteram* interpretation of item 3 of the Instruction creates the risk of limiting access to education for an important category of beneficiaries of Temporary Protection, namely Ukrainian children who were in Moldova before February 24, 2022.

Since the "Instruction on the integration of children from refugee families from Ukraine into general educational institutions in the Republic of Moldova" is a normative act issued under and for the execution of GD 21/2023, it must be strictly limited to the framework established by GD 21/2023, which is a higher-level normative act, and cannot contravene its provisions. In this respect, item 3 of the Instruction is to be interpreted and applied in conjunction with items 1 sub item (2) and item 17 of GD 21/2023, with a view to providing access to education also for Ukrainian children who were in Moldova before February 24, 2022.

Regions hosting large numbers of refugees and where most accommodation centres are located may be at risk of lack of sufficient space in educational institutions; shortage of teachers; language barriers, especially in areas where Russian/Ukrainian language classes are lacking, are just some of the obstacles to access to education.

Optimising refugee accommodation centres by reducing their number could be another significant barrier to access to education. It should be noted that existing accommodation assistance schemes are predominantly short-term. It should be borne in mind that the lack of safe and long-term accommodation has a multidimensional impact on refugees' ability to exercise their other rights, including education, and the closure of placement centres would require the identification of alternative accommodation, which may require a change of location. With the change of locality, it is necessary to transfer the children to a new educational institution, without the certainty that they will have access to educational programmes taught in Russian/Ukrainian language.

In the same vein, given that GD 21/2023 transposes article 14 paragraph (1) of Council Directive 2001/55/EC of the European Union²⁷, the State's reservation to provide access to education ***within the limits of the possibilities of the education system*** could be qualified as a restriction of the right to education and could present a major obstacle to access to education.

²⁷ Member States shall grant persons under the age of 19 enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State. Member States may stipulate that this access be limited to the state education system".

Asked whether they managed to enrol their children in educational institutions (pre-school, primary and secondary education), only 36% of the respondents interviewed by the CDA answered in the affirmative, while the others did not enrol their children in educational institutions for various reasons: 21% did not consider it necessary to enrol their children in educational institutions in the Republic of Moldova, 4% reported language barriers, 3% were refused due to the lack of the necessary documents for enrolling their children in the educational institution, 1% were refused due to the lack of places in the chosen educational institution, 1% - lack of necessary information, and 35% selected the option - other reasons. No respondent mentioned the refusal of enrolment of the child in the educational institution in relation to the lack of a permanent home address.

Findings from the Multi-Sector Needs Assessment in Moldova²⁸ suggest that among the main reasons why children are not enrolled in educational institutions in the Republic of Moldova, the preference for online studies according to the Ukrainian curriculum is the most frequently reported reason (62%). We do not know whether this is systematically pursued by the Moldovan authorities.

By GD 115 of 07.03.2023 was approved the National Programme for the learning of the Romanian language by national minorities, including the adult population, for the years 2023-2025. One of the specific objectives of this programme is to strengthen the regulatory framework for the sociolinguistic and professional integration of pupils, students and students from other languages, including refugee children from Ukraine. As a result of the implementation of this programme, it is expected to increase the level of knowledge of the Romanian language by the representatives of national minorities, by improving their access to quality language education, providing inclusive education opportunities for all, including children of refugees from Ukraine, ensuring their access to general, technical vocational, higher education, as well as their transition to the labour market.

Some EU countries have opted to employ members of the refugee community as teaching assistants as an important way of alleviating staff shortages in schools, as well as addressing language barriers. This practice could be firmly taken up by the Republic of Moldova, although there are some cases where displaced persons from Ukraine have been employed as teachers in Moldovan educational institutions.

Observations

The Republic of Moldova has taken and is taking firm action to ensure access to education for minors who are beneficiaries of temporary protection in public educational institutions under the same conditions as for minors who are citizens of the Republic of Moldova.

Among the main reasons why displaced children from Ukraine are not enrolled in educational institutions in the Republic of Moldova, the preference for online studies according to the Ukrainian curriculum is the most important.

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<https://www.unicef.org/moldova/en/media/8931/file/Evaluarea%20nevoilor%20multisectoriale%20i%CC%82n%20Moldova.pdf>

Offering free Romanian language courses will improve effective access to education for Ukrainian refugee children and help their parents and carers to have easier access to the labour market.

Displaced persons from Ukraine face some obstacles in achieving the right to education. One of these is the state's reservation to provide access to education ***within the possibilities of the education system.***

Recommendations

Support educational institutions in the process of creating the necessary conditions for the access of displaced children from Ukraine to the educational system of the Republic of Moldova.

Involve displaced families and communities in the educational process, including by integrating members of the refugee community into national educational institutions.

RIGHT TO WORK

Conditions for granting temporary protection to displaced persons from Ukraine (Annex No 1 to GD 21/2023):

Beneficiaries of temporary protection have the right to work on the territory of the Republic of Moldova, without obtaining the right of temporary residence for work purposes (item 23).

The employment of beneficiaries of temporary protection will be based on the individual employment contract, with mandatory notification by the employer, within 5 days from the date of conclusion of the contract, to the National Employment Agency about the employment of the beneficiary of temporary protection (item 24).

In the case of employment in the health care system, beneficiaries of temporary protection obtain the Ministry of Health's permission for their employment during the period of temporary protection (item 25).

Effective access to decent employment opportunities is essential to avoid increasing protection risks where refugees cannot provide for their basic needs, including risks of exploitation and abuse.

Equally, labour market inclusion is fundamental to achieving financial independence, supporting the family and contributing to the development of the host community. Inclusion will also benefit Ukraine in the long term, when Ukrainians return home with newly acquired skills and contribute to the reconstruction of the country.

In granting temporary protection, the Republic of Moldova has removed many formalities and additional administrative measures to ensure immediate access to the labour market, such as additional work permits or other obstacles.

According to the information published by the National Employment Agency²⁹, according to the data available on October 05, 2023, notifications were received from economic agents about the employment of 1197 citizens of Ukraine, of which 847 women and 350 men. Most Ukrainian citizens are employed in Chisinau mun. (909), ATU Gagauzia (49), Balti (55).

According to the notifications of employers, citizens of Ukraine have taken up jobs in the following professions, trades: programmer, engineer, seamstress, salesman, salesman-consultant, cook, waiter, doctor, educator, subassembly fitter, nurse, operator in the production sector, customer service agent, manager various fields, data entry operator, others.

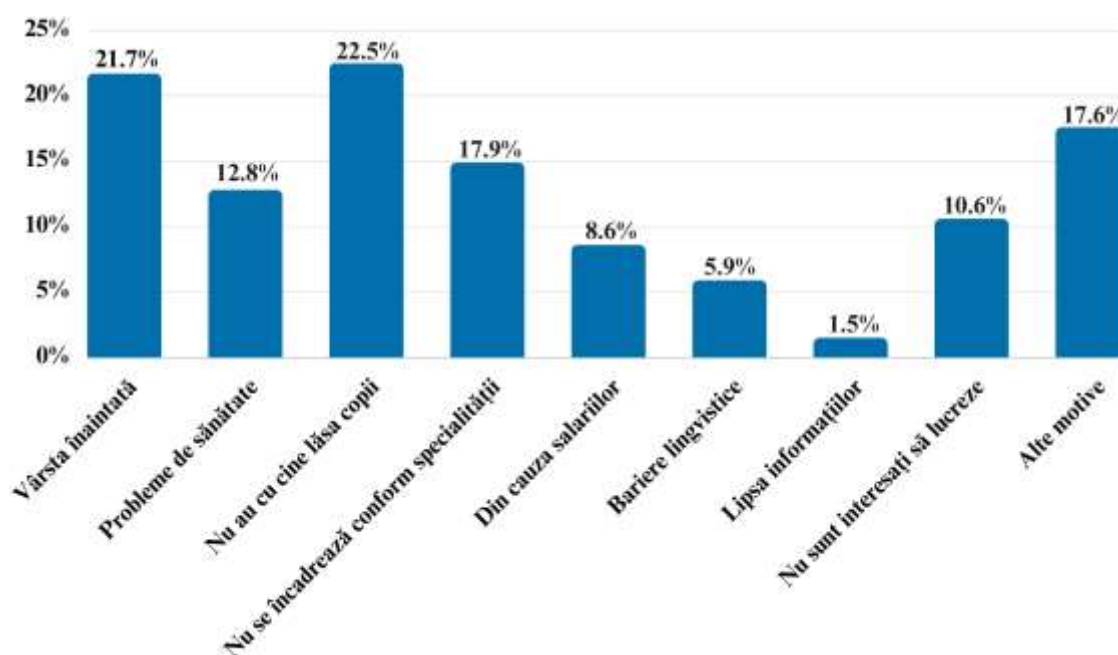
²⁹ <https://www.anofm.md/ro/node/20103>

Since the beginning of this year, 257 employers have indicated their willingness to employ Ukrainian citizens, declaring 2800 vacancies for these people. At the same time, 149 Ukrainian citizens have registered with the territorial subdivisions of NEA (National Agency for Employment) for employment support. NEA offers the following services free of charge to Ukrainian citizens registered in the registers: information on job vacancies, contact details of employers, guidance and employment support.

Although more than 18 months have passed since the beginning of the war and there are about 110,000 Ukrainian citizens on the territory of the Republic of Moldova, about 77.7% of the respondents surveyed by the CDA are not employed, 11.6% said they are officially employed and 10.7% - informally employed.



It would seem that access to the labour market should not pose major challenges for respondents. However, 27.1% of respondents indicated that they could not find a job because of their age and 12.8% because of health problems, 22.5% had no one to leave their children with, another 14.9% reported that they could not find a job according to their speciality, and 8.6% could not find a job because of the wages offered, which they considered insufficient. In addition, 5.9% of respondents cited language barriers as a reason for non-employment and 1.5% - lack of information about employment conditions and vacancies. Remarkably, 10.6% of non-employed respondents stated that they were not interested in working in the Republic of Moldova, while another 7.6% selected the option "other reasons" for not being employed. Respondents had the possibility to select more than one of the proposed options.



Initially, the right to work of displaced persons from Ukraine was regulated by CES Decision No 4 of March 1, 2022. Paragraph 7 of the provision granted them the right to work on the territory of the Republic of Moldova without obtaining the right of temporary residence for work purposes. With the introduction of temporary protection, the right to work is regulated by GD 21/2023, which authorises, for a period not exceeding the duration of the temporary protection, the persons benefiting from it to carry out paid activities without obtaining the right of temporary residence for work purposes. The employment of beneficiaries of temporary protection will be based on an individual employment contract, with mandatory notification by the employer, within 5 days from the date of conclusion of the contract, to the National Agency for Employment about the employment of the beneficiary of temporary protection.

For a period of two and a half months, the right to work of displaced persons from Ukraine had a double legal regulation, being ensured by CES Provision No. 4 of March 1, 2022 and by GD 21/2023. It could be exercised both under the emergency regime and under temporary protection. From the point of view of the employment procedure and notification to the NEA, the regulations were in principle similar. The major difference between the CES Provisions and the Government Decision concerns the categories of beneficiaries entitled to work. In the first case the right to work was guaranteed only to Ukrainian citizens, in the second case to all beneficiaries of temporary protection.

Only by CES Provision No. 68 of May 10, 2023 were the provisions of CES Provision No. 4 of March 1, 2022 repealed, leaving only the regulations of GD 21/2023 in force. Thus, as of May 15, 2023, displaced persons from Ukraine can no longer legally work in the Republic of Moldova under the emergency regime. Obtaining temporary protection or another legal status granting the right to work (work-based residence permit) are inherent conditions for exercising this right.

This has raised doubts among employees and employers about the continued validity of contracts concluded until May 15, 2023. MIA officials have come up with explanations in this regard, pointing out that CES Provision No. 68 does not apply retroactively and does not affect the validity of contracts concluded until that date, as long as the affected Ukrainians try to regularise their status in other ways.

NAE, through the Livelihoods and Inclusion Working Group, confirmed that contracts concluded before May 15 under CES Provision No. 4 of March 1, 2022 remain valid for a further 90 days.

In order to ensure a smooth transition to the regular employment regime for displaced persons from Ukraine, the Refugee Coordination Forum's Protection Working Group, recommended:

- disseminate information to both refugees and employers on the validity of contracts concluded before May 15 under the state of emergency regime and the steps Ukrainians should take to maintain the validity of employment relationships they entered into before May 15;
- direct information of persons, whose contracts were registered with NAE before May 15, as well as through national and international partners; dissemination of information that employment under temporary protection is not obligatory to receive a salary equal to the average wage in the economy;
- preparing and disseminating information materials on the right to work of beneficiaries of temporary protection and the need for displaced persons from Ukraine to legalize their status to ensure that they can work legally.

Lack of information on working conditions exposes TP beneficiaries to the risk of exploitation and informal employment, no access to social security, too many working hours, lower wages, non-payment of salaries, and lack of medical guarantees.

Measures such as help in writing CVs, sending profiles to employers and procedures for checking employers to prevent the risk of labour exploitation would be measures to promote and support employment. Other measures to support beneficiaries of temporary protection in accessing the labour market could be Romanian language courses for adults, vocational training, and childcare services by providing places in schools and kindergartens.

Given the predominance of Ukrainian single-parent families headed by women among beneficiaries of temporary protection, labour market inclusion programmes with a particular focus on supporting women would be a means of facilitating employment. In this context, the availability of 'early childhood education and care' services is also a particularly important prerequisite for their rapid and sustainable inclusion in the labour market.

Paragraph 25 of GD 21/2023 regulates the procedure for employing beneficiaries of temporary protection in the health care system. They are to obtain the Ministry of Health's permission for their employment during the period of temporary protection, a procedure regulated by Ministry of Health Order No 460 of May 26, 2023 "On the employment of beneficiaries of temporary protection in health care institutions". After the expiry or withdrawal of temporary protection, the work of Ukrainian medical workers in medical

institutions in the country will be possible only after the equivalence of studies and recognition of qualifications according to the regulatory framework. The involvement of specialists from displaced persons in the national health sector can bring a number of benefits to host communities beyond facilitating access to health care for refugees, including improving the capacity of the health system, reducing language barriers and facilitating information exchange with the refugee community on access to health services, and building trust between host and refugee communities. Refugees who will continue to use their professional skills under conditions of displacement will be a great asset in the context of Ukraine's resettlement efforts once the conditions for their return are met.

Although the GD 21/2023 does not expressly regulate that the right to work for beneficiaries of temporary protection is ensured under the same conditions as for citizens of the Republic of Moldova, the presumption is that the guarantees offered by the Labour Code in terms of remuneration, access to social security systems corresponding to wage activities, as well as other guarantees inherent to the status of employee apply.

In the same vein, the absence in GD 21/2023 of an express regulation on the equivalence of studies and the automatic recognition of professional qualifications of beneficiaries of temporary protection, would favour the development of a non-uniform practice in employment in professions for which a specific training is required. The amendment of GD 21/2023 by introducing express regulations in this respect could facilitate the employment of a larger number of refugees, thus generating positive effects in terms of their social integration and financial independence, and consequently reducing the financial burden on the state. In the meantime, it would be appropriate to apply by analogy the regulations contained in the Order of the Ministry of Health No. 460 of May 26, 2023, according to which beneficiaries of temporary protection working in the health care system will be obliged to follow the procedure of equivalence of studies and recognition of qualifications according to the regulatory framework only after the expiry or withdrawal of temporary protection. The interpretation of these regulations leads to the conclusion that, during the period of temporary protection, equivalence of studies and recognition of qualifications is not compulsory. A similar approach for the other professions could ensure equal treatment for all those intending to take up professions requiring a certain professional qualification, thus broadening the spectrum of possibilities.

The right of access to the labour market is an essential aspect of temporary protection because refugees are often forced by their situation to take jobs below their level of qualification. The provision of a simple and quick recognition mechanism goes a long way towards ensuring that persons enjoying temporary protection can work in jobs for which they are qualified. This facilitates their integration and leads to better use of their skills, both for the benefit of the individual and the host community. It also ensures that people gain relevant experience and skills during their period of temporary protection, which adds value to their qualifications when they return to their country of origin.

As an example, at European level, Commission Recommendation (EU) 2022/554 of April 5, 2022 on the recognition of qualifications for persons fleeing the Russian invasion of Ukraine was issued³⁰.

³⁰ <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32022H0554>

Observations

When granting temporary protection, the Republic of Moldova has removed many formalities and additional administrative measures to ensure immediate access to the labour market, such as additional work permits or other obstacles.

For a period of two and a half months, the right to work of displaced persons from Ukraine had a double legal regulation, being ensured by CES Provision No. 4 of March 1, 2022 and by GD 21/2023. This has caused confusion among employees and employers as to the continued validity of contracts concluded until May 15, 2023.

Recommendations

Examine the appropriateness of automatic recognition of professional qualifications of beneficiaries of temporary protection for the duration of temporary protection for professions other than those in the health care system, with the obligation to follow the procedure of equivalence of studies and recognition of qualifications under the regulatory framework only after the expiry or withdrawal of temporary protection.

RIGHT TO SOCIAL ASSISTANCE AND PROTECTION

Conditions for granting temporary protection to displaced persons from Ukraine (Annex No 1 to GD 21/2023):

Beneficiaries of temporary protection can access social assistance measures, financed by international organisations, on the basis of procedures and conditions jointly approved with the Ministry of Labour and Social Protection and the competent authority for foreigners of the Ministry of Internal Affairs. The amount of financial aid provided by international organisations will be correlated with the amount of aid established by the Government for beneficiaries of international protection (item 20).

Social assistance measures for families with children and unaccompanied minors are provided through the territorial social assistance structures (item 21).

Families benefiting from temporary protection, who are eligible under the conditions set out in the Framework Regulation on the organisation and functioning of the Social Support Service for Families with Children, approved by Government Decision No 889/2013, may benefit from this service, including financial support, to prevent and/or overcome risk situations in order to ensure the child's upbringing and education in the family environment (item 22).

Human dignity and a dignified standard of living are key aspects of temporary protection. According to GD 21/2023, beneficiaries of temporary protection can access social assistance measures, financed by international organisations, on the basis of procedures and conditions approved by national authorities. Therefore, the Republic of Moldova, with the support of international partners, has generally provided immediate humanitarian assistance.

At the moment, an active financial assistance programme is that offered by the UNHCR, which provides a one-off grant of 2200 MDL per month per eligible person, which seems to be inadequate to cover living costs, especially in large cities and densely populated localities.

Various types of additional benefits or exceptional support measures offered by international organisations are also available. These include financial aid for Moldovan nationals hosting refugees, housing assistance, language courses, vocational training, rehabilitation services, accessible solutions for people with disabilities, financial support for surgery and other health problems.

With the closure of several refugee accommodation centres, the lack of stable housing will be another challenge for accessing social protection services. As the Social Service Temporary Placement Centre for displaced persons from other countries has not been activated, more people are at risk of homelessness, having to rent accommodation at high costs.

Identifying and supporting people with disabilities also remains a general challenge. Among the main problems are the identification of people with special needs and disabilities through

early medical assessments or by social workers or the way disability certificates issued by the Ukrainian state are transposed.

Lack of information on government social services is also a major barrier to accessing them. The creation of a single governmental platform to provide answers to beneficiaries' questions would be a viable solution in this respect.

In the survey conducted by the Law Centre of Advocates from August 7 to 23, 2023, for 20.5% of respondents lack of information was an obstacle to accessing social assistance services. Some 49.9% mentioned that the cost of living in the Republic of Moldova far exceeds the amount of financial aid offered. According to 2.9% of the respondents the lack of a home address is another barrier to accessing social services. Another 3.9% cited the lack of necessary documents as a barrier to accessing social services, 4.3% mentioned language barriers and 34% reported other barriers. Respondents had the opportunity to select more than one of the proposed options.



In terms of protecting all people from poverty, vulnerability, social exclusion throughout their life cycle, including refugees, the recommendations made by UNHCR in the Integration Policy Brief "Leaving no one behind: effectively promoting refugee access to social protection systems in post-pandemic Europe"³¹, published in September 2021, are still applicable and are able to support a multilateral approach to facilitating effective access for refugees in Ukraine.

³¹ <https://www.unhcr.org/media/unhcr-social-protection-policy-brief>

RIGHT TO HEALTH PROTECTION

Conditions for granting temporary protection to displaced persons from Ukraine (Annex no. 1 to GD 21/2023):

Beneficiaries of temporary protection are provided with emergency medical care, primary medical care and medical examination free of charge for public health reasons in medical-sanitary institutions according to the list of medical services established by the Ministry of Health (item 26).

With the introduction of temporary protection, a new mechanism for providing health care to beneficiaries of temporary protection was also introduced. Paragraph 26 of GD 21/2023 replaced paragraph 20 of CES Order No. 2 of February 25, 2022, as amended (repealed by CES Order No. 61 of February 27, 2023), which provided medical services only for beneficiaries meeting the criteria of the case definition for COVID-19 and in cases of medical and surgical emergencies.

The new regulations, established by GD 21/2023, guarantee beneficiaries of temporary protection access to emergency medical care, primary medical care and free medical examination, for public health reasons, in medical institutions, according to the list of medical services established by the Ministry of Health, access to medical services being thus strictly conditional on the status of beneficiary of temporary protection.

Paragraph 27 of GD 21/2023 establishes the mechanism by which medical institutions submit to the National Health Insurance Company the data on medical services provided, i.e. reports and electronic tax invoices separately for medical services provided to beneficiaries of temporary protection, based on lists approved by the Ministry of Health, in order to make it possible to pay them from the financial means accumulated in the funds of the compulsory health insurance, with compensation from the state budget sources, in the form of special purpose transfers and/or other income in the form of donations and/or grants.

In this connection, the NHIC has concluded cooperation agreements with the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM) and the United Nations Population Fund (UNFPA) to cover the costs of medical services for refugees from Ukraine. The essence of the signed agreements is as follows:

1. The partnership agreement between UNICEF and NHIC provides for reimbursement of expenses for medical services provided to children (0 - 18 years), namely:
 - a) emergency medical services at the pre-hospital stage;
 - b) primary health care services;
 - c) emergency hospital medical services.

The estimated budget for health care for children from Ukraine who are beneficiaries of temporary protection in 2023 is almost 21 million MDL.

2. Under the agreement with the IOM, dialysis-related expenses are covered for beneficiaries of temporary protection displaced from Ukraine. Dialysis services are provided on an outpatient and inpatient basis by providers covered by the

compulsory health insurance scheme. The estimated budget is nearly 260 000 dollars.

3. The partnership agreement with UNFPA provides for the reimbursement of emergency hospital care for women aged 18-55. The estimated budget for 2023 is over 4 million 363 thousand MDL.

However, the Protection Working Group has expressed concern about the ability of Ukrainian citizens who are not registered for temporary protection to access primary health care. The Working Group is also concerned about the scope of healthcare available to beneficiaries of temporary protection, given that they do not have access to the health insurance system.

In this respect, the importance of ensuring access to adequate preventive health care was specified, which is intended to reduce the risk of needing emergency health care, which is not only life-threatening for refugees but also quite costly for the state.

At the moment, the only safe and effective way to access the full range of health services is through employment. Being an employee and contributing to the compulsory health insurance system gives beneficiaries of temporary protection equal opportunities to obtain timely and quality health care under the same conditions as Moldovan citizens.

In order to implement GD 21/2023 in the part related to the provision of health care, the Ministry of Health Order No. 143 of 28.02.2023 on medical services provided to beneficiaries of temporary protection approved the list of medical services by type of health care and medical institutions providing medical services. These include:

1. Pre-hospital emergency medical care: is provided by the pre-hospital emergency medical care service and includes medical and surgical emergencies, as indicated in Annex 1 to the Single Schedule of Compulsory Health Insurance, aimed at stabilising the patient's vital physiological parameters.
2. Primary health care: includes prophylaxis, early detection of illnesses, consultation, curative and support activities aimed at meeting the health needs of persons registered with the family doctor, within the limits of his competence, as established by the regulations in force.
3. Hospital care for medical and surgical emergencies, provided in emergency units and inpatient units: includes second- and third-degree emergencies with suspected morbid conditions included in Annex 1 of the Single Schedule of Compulsory Health Insurance;
4. Specialised outpatient care: laboratory dialysis services.
5. Dental care includes emergency medical services as defined in item 19 a) of the Single Schedule of Compulsory Health Insurance.

Although the list of medical services provided under specialised outpatient care is much longer, the Ministry of Health has decided to include only laboratory dialysis in the list of services provided free of charge to beneficiaries of temporary protection. This limitation of access to specialised outpatient health care is a serious impediment to guaranteeing the right to health protection when other health services can only be accessed against payment.

Another serious impediment to the exercise of the right of access to health care is depriving beneficiaries of temporary protection of the right to obtain compulsory health insurance. They cannot insure themselves individually and are thus obliged to pay the full cost of medical services not included in the list of free services. Several EU Member States have reported that beneficiaries of temporary protection could benefit from full health coverage in the public health care system on an equal footing with nationals³². Other Member States said that beneficiaries of temporary protection would benefit from the same healthcare as asylum seekers³³.

Limiting access only to certain categories of services within primary health care creates major difficulties for people with pre-existing medical conditions, with the risk that some of them may be forced by the situation to return to Ukraine in order to have access to adequate and affordable care for the treatment of their conditions.

According to a UNHCR survey, health care was listed as the third most urgent need (50%) of refugees in Ukraine, after material assistance and food. For people aged 60 and over, this percentage increased significantly to 78%. Fourteen percent (14%) of households indicated that they had at least one family member with a serious medical condition. Of those who indicated that they had difficulty accessing the health care system, more than half said they could not afford it. Other difficulties included refusal to access services (27%), long waiting times (24%) and unavailability of services (21%). Notably, of the 48% of respondents who had visited Ukraine at least once since their first departure, more than one in ten (11%) indicated that the main purpose of the visit was to access healthcare.

According to the survey conducted by the Law Centre of Advocates, 39.1% of the respondents mentioned that they did not need medical assistance during their stay on the territory of the Republic of Moldova, 36.3% reported that they did not encounter any barriers in accessing the medical services they needed, 18% mentioned as a serious barrier the limited list of



³² UNHCR Moldova Protection Profiling and Monitoring Update, September 2023.pdf

³³ AT, BE, BG, CZ, DE (din 1 June 2022), EL, ES, FI, FR, HR, IE, IT, LU, LV

³⁴ BG, DE, NL, SE

medical services available free of charge, 15.7% reported high costs of medical services, 2.3% mentioned that they were refused medical assistance, 6.9% reported other barriers in accessing medical services.

In order to ensure the right to health protection, it is appropriate to grant access to a wider range of health services, if not complete, at least to persons belonging to a vulnerable group, such as unaccompanied minors, victims of torture, rape or other serious forms of psychological, physical or sexual violence, persons with disabilities, etc.

In addition to regulatory barriers, the Law Centre of Advocates has also been made aware of other obstacles to accessing health services. For example, the National Health Insurance Company has asked some displaced persons from Ukraine to pay for the cost of medical services they received until they obtained temporary protection. Reimbursement of expenses incurred in connection with the birth of a child, for access to emergency medical services, for surgery are just a few situations where people have been obliged to pay, even though they were pre-registered for temporary protection. These were caused by the legislative vacuum allowed in GD 21/2023, which failed to regulate the right of access to medical services in the period between the entry into force of the government decision and the actual obtaining of the identity document of the temporary protection beneficiary.

According to the press release published by the General Inspectorate for Migration, the first identity document of the beneficiary of temporary protection on the territory of the Republic of Moldova was issued on 16.03.2023, the rights guaranteed by GD 21/2023, including medical assistance, remain theoretical and illusory for a period of at least 15 days.

It should be noted that, in order to avoid situations in which compensation for medical services is required, EU Member States provide free access to urgent medical assistance, even before obtaining temporary protection, by presenting a relevant document, such as a passport.

Observations

At the moment, the only safe and effective way to access the full range of health services is through employment. Being an employee and contributing to the compulsory health insurance system gives beneficiaries of temporary protection equal opportunities to obtain timely and quality health care under the same conditions as Moldovan citizens.

The Order of the Ministry of Health No. 143 of 28.02.2023 on medical services for beneficiaries of temporary protection restricts specialised outpatient medical care for beneficiaries of temporary protection.

The legislative vacuum created in the period between the entry into force of GD 21/2023 and the actual obtaining of the identity document of the temporary protection beneficiary limits access to medical services.

Recommendations

Identify the possibility of expanding the list of medical services provided in specialised outpatient care.

Examine the opportunity to offer the possibility to purchase a health insurance policy for persons enjoying temporary protection on the territory of the Republic of Moldova.

ACCESS TO ACCOMMODATION

Conditions for granting temporary protection to displaced persons from Ukraine (Annex no. 1 to GD 21/2023):

Beneficiaries of temporary protection, upon request, have access to accommodation in the Temporary Placement Centre for Persons in Need, under the conditions established by law (item 18).

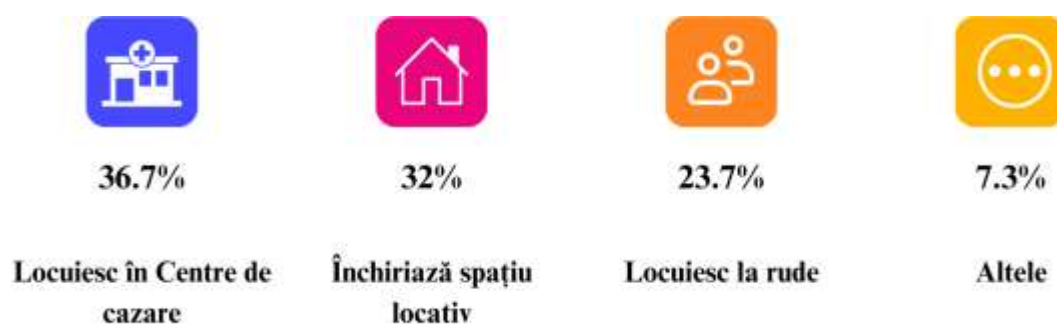
Hosting thousands of displaced people in a short period of time has proven to be one of the major challenges related to Russia's invasion of Ukraine.

Both central and local public authorities provided different types of accommodation for short or longer periods, fully meeting the demand for emergency shelter, especially in the first few days after the arrival of refugees on the territory of the Republic of Moldova.

However, looking back, one of the most remarkable aspects of the response to the crisis has been the generosity of individuals in providing their own accommodation. Without this help, official reception centres would have been under considerable pressure.

Thus, the Republic of Moldova has implemented two schemes to provide accommodation to refugees: public or private accommodation centres and the provision of accommodation by private persons, through compensation to landlords.

Of the 1139 respondents surveyed by the Law Centre of Advocates, 36.7% said they live in accommodation centres, 32% rent accommodation, 23.7% live with relatives and another 7.3% chose the "other" option. It should be noted that 82% of the respondents mentioned that they feel safe in the accommodation they have, 16.2% feel safe to some extent and 1.6% chose the option "don't know". No respondents reported feeling unsafe in the accommodation they have.



Paragraph 18 of GD 21/2023 guarantees TP beneficiaries access to accommodation in the Temporary Placement Centre for Persons in Need. That provision transposes article 13 of Directive 2001/55/EC on minimum standards for giving temporary protection, according to which Member States shall ensure that persons enjoying temporary protection have access to appropriate accommodation or, where necessary, the means to obtain it.

Action 3.2.1 of the Action Plan on granting temporary protection to displaced persons from Ukraine (Annex No. 2 to GD 21/2023), sets out the need to revise the Regulation on the organisation and functioning of the Temporary Placement Centre for Refugees, approved by Order of the Minister of Labour and Social Protection No. 21/2022, and to draft a new normative act. Action 3.2.2 establishes the need for the establishment of accommodation centres for the placement of persons in need, the technical and material provision of essential items and products, as well as the accessibility of persons with special needs.

Under the terms of Government Decision, no. 149/2021, the Ministry of Labour and Social Protection (MLSP) is responsible for implementing actions 3.2.1 and 3.2.2, as part of its responsibility for developing social protection policies.

The draft Government Decision for the approval of the Framework Regulation on the organization and functioning of the Social Service Temporary Placement Centre for displaced persons from other countries and the Minimum Quality Standards has been drafted and its repeated endorsement is announced for 7 - 11 August 2023³⁶.

The provisions of the current legal framework setting out the requirements for the organisation and functioning of Temporary Placement Centres are laid down in the Regulation on the organisation and functioning of the Temporary Placement Centre for Refugees, approved by the Order of the Ministry of Labour and Social Protection No 21/2022. The Order was issued in the context of the crisis and emergency situation caused by the war in Ukraine and is of a temporary nature. According to Article 7 paragraph (4) of Law No 123/2010 on social services, social service providers may organise and provide social services if they are accredited in accordance with the law.

According to data published by the National Social Assistance Agency³⁷, in the Republic of Moldova with the support of development partners and the whole society, the Moldovan authorities have set up a total of 136 Temporary Placement Centres for Refugees (TPCF) throughout the country, of which 48 remained active as of September 11, 2023.

The data of the Report No.1 on Monitoring the Respect for the Rights of Foreigners in Ukraine in the Context of the State of Emergency for the Period February 25 - April 30, 2022, of the Ombudsman³⁸ of 18.05.2022³⁸, reveals a number of shortcomings and problems faced by the Centres, including:

- outdated infrastructure in need of repair;
- failure to provide reasonable accommodation for people with disabilities;
- disproportionate provision of necessary facilities;
- failure in all centres to provide privacy for beneficiaries, etc.

³⁶ <https://particip.gov.md/ro/document/stages/anunt-privind-avizarea-repetata-a-proiectului-hotararii-guvernului-pentru-aprobarea-regulamentului-cadru-privind-organizarea-si-functionarea-serviciului-social-centrul-de-plasament-temporar-pentru-persoane-stramutate-de-pe-teritoriul-altor-state-si-a-standardelor-minime-de-calitate/10940>

³⁷ [REACH MDA Factsheet RAC-Monthly-Needs-Monitoring 2023-09-11 RO.pdf \(anas.md\)](#)

³⁸ <https://cda.md/wp-content/uploads/2022/06/Raport-nr.1-persoane-stra%CC%86ine-refugiate-18-05-22.pdf>

The Ombudsman's report includes a series of recommendations, including the need to regulate at national level the minimum standards and procedures for temporary accommodation of foreigners under temporary protection on the territory of the Republic of Moldova; - the elaboration of a unitary concept of centres for temporary placement of displaced persons, oriented on the identification of targets for accommodation in administrative-territorial areas near the state border with Ukraine; the revision of minimum standards for existing temporary placement centres, taking into account the needs of persons with special needs and other socially vulnerable groups (mothers with small children, elderly people, etc.); ensure positive management of the management of centres for temporary placement of displaced persons, through staff training and education, in the context of preventing abuses and possible discrimination against displaced persons; monitor conditions in refugee placement centres, including from a non-discrimination perspective.

Thus, the development of clear regulations on minimum quality standards for temporary accommodation centres for displaced persons from other countries will ensure uniform application of the provisions and respect for the rights of these persons.

At the same time, in conjunction with the need to have adequate responses to the needs of beneficiaries, the development of a framework regulation on the organisation and functioning of the Social Service Temporary Placement Centre for displaced persons will condition the improvement of the quality of services offered to displaced persons, the strengthening of the system of protection of displaced persons, the establishment of standards for the control and accreditation of Temporary Placement Centres for displaced persons from other countries.

The development of a single framework on the organisation and functioning of temporary accommodation centres for displaced persons from other countries will ensure a correct and comprehensive regulation of the principles of activity, organisation and functioning, rights and obligations of the provider and its beneficiaries, as well as functioning as a tool to improve the protection of displaced persons.

The lack of a single regulatory framework and of uniform criteria for the organisation, operation, evaluation and accreditation of providers creates the risk of perpetuating the situation in which there is an uneven provision of services in temporary placement centres, as well as the risk of affecting the quality of assistance and services provided to beneficiaries. In this regard, the Order of the Ministry of Labour and Social Protection No 63 of 25 April 2023 approved the Regulation on the organisation and functioning of the Temporary Placement Centre for Refugees. According to paragraph 10 of the Regulation, persons applying for admission to a refugee accommodation centre are informed about the obligation to register in order to apply for temporary protection. Refugees are accommodated free of charge in the Centre for a period not exceeding 3 months, with the possibility of extension on request and if the person has obtained temporary protection.

In order not to infringe the right of access to accommodation of vulnerable groups who do not fall under the category of beneficiaries of temporary protection, the Protection Working

Group has come up with some recommendations to the Government: Allow all displaced persons from Ukraine and elsewhere to have access to temporary accommodation, according to need, as they take the necessary steps to legalize their stay in Moldova; Widely disseminate the eligibility criteria, if the proposed text in the draft regulation is approved; Make every effort to support those who are able to transition to more independent housing arrangements.

Financial support programmes for households hosting displaced persons from Ukraine are also a means of encouraging access to private housing. This initiative provides a pathway to integration into host communities, facilitating better compatibility between the individuals or families hosted and potential hosts.

At the same time, in all actions concerning beneficiaries of temporary protection, it must be taken into account that the lack of secure and long-term housing can have a multidimensional impact on the ability of refugees to exercise their other rights, including the right to work, the right to education, the right to social assistance and protection.

Observations

The Republic of Moldova has fully met the demand for emergency shelters, including through the implementation of two schemes: the provision of temporary public or private accommodation centres and the provision of accommodation by private individuals, through compensation to landlords.

People with special needs, including the elderly, people with disabilities and people with pre-existing medical conditions, need affordable accommodation adapted to their needs, in areas with access to essential healthcare services.

Recommendations

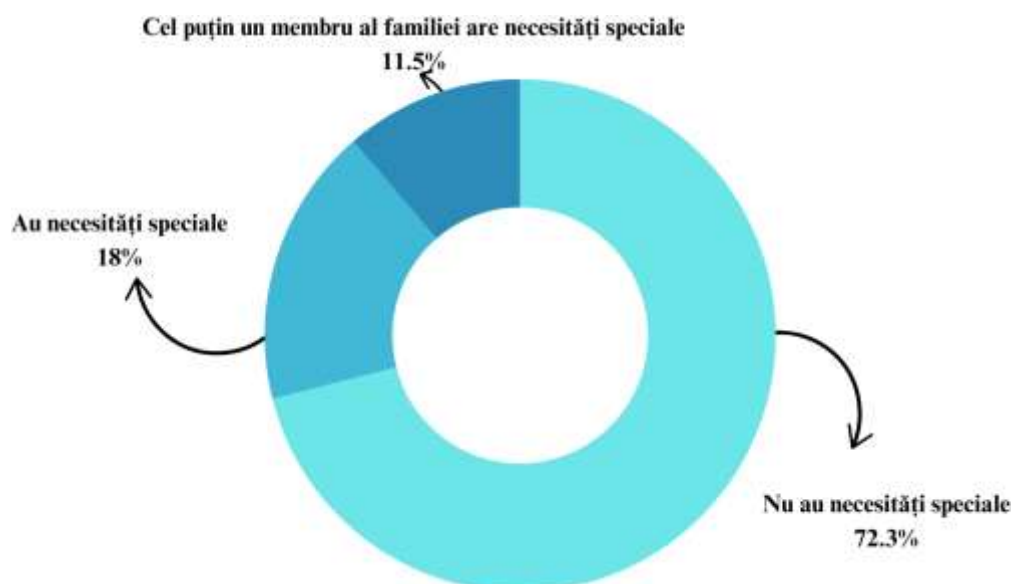
In all actions concerning beneficiaries of temporary protection, account must be taken of the fact that the lack of secure and long-term housing can have a multidimensional impact on the ability of refugees to exercise their other rights, including the right to work, the right to education, the right to social assistance and protection.

SITUATION OF PEOPLE WITH SPECIAL NEEDS

The Ukraine's legislation, which instituted the restriction on leaving the country for men eligible for recruitment, has shaped the demographics of the refugee population, with refugee women and children accounting for about 82 percent and older persons (over 65) accounting for 21 percent of the number of displaced persons from Ukraine to Moldova³⁹.

While all refugees face dangers in armed conflict and displacement, certain groups of people may face specific barriers that obstruct their rights or ability to access the services they need and may be at increased risk of discrimination, abuse, violence and neglect during displacement, including in their country of asylum. These include older people, people with disabilities, including women and girls, Roma communities, LGBTQIA+ and single female-headed households with many children, who become more vulnerable due to family separation, limited financial and material resources. It is therefore essential that these people are identified systematically and at an early stage, they need to be provided with timely services and support to mitigate the protection risks they may face.

According to the results of the CDA survey, 72.3% of respondents reported that they had no special needs. At the same time, 18% said they had special needs and 11.5% said that a family member had special needs.

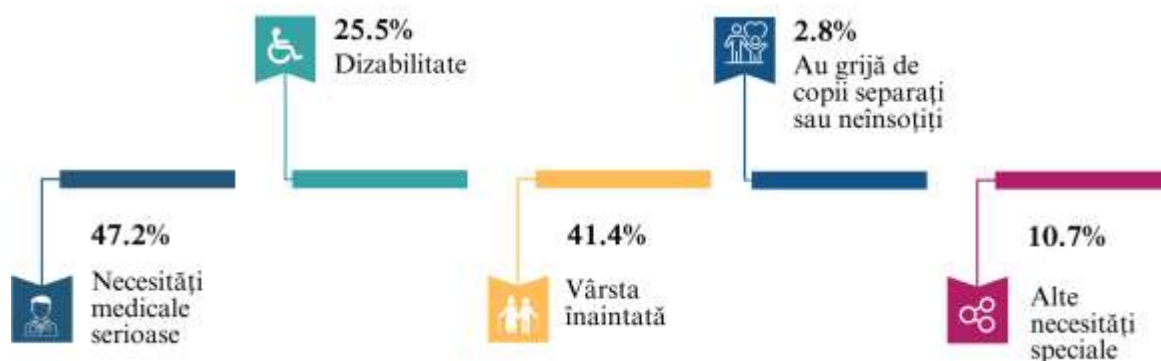


Respondents, who reported that they or their family members have special needs (in total 29.5%), selected from the list of options proposed, which equate to groups of vulnerable people or with certain special needs: people with disabilities (25.5%), serious medical needs (47.2%), elderly people (41.4%) separated or unaccompanied children (2.8%).

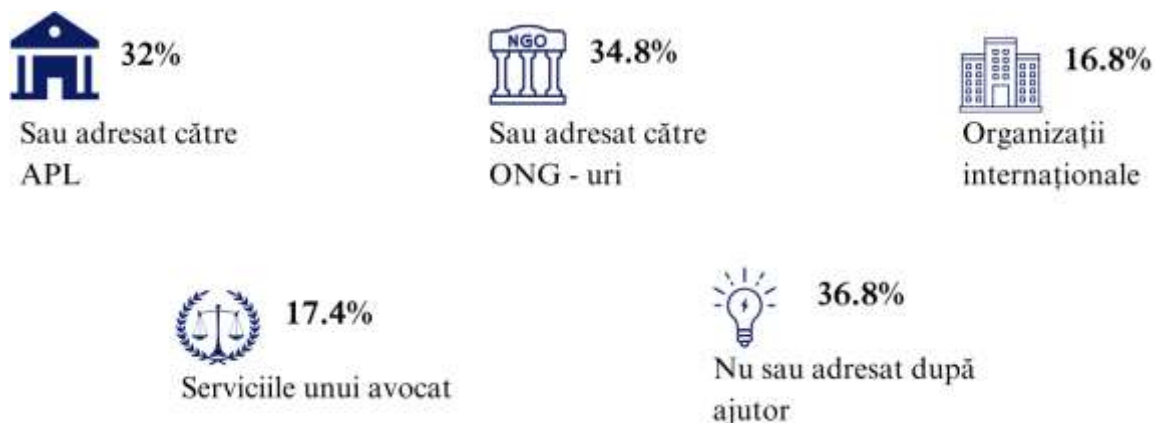
³⁹ <https://data.unhcr.org/es/dataviz/248#>

⁴⁰ At the same time, according to the CDA survey, 13.7% of respondents reported being over 65 years of age, and 16.2% - aged 56-65 years

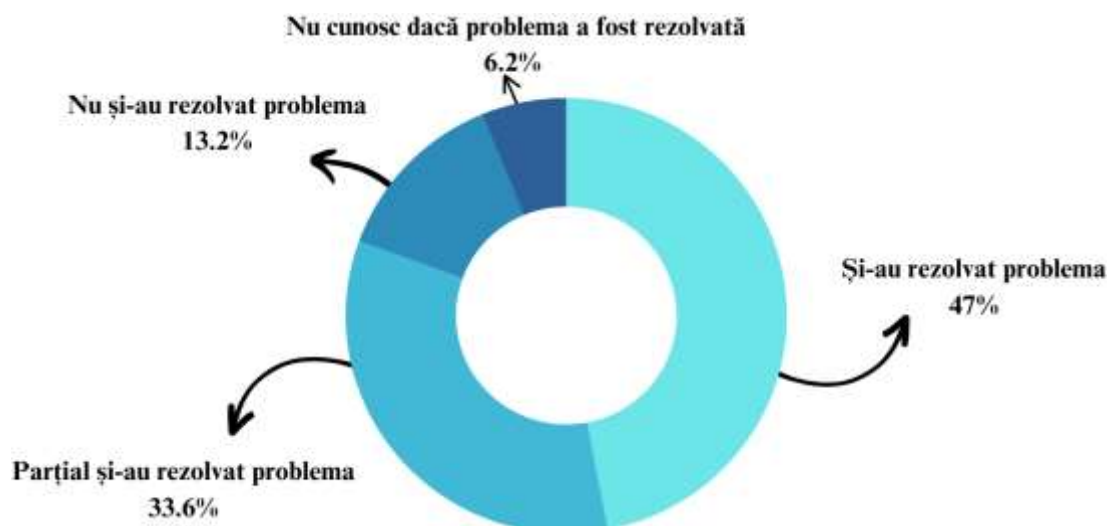
About 10.7% of respondents selected the option "other needs" than those proposed in the questionnaire. It should be noted that respondents had the possibility to select more than one of the proposed options.



When asked if they sought help in relation to the reported special needs, 32% of the respondents said they turned to public authorities, 34.8% - to NGOs, 16.8% - to international organisations, 17.4% turned to a lawyer, 36.8% did not seek help.



At the same time, 47% of the respondents who asked for help managed to solve their problem, 33.6% solved their problem partially, 13.2% said they did not manage to solve their problem and another 6.2% - do not know if their problem was solved. The detailed analysis of the responses shows that people who have not solved their problem or have solved it partially, have serious medical needs or are people with disabilities.



Older refugees and refugees with disabilities

The Multi Sector Needs Assessment in Moldova, conducted in September 2022⁴¹, which aimed to provide a comprehensive, evidence-based understanding of the needs of refugee families living in Refugee Accommodation Centres and host communities, sought to identify people with functional limitations who are at risk due to disability (visual impairment, hearing impairment, walking difficulties, memory or concentration problems, personal care difficulties). The analysis revealed that the highest proportion of people with disabilities is among the elderly (people aged over 60) and constitutes about 11%, and 19% of the households surveyed reported having at least one person with visual impairment, 5% with hearing impairment, 7% with difficulty walking or climbing steps and 4% with difficulty with self-care.

For elderly people and those with disabilities or serious medical conditions, the whole procedure for obtaining temporary protection can be complicated, either because of reduced mobility, limited access to gadgets or insufficient knowledge of information and communication technology.

The procedure of registering beneficiaries of temporary protection and issuing identity documents through the Mobile Documentation Teams of the IGM is a viable and welcome solution as it facilitates access to temporary protection for some categories of beneficiaries. According to the information posted on the GIM website⁴², these services are granted to certain categories of beneficiaries of temporary protection: non-mobile / bedridden persons; persons with reduced mobility due to physical or mental disability or serious health condition; persons undergoing compulsory treatment in specialized medical institutions.

In order to request the intervention of the GIM Mobile Team, the applicant must choose the option "GIM Mobile Team" in the pre-application process for temporary protection. The service is available on the online portal www.protectietemporara.gov.md.

⁴¹ <https://www.unicef.org/moldova/en/media/8931/file/Evaluarea%20nevoilor%20multisectoriale%20iCC%82n%20Moldova.pdf>

⁴² <https://igm.gov.md/ro/content/cum-poate-fi-solicitat%C4%83-echipa-mobil%C4%83>

At one and the same time, cases have been reported where mobile teams are several days late. While the Refugee Coordination Forum's Protection Working Group welcomed the development of the Operational Standards for the Mobile Team, it also noted that it had received information that the GIM refuses to deploy mobile units if only one or two people in a particular locality need them: "*While PWG appreciates the need for the GIM to use its resources efficiently, it is important that any person who needs and is eligible for mobile registration is able to access this service within a reasonable time after making a request, regardless of the number of requests made from a given locality.*" PWG encouraged the GIM to be as flexible as possible in terms of the categories of beneficiaries who can request registration and document issuance services through the Mobile Team.

Thus, insufficiently accessible procedures and infrastructure for obtaining temporary protection on the territory of the Republic of Moldova are a major challenge for refugees with disabilities and the elderly.

At the same time, persons with disabilities and elderly persons face difficulties in accessing services, including due to the lack of identification procedures allowing their referral to specialised services.

Among the various services, refugees with disabilities and the elderly strive to overcome barriers related to access to social assistance and protection; accessible accommodation adapted to their needs; access to specialized medical services, medication and diagnostic services, rehabilitation services, obtaining quality assistive devices to increase independence. People with disabilities also struggle to access healthcare services due to the non-recognition of their previous diagnosis established in Ukraine. Non-recognition of disability in turn limits refugees' access to social protection, including disability allowance. However, beneficiaries of temporary protection frequently seek advice and support on how to classify their disability and obtain a disability certificate - conditions for receiving disability allowance.

Unaccompanied and separated children

According to international estimates, children account for more than half of the population that has left Ukraine because of the war as of February 24, 2022.

Unaccompanied refugee children need specific and appropriate protection. They are particularly vulnerable because of their age, distance from home and separation from parents or carers. They are at risk and may have witnessed extreme forms of violence, exploitation, trafficking, and various forms of abuse before and/or after their arrival in a third country. They may be at risk of being marginalised and drawn into criminal or radicalisation activities. As a particularly vulnerable group, unaccompanied children are more easily influenced by their environment. Unaccompanied girls in particular are at risk of forced and early marriage when families face difficult situations or want their daughters to marry to protect them from further sexual violence. Unaccompanied girls may also already be responsible for caring for their own children. In addition, unaccompanied children with disabilities are particularly vulnerable and at increased risk of violence. Unaccompanied children may also be particularly vulnerable because of their sexual identity, sexual orientation or gender expression. Protecting children, especially unaccompanied children, and ensuring that their best interests are respected must therefore be a priority.

Unaccompanied and separated children often suffer from a lack of systematic identification procedures. In some countries unaccompanied and separated children also have limited access to legal representatives, including due to a lack of suitable candidates and lengthy appointment procedures. Even where legal representatives are successfully appointed, comprehensive verification and monitoring systems remain limited. UNHCR has noted the *"systematic failure to include unaccompanied and separated children within the services of national child protection systems, resulting in the absence of national procedures equivalent to the best interests of these children"*⁴³.

In order to prevent child trafficking, illegal adoption and other abuses, all unaccompanied children must be immediately included in social services supervision systems to guarantee their safety and allow for eventual "family reunification".

In the Republic of Moldova, a set of measures for the protection of children coming from the territory of Ukraine has been undertaken, including the establishment of an inter-sectoral cooperation mechanism for the identification, assistance and monitoring of children at risk coming from the territory of Ukraine during the declaration of a state of war in Ukraine⁴⁴. This mechanism covers the actions of central and local public authorities, structures, institutions and services within or subordinated to them, as well as the competences of relevant civil society actors, working in the fields of social assistance, law enforcement bodies, cooperating in the identification, provision of necessary assistance and monitoring of children displaced from Ukraine.

In particular, through the Intersectoral Working Groups, made up of representatives of the Border Police, the General Inspectorate for Migration, persons designated by the territorial social assistance structures, representatives of civil society organizations for the protection of children and UN agencies, the reception of unaccompanied children or children accompanied by an unauthorized accompanying person by representatives of the Border Police is ensured; the registration, processing and provision of the necessary assistance, including the preparation of identity documents for unaccompanied children or children accompanied by an unauthorized accompanying person; conducting a rapid assessment of the best interests of the child; informing persons travelling with children about the conditions for granting international protection in the Republic of Moldova and the existence of the 112 emergency service, as well as the free helpline for children (single national number 116 111) for reporting suspected cases of violence, neglect, exploitation and/or trafficking of children; referring the child according to the mechanism established by Law no. 140/2013 on the special protection of children at risk and children separated from their parents; assisting the unaccompanied or separated child in the asylum application process; completing the asylum application if the unaccompanied child or the child accompanied by an unauthorised accompanying person cannot write; assessing the relationship between the child and the unauthorised accompanying person to determine whether it is safe for the child to stay with that person; placing the child in a social placement service if the child is unaccompanied or if it is not safe for the child to stay with the unauthorised accompanying person;

⁴³ [Report on the implementation of the Temporary Protection Directive: six months on, UNHCR Regional Office for Europe, October 2022](#)

⁴⁴ CES Provision No. 14 of 14.04.2022

facilitating the provision of specialised services to the child by the responsible authorities or relevant international/non-governmental organisations; keeping track of unaccompanied children or children accompanied by an unauthorised carer; monitoring the child in the territory, at the place of residence, maintaining contact with the child and representing the child's interests and rights in all relevant authorities.

According to the information submitted by the Ministry of Labour and Social Protection⁴⁵ to the Sub-Working Group on Child Protection, as of 22 April 2022, 2052 unaccompanied and separated Ukrainian refugee children have entered the territory of the Republic of Moldova. Some of them have since left the country. This number does not include separated children who entered the Republic of Moldova with a caregiver holding a power of attorney.

Many unaccompanied or separated refugee children are hosted by relatives in the Republic of Moldova, by specialists from the Professional Parental Assistance Service or in foster homes. Some of them are in the care of persons who have taken custody of them with the help of local guardianship authorities. However, the establishment of custody of children does not give them legal status in the country. The solution is to register the minors for some form of protection, the most appropriate and quickest being temporary protection. In this context it should be noted that only the legal representative, either the representative of the institution where the minor is placed, can apply for temporary protection on behalf of the unaccompanied or separated minor. The guardian or other relative not legally entitled to do so cannot do so. A power of attorney document issued by the Ukrainian authorities to a caretaker does not constitute a legal basis for applying for temporary protection for a child. If a refugee child from Ukraine does not have a legal representative on the territory of the Republic of Moldova, then this role falls to the guardian authority.

In some cases, the accompanying persons confuse the status of guardian with the status of legal representative of the minor and, presenting themselves to the territorial subdivision of the IGM, are refused temporary protection of the child. According to the information provided by the CDA legal advisers, the guardians do not want to establish a legal form of representation, as they do not consider it necessary and are convinced that the family relationship allows them to represent the child before the authorities.

In the process of implementing the Temporary Protection Mechanism, it was found that neither central and local public authorities nor humanitarian organisations have information on the exact number of unaccompanied or separated children in host communities. As a rule, these children are identified either at the border crossing point, or when they apply to the Registration Centres for financial assistance provided by UNHCR, or in an attempt to legalise their stay in the Republic of Moldova or to enrol them in educational institutions. Although they are identified, there is no system of registration and subsequent monitoring so that the authorities know the real, up-to-date number of unaccompanied or separated children.

Roma refugees

According to the Protection Working Group of the Refugee Coordination Forum, there are an estimated 4,000 to 6,000 Roma refugees from Ukraine in Moldova.

⁴⁵ Refugee Coordination Forum Protection Working Group: Comments on the implementation of Temporary Protection (July 7, 2023)

Obtaining temporary protection on the territory of the Republic of Moldova involves significant difficulties for many of them due to lack of identity documents and/or lack of sufficient financial resources to travel to the territorial subdivision of the GIM. Both the social workers in the host localities and the representatives of humanitarian organisations are fully involved in dealing with each individual case and, if the person does not fall into the categories of beneficiaries of temporary protection, they are given the necessary support to obtain another form of protection.

Currently, the identification of persons with special needs, with the exception of children at risk, is mainly done by humanitarian actors providing specific services to different refugee groups. In the absence of formal procedures for identifying persons at risk, their identification depends largely on how "visible" their needs are or where they are accommodated. At the same time, the lack of identification procedures hinders the collection of data on the prevalence of persons with special needs and their needs, thus limiting the possibility of tailor-made interventions. As a result, refugees with special needs have limited access to specific services, which is attributed to the lack or incomplete nature of identification procedures.

Observations

Systematic and systematic identification of persons at risk and collection of data on their prevalence and needs remains a key gap, which limits access to targeted services and tailored interventions, but also limits the state's ability to plan the resources needed to implement temporary protection with due respect for human rights and without discrimination.

Recommendations

Ensure accessibility and predictability of legal regulations on the operation of the Mobile Team.

Identify solutions to expand the categories of beneficiaries of temporary protection who can benefit from registration and documentation services through the GIM mobile teams, in particular elderly people, visually impaired persons.

Making documents and information materials accessible to the needs of visually impaired persons and developing user-friendly information materials for children and persons with intellectual disabilities.

Establish mechanisms for identifying people at risk and link them to the expansion of specialised services, capacity and adequate resources, which must be adapted to the needs and numbers of people concerned.