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Item B of the Provisional Agenda

Measuring large flows of refugees

Measuring large flows of refugees in the Republic of Moldova after the start of the hostilities in Ukraine

Prepared by the Bureau on Migration and Asylum of the Ministry of Internal Affairs of the Republic of Moldova

Executive Summary

Over 7 million Ukrainian citizens had to flee Ukraine since the start of the war.

According to the General Inspectorate of Border Police, 576,851 citizens of Ukraine entered Moldova since February 24, 2022. As of September 30, 2022, there were 82,586 foreigners in the Republic of Moldova, of which 77,032 were Ukrainians (41,449 children under 18).

On February 24, 2022, a state of emergency was introduced in Moldova. That state of emergency meant that the citizens of Ukraine could stay in Moldova without applying for asylum. At the same time, this advantage complicated the registration of the citizens of Ukraine. While the Bureau for Migration and Asylum (BMA) keeps records of immigrant asylum seekers, etc., it was difficult to produce statistics about the Ukrainians who did not apply for asylum in Moldova.

A total of 9,669 applications for asylum were registered since February 24, 2022. For the first time in its existence, Moldova faced such a huge number of refugees. The number of asylum seekers had not exceeded 276 individuals per year.

This report provides an overview of how the Ministry of Internal Affairs managed to link administrative data and use them to improve migration statistics (refugees, asylum seekers, etc.)

In addition, the report focuses on how Moldova coped with the refugee crisis.

*Prepared by Bureau for Migration and Asylum

NOTE: The designations employed in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

I. Introduction

1. More than seven million Ukrainian refugees had to flee Ukraine after the beginning of the war, as the war going on in the country turned lawyers and workers, students and secretaries, teachers and technicians into refugees.

The war in Ukraine led to large-scale socio-economic consequences for the entire region and the world as a whole, and those consequences added to the crisis associated with the pandemic.

2. Moldova is a small European country “with a fragile economy”. It has no access to the sea, and the port of Odessa, through which it exports its goods to world markets, is closed due to the war. At the same time, Moldova is not just a country that opened its doors to forced migrants like many of its neighbours - in relation to its population, Moldova received the largest number of refugees from Ukraine. Refugees now make up nearly 4 percent of the population of 2.6 million in Moldova - “the poorest country in Europe.”
3. Today, the flow of refugees to Moldova is not comparable to the first weeks of the war. However, according to the General Inspectorate of Border Police who meet Ukrainians fleeing the war at the border, some days the number of arrivals increases dramatically - as a rule, this happens after another escalation of hostilities. According to the UN estimates, by the end of the year the number of refugees in Moldova can increase up to a million people, and 250,000 of them are likely to remain in Moldova.
4. The Government and the people of Moldova have demonstrated large-heartedness and generosity in accepting and integrating refugees from Ukraine.

The Government of Moldova, which is quite natural, was not ready to accept so many refugees in such a short period of time. For example, before the conflict, the staff of the Moldovan Office of the United Nations High Commissioner for Refugees (UNHCR) consisted of only one person, and now the staff has expanded to 88 people. Unfortunately, the BMA is still hiring new staff. At the moment, the staff size is the same as it was before the conflict.

(For example, four people work in the Asylum Department, both before and after the conflict).

II. Legislation

5. The Republic of Moldova adheres to the 1951 Geneva Convention relating to the status of refugees, which lifted geographical restrictions, and the 1967 Protocol relating to the status of refugees, which means that only foreign nationals fleeing to Moldova due to events taking place in the world and seeking international protection can be considered refugees.
6. The Asylum and Integration Department within the Bureau for Migration and Refugees of the Ministry of Internal Affairs is responsible for the implementation of asylum policies by processing and deciding on applications for asylum, protecting asylum seekers, persons enjoying international protection, temporary protection or political asylum, in accordance with the conditions provided for by this law.
7. According to Law no. 270 of 2012, the competent authority for taking decisions on asylum matters is the Asylum and Integration Department at the BMA, which cooperates with the public authorities in the process of implementing the rules and procedures necessary to ensure that the rights of asylum seekers, persons enjoying international protection, temporary protection and political asylum are respected. To this end, the employees of the Asylum and Integration Department have access to these categories of persons, regardless of their location in the Republic of Moldova, including at the border and in transit zones.
8. Functions of the Asylum and Integration Department:

- a) registers applications of asylum seekers,, conducts interviews with them, collects the necessary information and evidence to draw up a file on each such application;
 - b) takes measures to provide protection and assistance to asylum seekers and persons enjoying international, temporary protection or political asylum;
 - c) proposes, if necessary, establishing accommodation centres and manages them;
 - d) is responsible for managing the financial resources allocated to the Asylum and Integration Department, other types of assistance, as well as financial assistance provided to asylum seekers and internationally protected persons by national and international organizations;
 - e) exercises other powers on asylum issues provided for by the legislation of the Republic of Moldova.
 - f) can propose that the Republic of Moldova accept the refugees who are in the territory of other countries and need to be relocated, and recognized in accordance with the Geneva Convention of July 28, 1951. The number and conditions for accepting these persons are established by a resolution of the Parliament. These persons have the same rights and obligations in the Republic of Moldova as the refugees recognized in its territory.
9. Asylum applicants can be accommodated in the Accommodation Centre. The Asylum and Integration Department guarantees access to accommodation centres for the representatives of the United Nations High Commissioner for Refugees (UNHCR) and non-governmental organizations that have memoranda of cooperation with the Department. Besides, in order to allow for consultation provision, the Asylum and Integration Department provides the representatives of non-governmental organizations that have memoranda of cooperation with the Department with necessary premises at accommodation centres.
10. General principles:
- ***Access to the territory.*** The competent authorities ensure access to the territory of the Republic of Moldova of any foreigner located at the state border, immediately after the expression of their will, in written or oral form, from which it follows that this person applies for the protection of the Republic of Moldova.
- Asylum seekers are not prosecuted for illegal entry or illegal stay in the territory of the Republic of Moldova
- ***Prohibition of discrimination.*** The provisions of national law apply to asylum seekers and persons enjoying international, temporary protection or political asylum, without any discrimination on the grounds of race, nationality, ethnic origin, language, religion, political affiliation, social category, beliefs, gender, sexual orientation, age.
 - ***The principle of non-return.*** No asylum seeker may be forcibly returned or expelled from the border or territory of the Republic of Moldova. Besides, no person enjoying international, temporary protection or political asylum may be forcibly returned or expelled to a country or territory where their life or freedom is endangered or where they may be subjected to torture and inhuman or degrading treatment or punishment.
 - ***Family unity.*** The competent authorities observe the principle of family unity in accordance with the provisions of the law of the Republic of Moldova. Family members of an internationally protected person enjoy the same form of protection and the same status. Besides, their spouse benefit from the principle of family unity in the case when their marriage was registered before arrival in the Republic of Moldova and before filing an application for asylum.

- **Privacy.** All data and information on an application for asylum is confidential.
- **Protection of minors.** A minor applying for asylum or enjoying international protection, temporary protection or political asylum, accompanied or unaccompanied, shall be provided with appropriate protection and assistance to exercise all the rights recognized by the UN Convention on the Rights of the Child and other international human rights instruments, where the Republic of Moldova is one of the parties to. In all actions and decisions concerning minors, the interests of the minor shall prevail.
- **Integration of internationally protected persons.** Central and local public authorities cooperate with the Bureau for Migration and Asylum in order to ensure the effective implementation of the integration of internationally protected persons.

III. Forms of protection provided in the Republic of Moldova:

- a) refugee status;*
- b) humanitarian protection;*
- c) temporary protection;*
- d) political asylum.*

11. Refugee status. The refugee status is recognized upon the request of a foreigner who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, are unable or, owing to such fear, unwilling to return to it.
12. Humanitarian protection. Humanitarian protection is granted to a foreign national who does not qualify as refugee, but for whom there are substantial and reasonable grounds for believing that, upon return to their country of origin, they would be exposed to an actual risk of grievous harm (prosecution), and they cannot or are unwilling to benefit from the protection of that country because of such risk.
13. Procedure for granting temporary protection. Temporary protection is granted under the Government's Decree at the proposal of the Ministry of Internal Affairs on the basis of a report submitted by the Bureau for Migration and Asylum stating that temporary protection should be granted. The Government's Decree specifies the measures and the period for which temporary protection is granted. Temporary protection is granted for one year. If grounds for temporary protection remain, it may be extended for periods of six months, not exceeding one year, but not exceeding two years.
14. Political asylum is granted by a decree of the President of the Republic of Moldova.
15. The Bureau for Migration and Asylum, the body that processes applications for asylum, considers all these forms of protection in one procedure. Thus, a person submits an application for asylum and the Bureau staff check, what form of protection is in order in terms of legislation, what form of protection suits the situation of this person, and provide them with the most suitable form of protection in terms of the law and the situation of every asylum seeker.

IV. Temporary protection

16. According to the law, *refugee status* is a form of protection for a foreign national or stateless person recognized by the Republic of Moldova, in accordance with the conditions stipulated by the Geneva Convention of July 28, 1951, as well as the Protocol on the Status of Refugees of January 31, 1967.

There is certainly a difference between the legal concept of "refugee" and its common perception, because in fact refugees are all those who are now fleeing the war in the situation we all know. However, from a legal point of view, a refugee is one who flees persecution in their country of origin on the grounds that they are being persecuted for reasons of political views, religion, race, nationality, citizenship or membership of a particular social group - this is if we are talking about the legal definition of a "refugee". Other persons who do not fit the "refugee" definition can enjoy other forms of protection.

17. In the Republic of Moldova, this is called "humanitarian protection", and in the countries of the European Union it is called - subsidiary protection. In the event of a mass influx, such as the one we are currently facing in the Republic of Moldova, refugees from Ukraine in this situation can and, I think, should be provided with temporary protection. Law No. 270 on Asylum in the Republic of Moldova, adopted in 2008, provides for such an opportunity – provision of temporary protection in the event of a mass and spontaneous influx of refugees.
18. According to the data of the General Inspectorate of Border Police (GIBP), as of October 1, 2022, there were about 80 thousand Ukrainians in the territory of the Republic of Moldova, of whom only about 8.6 thousand applied for asylum. Which makes 10%. The remaining 90% of Ukrainians are staying in the Republic of Moldova without any status. With that, in other countries, for example, in Sweden, the Directive on granting temporary protection was adopted within a week of the day the armed conflict began.
19. Taking into account the hostilities in Ukraine and the huge number of migrants from Ukraine, Moldova is revising its legislation in a fast-track manner. Since temporary protection had never been applied for the entire period of the country's existence, many questions arose. Therefore, for a long time, the Bureau for Migration and Asylum consulted with experts from the countries of the European Union. As a result, in early September, a draft law was signed. Namely, the Decree of the Government On establishing the conditions for granting temporary protection.
20. Therefore, Article 3 of Law no. 270/2008 On asylum in the Republic of Moldova, was amended to include provisions on temporary protection granted to the following categories of persons displaced from Ukraine on February 24, 2022 or later as a result of the military invasion of the Russian armed forces that began that day:
 - a) citizens of Ukraine residing in Ukraine until February 24, 2022;
 - b) citizens of Ukraine staying in the Republic of Moldova until February 24, 2022;
 - c) stateless persons and citizens of third countries other than Ukraine who enjoyed international protection or equivalent national protection in Ukraine until February 24, 2022;
 - d) family members of the persons referred to in para. a), b) and c).
21. Thus, temporary protection is granted for a period of one year from the date of entry into force of the Government Decree (end of October/beginning of November 2022). Temporary protection will be granted to the categories of persons provided for in Law, located at the state border crossing of the Republic of Moldova or in the territory of the Republic of Moldova, unless there are serious grounds for believing that they have committed a crime against peace, a war crime or a crime against humanity as defined by the international treaties, to which the Republic of Moldova is a party, as well as the criminal law of the Republic of Moldova.
22. Besides, for the entire period of protection, each beneficiary of temporary protection will be issued an identification document of the beneficiary of temporary protection, which will contain the following data:
 - a. Name of the document: identification document for persons enjoying temporary protection;

- b. name of the issuing authority;
 - c. series and number;
 - d. first and last name
 - e. date of birth;
 - f. state personal identification number (PIN);
 - g. nationality: the country, in which the holder is a citizen, or the holder's place of usual residence in the case of stateless persons;
 - h. sex;
 - i. identity: established or stated;
 - j. holder's photograph;
 - k. holder's signature;
 - l. issue date;
 - m. term of validity.
23. Along with the issuance of these documents, certainly there will be registration, which will greatly help in the production of migration statistics, including in determining the exact number of applicants for temporary protection in the Republic of Moldova (So far, statistics were based only on the data from the GIBP on the entries and departures of Ukrainians).
24. Besides, thanks to the assistance of the European Union, a procedure was initiated to develop a new improved BMA Information System (BMA Database), which will ensure the completeness and reliability of the data.
- According to the GIBP data, as of October 1, 2022, there were about 80 thousand Ukrainians in the territory of the Republic of Moldova, of which only about 8.6 thousand applied for asylum. Which makes 10%.
25. February 24, 2022 altered not only the life of Ukraine, but also the lives of the people of Moldova. Hundreds of thousands of refugees fled the war to neighbouring countries. Despite the fear, a huge number of Moldovans opened their hearts and homes to refugees from Ukraine. Since the authorities were not ready for such an influx of refugees and there were not enough refugee accommodation centres, ordinary people, and entrepreneurs (restaurants, hotels, villas, etc.) responded to the situation and offered their homes, clothes and food to the refugees. Besides, the Chisinau authorities, UN agencies, non-governmental organizations and private charitable foundations rushed to the refugees' aid. The authorities urgently established and organized about 80 temporary accommodation centres for refugees. Collection points for humanitarian aid were also set up. A huge number of Moldovans brought food, clothes, hygiene items, etc. to the centres, since most of the refugees fled to Moldova practically with no supplies.
26. The Bureau of Migration and Asylum is an entity within the Ministry of Internal Affairs of the Republic of Moldova. Naturally, the representatives of the Ministry of Internal Affairs, BMA were at the border with Ukraine virtually within hours. The Ministry of Internal Affairs along with its subordinate divisions - the Bureau for Migration and Asylum, the General Inspectorate of the Border Police, the Carabinier General Inspectorate, and the General Inspectorate for Emergencies - urgently, within 24 hours, established refugee centres at the Ukrainian border. The largest one was established at the Palanka border crossing.

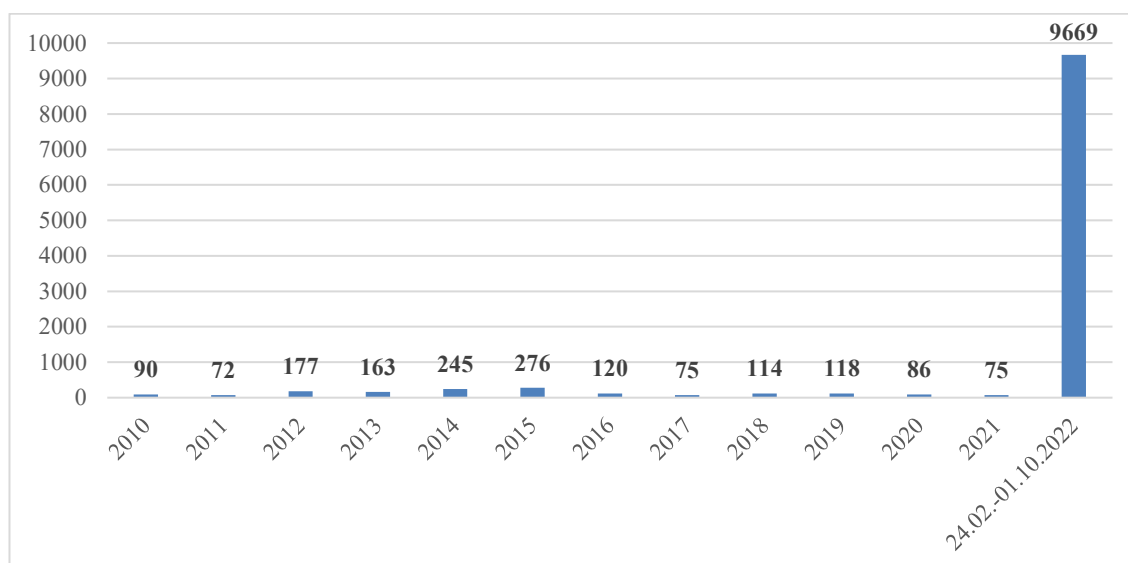
27. Between February 24 and October 1, 2022, more than 11 thousand foreign nationals were registered at refugee centres supervised by the Bureau for Migration and Asylum. (At Palanka refugee centre -7,500 persons).

V. Application for asylum

28. An *application for asylum* is an expression of the will, in writing or in oral form, addressed to the competent authorities, requesting some form of protection in the territory of the Republic of Moldova.
29. In the Republic of Moldova, the number of applications for asylum filed annually did not exceed 300. For instance, 245 applications for asylum were filed in 2014, when there were several armed conflicts in the area, when the war in Syria began and the war in Donbas, which continues to this day. Then was the largest influx of asylum seekers in the entire history of the Republic of Moldova – 276 people in 2015. There is a big difference between 276 asylum seekers and 100,000 asylum seekers, so now they have been given certain advantages by a decision of the Commission for Emergency Situations, since it is technically impossible to process so many asylum applications in such a short time.
30. Below in Figure No. 1, we present data from 2010 up to October 1, 2022. Unfortunately, after October 10 (rocket attacks on many cities and villages in Ukraine), the Republic of Moldova expects a sharp increase in the number of applications for asylum.

(As of October 15, the number of asylum seekers exceeded 10,000 people.)

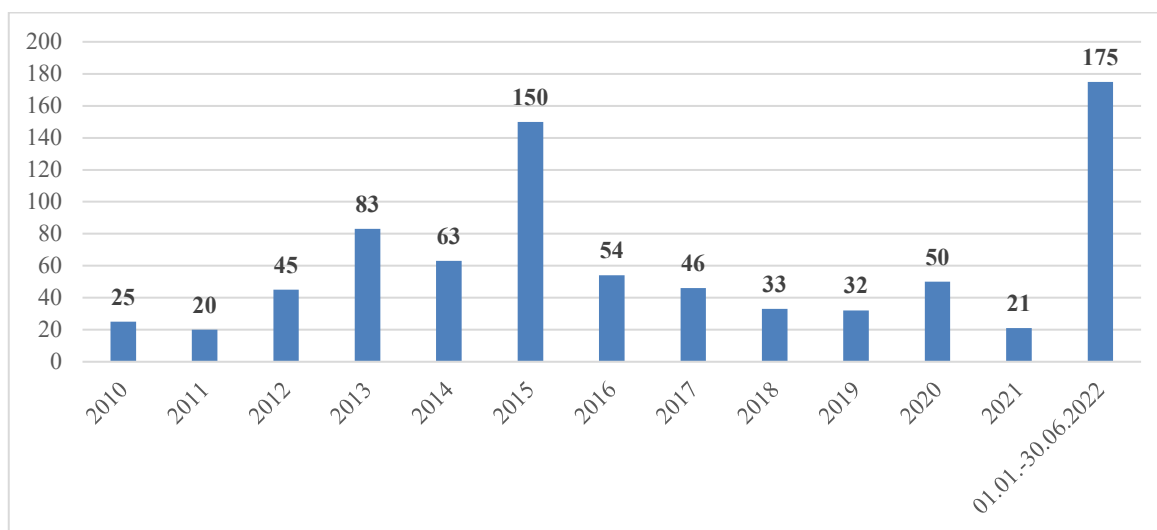
Figure 1. Number of asylum seekers between 01.01.2010 and 01.10.2022.



31. The procedure for granting refugee status, that is, granting asylum, is the period of consideration of an application for asylum. This is a simple, but lengthy procedure. Under normal circumstances, before the war, and according to the Law on Asylum, the period for making a decision on granting asylum was one to six months. Why does it take so much time? Because the authority must analyse not only the application itself, but also the situation in the country of origin of the asylum seeker, in order to check whether the application corresponds the situation there. Yes, now the situation in Ukraine does not need any analysis, not because there is nothing to analyse there, but because everything is on the surface, we see everything every day in the news and we understand what is going on there. But under normal circumstances, when you analyse an application, you have one to six months to make an informed decision.

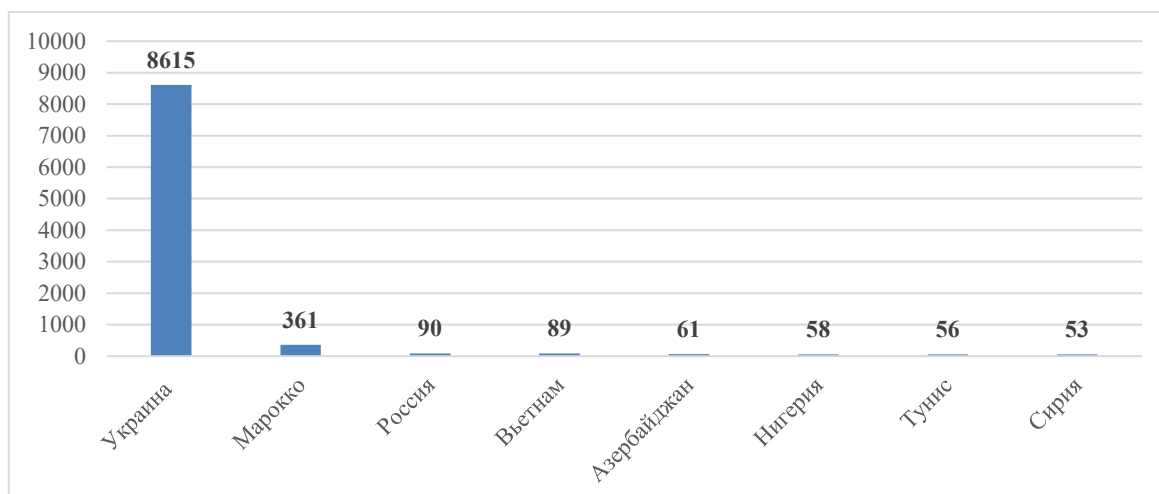
32. After the consideration of the application and all related procedures, *humanitarian protection* is most often granted. Every year, the number of beneficiaries of humanitarian protection was practically at the same level, with the exception of 2013, 2014, 2015, and, of course, 2022 (the first six months). For clarity the data is shown in Figure 2.

Figure 2. Number of people receiving humanitarian protection between 01.01.2010 and 01.10.2022.



33. Since the beginning of hostilities in Ukraine between February 24, 2022 and October 1, 2022 the Bureau for Migration and Asylum registered about 10,000 applications for asylum from foreigners who fled from Ukraine. Out of the 89% of applications were filed by Ukrainians (8615). Besides, many applications were filed by foreigners who were in Ukraine when the military activities started and fled to Moldova. For example, from Morocco - 361, Vietnam - 89, Russian Federation - 90, Azerbaijan - 61, Nigeria - 58, Tunisia - 56 and Syria – 53.

Figure 3. The number of applications for asylum from foreigners who fled Ukraine between 24.02.2022 and 01.10.2022, top eight countries



VI. Social protection of refugees

34. In the current situation, the Commission for Emergency Situations, at the initiative of the Bureau for Migration and Asylum, approved exceptions from the legislation applicable to the citizens of Ukraine, which aim to facilitate their access to employment and the right to reside in the Republic of Moldova. In this sense, the citizens of Ukraine are not required to present a certificate of clean criminal record in the package of documents requesting a residence permit, it is enough to apply at their own responsibility. With that, there is no requirement that the average (for Moldova) salary (9,900 lei, approximately EUR 500 in 2022) be indicated in an individual labour contract. On top of that, the state fee for a residence permit entitling the person to work was cancelled for this category and is no longer charged.
35. In addition, to facilitate employment, the procedure of awarding employment contracts was simplified with only an identification document and a PIN that can be obtained free of charge at the website www.dopomoga.gov.md required. After that the employer is responsible for hiring a citizen of Ukraine and must further notify the National Employment Agency of the Republic of Moldova.
36. In the first days after the outbreak of hostilities in Ukraine, professional counsellors (employees of state institutions and private clinics) provided psychological assistance to adults and children free of charge. Today, psychological assistance is also provided when necessary.
37. As in the first days after the conflict began, the refugees were mainly women and children, the Ministry of Education assisted from the first weeks in enrolling children in kindergartens and schools with education in Russian and not only Russian. Besides, since September 1, 2022, most students who were afraid to return to Ukraine, including students from other countries, who had been in Ukraine before the war started were enrolled in higher educational institutions free of charge.
33. On top of that, many non-governmental organizations came to the aid of the Bureau for Migration and Asylum. For example, the **Legal Centre of Lawyers (LCL)**. Since the first days of the escalation of hostilities in Ukraine, the LCL has performed monitoring, helped colleagues from the Border Police and the Bureau for Migration and Asylum in identifying asylum seekers who apply directly at the border crossing point. Sometimes, when there are a lot of applications for asylum filed at the border, they help with translation, accepting applications and providing legal assistance and advice to asylum seekers at the border.

34. UN agencies have provided and continue to provide immense assistance. Yasmine Sherif, Director of UN's global Education Cannot Wait fund, after visiting Moldova, noted that the Government and the people of Moldova showed generosity and large-heartedness in accepting and integrating refugees into the national system. According to Sherif, the Moldovan Government - which is natural - was not ready to accept so many refugees in such a short period of time. Before the conflict, the staff of the Moldovan Office of the United Nations High Commissioner for Refugees (UNHCR) consisted of only one person, and now the staff has expanded to 88 people.
35. The UN's global Education Cannot Wait fund has already allocated USD 5 million to help Moldova, and now this amount will be increased by another USD 1.5 million. These funds will be used to provide refugee children and youth with education, as well as to support children from families hosting refugees.
36. In Moldova, there are no refugee camps, the residents of the country accept Ukrainians in their homes. The UN has restructured its activities in accordance with these circumstances and is doing everything to expand the most effective programmes, for example, to provide monetary aid. According to the Head of the UN, people themselves know best what they need and how to spend the funds allocated to them. The UN plans to provide such support to 90,000 refugees and 55,000 host families in Moldova.
37. In response to the Ukrainian refugee crisis, today the Government of the Republic of Moldova, UNHCR, the UN Refugee Agency, the UN family in Moldova and partners launched the Inter-Agency Regional Refugee Response Plan (RRRP) for Moldova, calling for continued financial support to help refugees and Moldovan families who generously received them.
38. The key goal of the response plan is to provide coordinated support to the Government's efforts to meet the needs of refugees and third country nationals (TCNs) fleeing the war in Ukraine for protection and saving lives. This will include facilitating the search for appropriate solutions and supporting vulnerable host communities.
39. From the first days of the war in Ukraine, the Government of Moldova created the website <https://dopomoga.gov.md/> that still functions today. The website was created to assist the citizens of Ukraine in all aspects. The site contains the following information: Hotlines for citizens of Ukraine in Moldova, Medical assistance, For children, Transportation, Roadside assistance, Housing, Clothes / Footwear, Education, Employment, Relocation to European countries, etc.
40. Relocation to European countries was supported by many European countries and organizations. The registration procedure for relocation programmes (resettlement programmes) is also to be found on the dopomoga.gov.md website. In this way, about 2,200 citizens of Ukraine (mostly women with children) were successfully resettled to the countries of the European Union, Norway and Switzerland.
41. Besides, the Ministry of Education, the Ministry of Culture along with the Bureau for Migration and Asylum published leaflets describing the assistance provided by the public authorities. For example, leaflets with information about educational institutions, healthcare facilities providing free services, cultural holidays of Moldova, cultural monuments worth visiting in Moldova, cultural and artistic events with free admission, etc.