Republic of Moldova

GOVERNMENT

DECISION No. 21/2023
from 18.01.2023

regarding the granting of temporary protection to people displaced from Ukraine

Published: 26.01.2023 in the OFFICIAL GAZETTE No. 21-22 art. 38 Date of entry into force

ADJUSTED

GD141 of 28.02.24, MO83-85/29.02.24 art. 193; in force 01.03.24

EU

Under Article 21 of Law no. 270/2008 regarding asylum in the Republic of Moldova (Official Gazette of the Republic of Moldova, 2009, no. 53-54, art. 145), with subsequent amendments, the Government DECIDES:

This decision transposes Article 4 (1), Article 6, Article 8 (1), Article 9, 10, 12, 13, Article 14 (1) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for the granting of temporary protection, in the event of a massive influx of displaced persons, and measures to promote a balance between the efforts of Member States to receive these persons and bearing the consequences of this reception, published in the Official Journal of the European Union L 212 of August 7, 2001, as well as Council Implementing Decision (EU) 2022/382 of March 4, 2022 establishing the existence of a massive influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of introducing temporary protection, published in the Official Journal of the European Union L 71 of March 4, 2022, transposes Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extension of temporary protection as introduced by Implementing Decision (EU) 2022/382 (CELEX: 32023D2409), published in the Official Journal of the European Union L 2023/2409 of 24 October 2023.

It transposes Council Implementing Decision (EU) 2024/1836 of June 25, 2024, extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (CELEX: 32023D2409), published in the Official Journal of the European Union L 2024/1836 on July 3, 2024.

1. It is approved:

1) Conditions for granting temporary protection to displaced persons from Ukraine, according to annex;

2. The costs of implementing this decision will be borne from the account means provided in the national public budget, including internal and external donations.

3. Ministries and other central public authorities, within 30 days from the date of publication of this decision, in coordination with the Ministry of Internal Affairs, will develop and approve concrete mechanisms for implementing its provisions.

4. The Ministry of Internal Affairs, Ministry of Education and Research, Ministry of Labor and Social Protection, the Ministry of Health, and the National Medical Insurance Company will be responsible for planning and reporting the use of financial means intended for the implementation of temporary protection and, within 30 days from the date of entry into force of this decision, jointly with the Ministry of Finance, will develop and approve the mechanism for implementing the respective processes.

5. Temporary protection is introduced on the territory of the Republic of Moldova for the persons mentioned in point 1 of annex no. 1 for 1 year, starting on March 1, 2023.

6. The temporary protection granted to displaced persons from Ukraine shall be extended with one year, until March 1, 2026.

7. Displaced persons from Ukraine who obtained temporary protection until 1 March 2025, the identity document of the beneficiary of temporary protection is automatically extended until March 1, 2026.

PRIME MINISTER Natalia GAVRILITA

Countersign:

Minister of Internal Affairs Ana Revenco

Minister of Labour and Social Protection Alexei Buzu

Health Minister Ala Nemerenco

Minister of Education and Research Anatolie Topală

Minister Finance Dumitru Budianschi

No. 21. Chisinau, January 18, 2023.

Annex to Government Decision no. 21/2023

CONDITIONS

For granting temporary protection to displaced people from Ukraine

1. Temporary protection shall be 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 recognized by the competent Ukrainian authorities, stateless persons and nationals of third countries, other than Ukraine, who were beneficiaries of international protection or equivalent national protection in Ukraine before 24 February 2022 and who cannot safely return to their country or region of origin;

3^1) third-country nationals, other than Ukraine, who left Ukraine on or after February 24, 2022, and hold a permanent residence permit issued in accordance with Ukrainian legislation and who cannot return safely to their country or region of origin;

4) family members of the persons mentioned in subsections 1), 2), 3), and 3^1).

2. In the sense of point 1 subsection 4), in the case of families already established in the country of origin, to the extent that the family was already present and residing in Ukraine before February 24, 2022, the following persons are considered family members:

1) spouse of the supporter of family reunification;

2) partner – third-country national/stateless person living with a person referred to in point 1 subsection 1), 2), 3) and 3^1) and with whom they have at least one child, including those born after February 24, 2022;

3) unmarried children, whether they are by marriage out of wedlock or adopted under the national law of the country of origin;

4) dependent of the holder, including for reasons of disability or medical;

5) dependent parents of the holder or his/her spouse;

6) persons for whom guardianship or trusteeship is established;

7) parents or legal representatives, nationals of third countries other than Ukraine, who accompany the child beneficiary of temporary protection.

2^1. Temporary protection can be requested by families whose marriages were officially registered after February 24, 2022, if they were residing in Ukraine after February 24, 2022.

3. Temporary protection shall be granted to persons who meet the conditions established in point 1 if they present one of the following documents:

1) for Ukrainian citizens – the national identity document (identity bulletin/card, internal passport, biometric passport), seaman's license, including with expired validity period, travel document, identity certificate of the Ukrainian citizen, issued by the Embassy or Consular Section of Ukraine in the Republic of Moldova;

2) for Ukrainian citizen children – birth certificate/attesting certificate of childbirth, issued by the healthcare facility, the national identity document (identity bulletin/card, internal passport, biometric passport), including the expired validity period, travel document, identity certificate of the Ukrainian citizen, issued by the Embassy or the Consular Section of Ukraine in the Republic of Moldova ;

3) for stateless persons recognized by the competent Ukrainian authorities, stateless persons and third-country nationals, other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine, or permanent residence permit on February 24, 2022 – identity document valid or with an expiration date after February 24, 2022, issued following Ukrainian law attesting to the

status and legal residence in Ukraine on February 24, 2022;

4) for family members of persons referred in point 1 subsection 1), 2), 3) and 3^1) – marriage certificate, birth certificate, legal document concluded in an authentic form confirming the institution of adoption, guardianship or trusteeship, the valid national identity document.

4. During the action of this decision, Ukrainian citizens who come directly from Ukraine, shall be granted entry into the Republic of Moldova, including based on one of the following documents:

1) for adults – valid biometric passport, national identity card, or internal passport;

2) For children up to and including 14 years old – ordinary passport for travel abroad, ID card/identity card, internal passport, including expired passports, as well as birth certificate or certificate attesting to the child's birth issued by the medical institution, or based on the parent's passport in which the child is registered with the application of a photo.

2^1) For children starting at age 15 years old – ordinary passport for travel abroad, ID card/identity card, internal passport, including expired passports, or based on the parent's passport in which the child is registered with the application of a photo.

4^1. Unaccompanied children coming directly from Ukraine are subject to the same protective measures as children at risk and children separated from their parents, in accordance with the regulatory framework on child protection rights in the Republic of Moldova.

4^2. Adults crossing the state border with a national identity document (ID card, internal passport) can benefit from only one entry/exit to/from Ukraine, except for holders of internal passports/ID cards who are residents of the border area, on the basis of bilateral agreement.

5. The registration of the applicant through the access interface of the official website protectietemporara.gov.md, for the purpose of documenting identity documents for obtaining temporary protection, does not confer the status of beneficiary of temporary protection.

The status of beneficiary of temporary protection is obtained from the date of issuance of the identity document by the General Inspectorate for Migration under the Ministry of Internal Affairs.

5^1. The applicant for temporary protection is obliged, within 30 working days from the date of registration for the purpose of documenting with identity documents for obtaining temporary protection, to go to one of the offices of the General Inspectorate for Migration subordinated to the Ministry of Interior Affairs or to request a mobile documentation team, under the conditions provided in point 9, subpoint 3).

5^2. If the applicant doesn't appear within the time limits and under the conditions set out in point 5^1, the registration will be canceled in the information system.

5^3. In situations that cannot be delayed due to health reasons or those that attest to an imminent danger to the applicant's life, confirmed by medical documents or conclusions issued by medical institutions in the country of origin or in the Republic of Moldova, the documentation deadline is shortened by the decision of the head of the Regional Directorate of the General Inspectorate for Migration under the Ministry of Internal Affairs, in order to expedite the process.

6. In the case of the unaccompanied child, the request to follow the registration procedure for the purpose the documentation as a beneficiary of temporary protection shall be submitted through the representative of the institution where the child is placed, who shall be designated by the administration of the institution, or through the legal representative designated under the legislation.

7. On the day the applicant presents themselves at one of the offices of the General Inspectorate for Migration under the Ministry of Internal Affairs, in accordance with the registration carried out, each applicant will be issued, free of charge, based on the set of documents submitted, an identity document granting them permission to remain in the territory of the Republic of Moldova and to benefit from the rights established by the applicable legislation.

8. The fingerprint data required for the documentation of the persons mentioned in point 1 shall be obtained by using live scanners and by registering within the automated information system "Dactyloscopy State Registry" by the structural and territorial subdivisions of the competent authority

for aliens of the Ministry of Internal Affairs.

9. The procedure for registration of beneficiaries of temporary protection and issuing identity documents is carried out by the General Inspectorate for Migration under the Ministry of Internal Affairs:

1) through the structural and territorial subdivisions of the competent authority for aliens of the Ministry of Internal Affairs;

2) in the spaces specially arranged for registration for documentation beneficiaries of temporary protection placed at the disposal of the competent authority for aliens of the Ministry of Internal Affairs;

3) through the mobile documentation teams of the competent authority for aliens of the Ministry of Internal Affairs.

10. The identity document of the beneficiary of temporary protection contains the following dates:

1) name of the document: identity document of the beneficiary of protection temporary;

2) the name of the issuing authority;

3) series and number;

4) name and surname;

5) date of birth;

6) the individual's state identification number (IDNP);

7) nationality or the mention "Stateless";

8) sex;

9) photo of the holder;

10) date of issue;

11) the term of validity;

12) security elements.

11. The model of the identity document of the beneficiary of temporary protection shall be approved by order of the head of the competent authority for aliens of the Ministry of Internal Affairs.

12. In the registration process for documentation with identity documents, the applicant of temporary protection confirms the address of residence//temporary residence in the Republic of Moldova, by submitting one of the following documents:

1) the declaration of accommodation by the owner or co-owners of the accommodation - individuals;

2) the accommodation application by the owner or co-owners of the accommodation - legal entities;

3) the document proving the right of ownership or use of the dwelling under point 106 of the Regulation on the issuance of identity documents and registration of the residents of the Republic of Moldova, approved by Government Decision No. 125/2013.

4) self-responsibility declaration regarding the temporary residence address submitted to the General Inspectorate for Migration under the Ministry of Internal Affairs. The model of the declaration is approved by order of the head of the General Inspectorate for Migration under the Ministry of Internal Affairs, by which the applicant for temporary protection is warned of criminal liability for false declarations, under the provisions of article 352^1 from the Criminal Code of the Republic Moldova no. 985/2002. The period of temporary residence must correspond to the period for which temporary protection was granted.

12^1. The General Police Inspectorate, in coordination with the General Inspectorate for Migration under the Ministry of Internal Affairs, shall conduct verifications without prior notice at the address of residence declared under the sole responsibility of the person benefiting from temporary protection.

13. The data on the beneficiaries of temporary protection are recorded in the through the access

interface of the official website protectietemporara.gov.md and can be accessed by state authorities through the interoperability platform (MConnect).

14. The General Inspectorate for Migration under the Ministry of Internal Affairs informs, both in writing and verbally, the beneficiary of temporary protection, in a language they communicate in or that is reasonably assumed they understand, about their rights and obligations during the period of temporary protection, as well as about the processing of their personal data.

15. The General Inspectorate for Migration under the Ministry of Internal Affairs and the Security and Intelligence Service verify, within 10 working days from the date of registration of the temporary protection applicant in the dedicated information systems, whether there are indicators for the application of Article 38^4 of Law No. 270/2008 on asylum in the Republic of Moldova.

16. If there are reasonable grounds to consider that the temporary protection applicant falls under one of the exclusion clauses provided in Article 38^4 of Law No. 270/2008 on asylum in the Republic of Moldova, the General Inspectorate for Migration under the Ministry of Internal Affairs will inform the applicant in writing, within 3 days, about the decision to refuse the granting of temporary protection. The refusal decision will be justified by facts and law and will include information regarding the applicant's rights, including the right to submit an asylum application.

16^1. If there are reasonable grounds to consider that the beneficiary of temporary protection falls under one of the exclusion clauses provided in Article 38^5 of Law No. 270/2008 on asylum in the Republic of Moldova, the General Inspectorate for Migration under the Ministry of Internal Affairs will inform the beneficiary in writing, within 3 days, about the decision to withdraw temporary protection. The withdrawal decision will be justified by facts and law and will include information regarding the beneficiary's rights, including the right to submit an asylum application.

17. The Ministry of Education and Research ensures equitable access to education for the children of temporary protection beneficiaries in public compulsory general education institutions, within the capacities of the educational system and in accordance with the provisions of the legislation.

17^1. If the beneficiary of temporary protection enrolls the child in the education system, either in person or online, they are obligated to inform, within 5 working days, the local education authority in the area where the child is located about this fact, by sending/submitting a written notification.

18. Beneficiaries of temporary protection, upon request, have access to accommodation within the Temporary Placement Center for displaced persons from other countries' territories, under the conditions established by the legislation.

19. The Ministry of Labor and Social Protection, through the territorial agencies of social assistance, coordinates the establishment process and manages the Temporary Placement Center for displaced persons from other countries' territories.

20. Beneficiaries of temporary protection are entitled to social assistance measures, financed by international organizations, based on procedures and conditions jointly approved by the Ministry of Labor and Social Protection and the General Inspectorate for Migration under the Ministry of Internal Affairs. The amount of financial support offered by international organizations will be correlated with the amount of aid established by the Government for beneficiaries of international protection.

Beneficiaries of temporary protection can access financial assistance granted by international organizations, according to the criteria developed jointly by the Ministry of Labor and Social Protection and the Ministry of Internal Affairs.

Beneficiaries of temporary protection have access to cash assistance programs from international organizations to support vulnerable people during the cold period of the year.

21. Social assistance measures for families with children, as well as unaccompanied children are ensured through the territorial agencies for social assistance.

22. Beneficiary families of temporary protection, who are eligible according to the conditions established in the framework Regulation regarding the organization 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 assistance, to prevent and/or overcome risk situations to

ensure the growth and education of the child in the family environment.

23. 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.

23[1]. Beneficiaries of temporary protection can register at any territorial subdivision of the National Employment Agency to receive employment support.

24. The employment of beneficiaries of temporary protection is based on an individual employment contract. The employer is obliged to notify the National Employment Agency about their employment within 5 working days from the date the contract is signed, by submitting the following documents: a copy of the individual employment contract, a copy of the citizen's identity document, and a copy of the identity document of the temporary protection beneficiary.

25. In the case of employment in the health care system, the beneficiaries of protection obtain the approval of the Ministry of Health for their employment during the period of temporary protection.

26. Beneficiaries of temporary protection can access emergency healthcare, primary healthcare, including compensated medicines and medical devices, specialized outpatient healthcare, and free medical examination for public health reasons, in healthcare facilities, according to the list of healthcare services established by the Ministry of Health.

27. Healthcare facilities, according to the list approved by the Ministry of Health, shall submit to the National Medical Insurance Company separate reports and electronic tax invoices for the medical services referred to in point 26, provided to the beneficiaries of temporary protection, according to the mechanism set by the Ministry of Health and the National Medical Insurance Company.

27[1]. The expenses incurred by the healthcare facilities, covered by the system of compulsory health insurance, for emergency healthcare, primary healthcare, and free medical examination for public health reasons, granted to beneficiaries of temporary protection, shall be paid from the funds accumulated in the Compulsory Health Insurance Funds, being compensated from the state budget, through earmarked transfers and/or other income in form of donations and/or grants.

27[2]. The expenses incurred by the healthcare facilities, covered by the system of compulsory healthcare insurance, for specialized outpatient healthcare, compensated medicines, and medical devices, granted to beneficiaries of temporary protection, shall be paid from the funds accumulated in the Compulsory Health Insurance Funds, being compensated from the external funds allocated in the form of donations and/or grants.

28. The obligations of the beneficiary of temporary protection:

1) provide truthful information to the competent authority for aliens of the Ministry of Internal Affairs about his/her person and family members;

2) submit to mandatory photography and dactyloscopy recording;

3) comply with the Internal Rules of Temporary Placement Centers for displaced persons from other countries' territories;

4) inform the General Inspectorate for Migration under the Ministry of Internal Affairs in case of voluntary return to Ukraine or obtaining another form of protection in another country;

5) inform the General Inspectorate for Migration under the Ministry of Internal Affairs, within 10 days, about any change in his/her legal status, marital status, change of residence in the Republic of Moldova, loss or damage to the identity document of the beneficiary of temporary protection;

6) undergo a free compulsory medical examination, for public health reasons;

7) comply with the legislation of the Republic of Moldova, without infringing the rights and freedoms of others, to have civilized and correct behavior, respecting the rules established by the authorities;

8) respond to the requests of the state authorities with powers under this decision;

9) inform the state authorities about incidents of violation of human rights, as appropriate.

10) comply with the legislation regarding the regime of foreigners in the Republic of Moldova.

29. Temporary protection shall cease under the conditions provided by Law No. 270/2008 on asylum in the Republic of Moldova.

29[1]. The beneficiary of temporary protection can renounce their status by submitting a written request regarding their intention to renounce the status of a temporary protection beneficiary. The request must be submitted in writing to the General Inspectorate for Migration under Ministry of Internal Affairs, on the territory of the Republic of Moldova, or to the diplomatic mission of the Republic of Moldova in the country where the individual is located.

30. Beneficiaries of temporary protection are entitled to temporary admission of vehicles for private use on the territory of the Republic of Moldova. The maximum period for keeping them under a temporary admission customs regime, for the same use and under the responsibility of the same authorization holder, it cannot exceed the validity period of the identity document of the temporary protection beneficiary.

If the period for authorized use mentioned is not enough, the Customs Service may grant an extension for a reasonable period, based on a justified request filed by the holder of the authorization, under the conditions of Article 319 of the Customs Code of the Republic of Moldova no. 95/2021.