

## THE RIGHTS OF REFUGEES FROM UKRAINE IN THE REPUBLIC OF MOLDOVA

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**Abstract:** The refugee crisis in Ukraine generated by the intensity of military actions has highlighted the vulnerabilities faced by state institutions, affected by the large number of foreigners who have sought refuge on the territory of the Republic of Moldova. Both the Member States of the European Union and the Republic of Moldova have seen the security gaps that persist and must be removed. Change is a difficult and time-consuming process, and in the event of a massive influx of foreigners, it requires prompt and effective interventions. Actions in the management of the crisis situation put the authorities of the Republic of Moldova to the test. Thus, taking into account the effects of the refugee crisis in Ukraine, this paper consists in assessing national efforts in the context of the most efficient management of refugee flows seeking protection in the Republic of Moldova. This article aims to highlight the problem of the refugee crisis in Ukraine, the crisis conditioned by the Russo-Ukrainian war. The article also highlights the main issues regarding the granting by the Republic of Moldova of humanitarian aid to refugees from Ukraine, as well as respect for the rights of refugees in the Republic of Moldova.

**Keywords:** national security, rights of refugees, crisis, influx of foreigners, conflict in Ukraine.

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### Introduction

The war in Ukraine started by the Russian Federation is becoming a major military conflict since World War II. The Russian invasion of Ukraine is not just a regional war. It is the war that marks a rupture in the relations between Russia and the West, a war that will have profound repercussions both for Europe and for the whole world. The global consequences of this war are felt in all dimensions of society. The evolution on the front and the interests of the great powers in the region, for the first time bring to the fore the indirect confrontation of the military potential of NATO and Russia.

Ukraine proclaimed its independence in 1991, amid the disintegration of the Soviet Union. On July 16, 1990, the new parliament adopted the Declaration of State Sovereignty of Ukraine, which established the principles of self-determination of the Ukrainian nation, democracy, political and economic independence and the priority of Ukrainian law on Ukrainian territory over Soviet law. A country of 45.6 million inhabitants, with a multitude of social groups and ethnic minorities, Ukraine has the largest border separating a country of the former Soviet bloc from Russia (van Klaveren et al, 2010).

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As a result of Russia's military invasion of Ukraine, the EU reacted swiftly and urgently activated intervention mechanisms, thus showing solidarity in action, helping people in need of aid and protection. The intervention mechanisms focused in particular on humanitarian aid, emergency assistance in the field of civil protection, support in crossing the EU's external border, as well as providing various forms of protection to people fleeing from areas affected by armed clashes or under shelling. The European Union, for the first time since its creation, has activated the Temporary Protection Directive, which regulates the provisions of EU legislation to manage the increased influx of people as efficiently as possible. At the same time, the European Commission, in coordination with EU countries, has started collecting information on the situation at border crossing points to prevent the risk of a wave of illegal migration and trafficking in human beings. To help border guards in EU countries to effectively manage the flows of people arriving from the borders with Ukraine, on 2 March 2022, the Commission published guidelines on the management of external borders, aiming to reduce waiting times for processing refugees, while still ensuring an atmosphere of security for citizens. The guidelines include provisions such as:

- the deployment of minimum border controls at the EU borders with Ukraine;
- simplifying entry conditions for persons entering from Ukraine;
- the establishment of temporary border crossing points, in order to complete the official list of official border crossing points;
- facilitating the provision of humanitarian and other essential services at border crossings;
- relaxing the conditions of access for personal belongings and pets.

The guidelines strongly recommend EU countries to make use of the support of EU Agencies – with Frontex able to assist with the identification and registration of the people arriving, and Europol available to deploy officers supporting EU countries with secondary checks (European Commission, 2022).

## **1. Literature review and data methodology**

The war in Ukraine has put the national authorities in the position of having to act urgently to ensure a rapid management of the state border on the entry-exit segment. At the same time, the state's efforts had to be directed towards ensuring respect for the fundamental rights of foreign refugees from Ukraine on the territory of our country, with the actions in their entirety to be in line with UN standards on state of emergency, their priorities and indicators.

In order to successfully carry out this study, an extensive analysis of international regulations and literature dedicated to the respect of human rights, in particular ensuring international protection and management of migration flows, was necessary.

Issues such as the procedures applied by the authorities when managing migrant flows at the border (Cebotari & Buzev, 2020), as well as the measures taken to respect the fundamental rights of refugees who have found shelter on the territory of the Republic of

Moldova (Ombudsman, 2022) were subjected to analysis. In this context, the general principles that are regulated in the national asylum legislation (Law No.270, 2008) have been widely applied in providing temporary protection to refugees from Ukraine.

Also „support and assistance to refugees in Ukraine” has been in the focus of attention of international organizations and non-governmental organizations in the country, which have provided significant support in the effective management of major refugee flows.

The study conducted in this article is mainly based on the methods of descriptive statistics and document analysis. Statistical data submitted by subdivisions of the Ministry of Internal Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR), as well as some data taken from various information sources made after 24 February 2022, the date of the invasion of Ukraine by the Russian Federation, were analyzed and used.

## **2. Moldova's response to the protection and support of Ukrainian refugees**

The refugee crisis in Ukraine raises the issue of the security of European states, materialized in the fraudulent crossing of borders, in the risks of members of terrorist groups entering Europe and planning new attacks, with strong economic, social and political implications. Although the refugee crisis in Ukraine must be carefully studied and addressed in a way that ensures that the rights of all those seeking protection and fleeing war are respected, we cannot ignore its other consequences.

A combined response from the Member States of the European Union and those aspiring to this status, as well as the Republic of Moldova, is absolutely necessary to respond with appropriate means to this challenge. In order to find a response to such a sensitive situation as the refugee crisis, it is necessary to take a wide range of measures, from adapting the legislative framework to ensure their protection, to identifying medium-and long-term solutions, which must be applied in order to reduce security risks as far as possible.

With the massive influx of people who have been forced to flee the war, the likelihood that there will be members of diversionary groups, secret agents or even terrorists, is not negligible. Regardless of the way in which the states will verify the asylum applications, the risk of occurring some events that threaten the security of the state remains a major one. Besides, the regional instability caused by the war in Ukraine, the precarious economic and social situation are of concern to the local population.

The war in Ukraine has forced millions to flee their homes. The conflict that began in February 2022 has created one of the largest humanitarian crises in recent European history. The ongoing war has led to an increasing number of victims, destruction and displacement of people inside and outside Ukraine. In consequence, millions of people are forced to move, either inside the country or in neighboring countries-mainly Poland, Moldova, Romania, Slovakia and Hungary. According to data presented by UNHCR (UNHCR, 2022), from the beginning of the war, February 24, and until July 2022, about 8,792,763 people left Ukraine, and 3,296,112 returned to Ukraine. About 90% of them are

women and children, who are also more at risk of violence and abuse, such as trafficking in human beings, smuggling and illegal adoptions.

In the first week after the invasion of Ukraine, record numbers of Ukrainian refugees were recorded at the eastern border of the Republic of Moldova. Therefore, between 24.02 and 02.03.2022, 112,299 citizens of Ukraine entered the territory of the Republic of Moldova, of which 108,955 people entered through the Moldovan-Ukrainian border segment. The highest pressure is on the eastern segment of the border, especially the Palanca border crossing point.

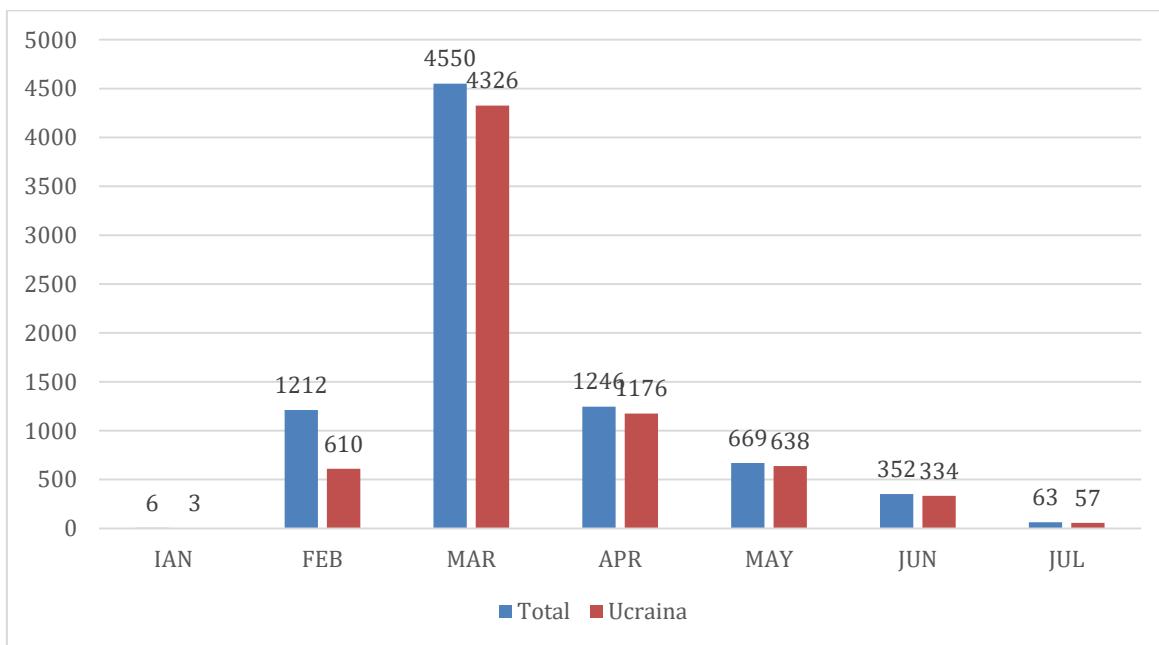
At the same time, during the mentioned period, the Border Police informs, in a press briefing, that the flow of people at the state border with Ukraine has increased 6.5 times (384,770 people compared to 65,023), and the one with Romania on the way out of the country 3 times (454,729 people compared to 139,951). On March 22, 2022, out of the total number of 351 thousand foreign citizens entering the territory of the Republic of Moldova from Ukraine, 247 thousand crossed the country to Romania, and about 104 thousand remained in the Republic of Moldova (Border Police, 2022).

In turn, the Ministry of Internal Affairs of the Republic of Moldova provides information on the situation at the border crossing points and monitors the flow of refugees to facilitate the crossing of the border and support the escape corridors. Thus, between February 24 and May 13, 421,929 refugees left the territory of Ukraine. A very large number of refugees transit the Republic of Moldova to EU member states. There are still 84,735 refugees on the territory of the Republic of Moldova, of which 46,272 are minors. During the nominated period, 7,381 asylum applications were received by the specialized authorities (Ministry of Internal Affairs, 2022).

On July 5, 2022, at the press briefing held by the leadership of the Office of Migration and Asylum of the Ministry of Internal Affairs, information was provided on the state of affairs in the field of migration and asylum since the breakout of the war in Ukraine (Migration and Asylum Office, 2022). So, in the period 01.01.2022-04.07.2022 a total of 8098 asylum applications were registered.

Thus, a total of 11882 asylum applications were registered in 2022, an increase of 2697% compared to previous years (Figure 1 and Figure 2). The increase in protection seekers is due to the influx of foreigners fleeing the war in Ukraine.

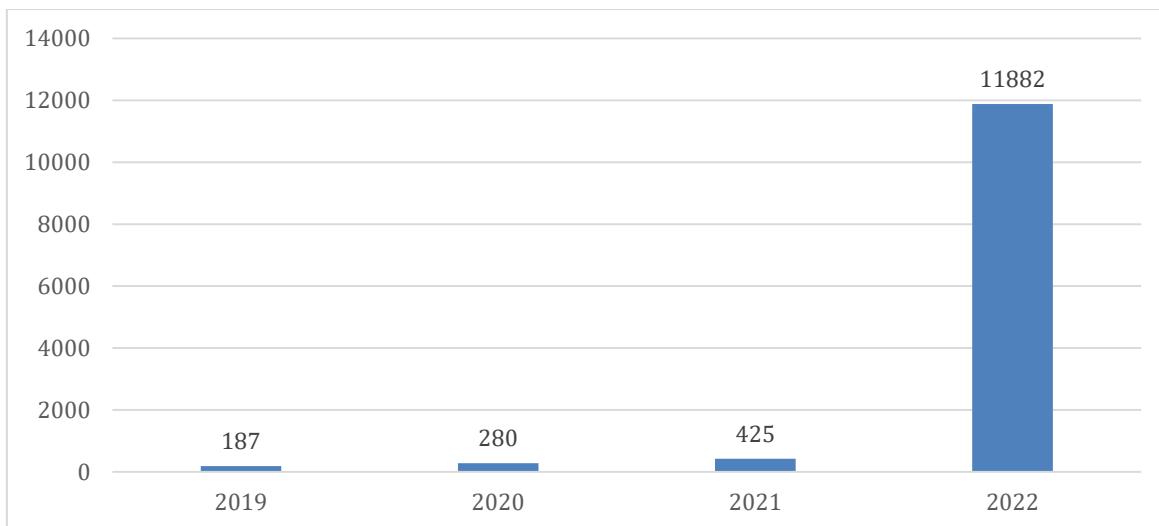
The international protection of foreigners in the Republic of Moldova is carried out within the limits of the provisions of the international standards in this field, as well as the national legislation derived from them. The institution of asylum serves as an indicator of the country's respect for basic human rights and freedoms and compliance with the requirements of humanitarian law. The share of commitments undertaken by the Republic of Moldova in this area can be compared with the share of former Soviet states such as Latvia, Lithuania and Estonia. The number of asylum applications received and decisions to grant international protection in relation to GDP per capita and correlated with the number of asylum applications per 100,000 population shows the increased burden of the Republic of Moldova in relation to the mentioned countries (Law Center of Advocates, 2022).



**Figure 1. Number of asylum applications registered in the period 01.01.2022-04.07.2022**

*Source: Migration and Asylum Office. Humanitarian crisis management - challenges and legal solutions (2022)*

At the national level the international protection of foreigners is regulated and ensured by the provisions of the Law No 270 of 18 December 2008 on asylum in the Republic of Moldova. The competent authorities ensure access to the asylum procedure to any foreigner, on the territory of the Republic of Moldova or at the state border, from the moment of manifestation of will, expressed in writing or orally, from which it results that he/she requests the protection of the State of the Republic of Moldova.



**Figure 2. Asylum applications lodged in the Republic of Moldova**

*Source: Activity Report Law Center of Advocates (2022)*

The refugee crisis triggered by the war for the first time in the history of Europe conditioned the solidarity and total mobilization of the efforts of all European states, including the Republic of Moldova. Being a neighbor of Ukraine, the Republic of Moldova from the first day of the war made effort to provide emergency aid to the massive flow of displaced people and those seeking safety, protection and assistance (EU response to Ukraine's refugee crisis, 2022).

The spontaneous appearance of a large number of foreigners, fleeing the war in Ukraine has made the Republic of Moldova a temporary host and/or transit territory for Ukrainian citizens and other foreigners fleeing the war. In this context, the temporary protection granted to foreign nationals is an activity, intended to ensure immediate protection, in the case of a large number of foreign persons who are seeking shelter and fleeing from the path of war, and at the moment they cannot return to their country. Social integration and respect for the rights of refugees is a process of their active participation in the economic, social and cultural life of the host society, and to achieve this, it is necessary to carry out integration programs and facilitate access to a number of economic rights and social: the right to a job, the right to education, the right to health care and social assistance and the right to housing. Granting temporary protection, upon request, to foreign persons from Ukraine and recognizing the status of beneficiary of a form of protection on the territory of the Republic of Moldova, they are entitled to use the humanitarian facilities offered by the host state (Ombudsman, 2022).

Facilitating the access of foreigners to the Republic of Moldova was made possible by the implementation of the National Mechanism for unitary and coherent management of the situation in the event of an increased influx of foreigners, approved by Government Decision No. 1146/2017. The main objective of the mechanism is the use of available human, technical and material resources in order to manage, in conditions of efficiency and effectiveness, the crisis generated by a large influx of foreigners on the territory of the Republic of Moldova. With the application of the mechanism, the Contingency Plan is implemented for the management of a crisis situation in the event of an increased influx of foreigners. In order to solve the situation generated by the increased influx of foreigners, the provisional Crisis Management Center in case of an increased influx of foreigners was established, under the direction of the Ministry of Internal Affairs (Cebotari & Buzev, 2020).

Thus, on February 24, 2022, the date on which the Russian Federation began the so-called "special operation" In Ukraine, the Government of the Republic of Moldova approved the declaration of a state of emergency in the country for a period of 60 days. On the same day, Prime Minister Natalia Gavrilici submitted to the Parliament the proposal, in connection with the situation regarding security in the region and ensuring national security, noting that during the state of emergency it is proposed to establish a special regime of entry and exit from the country. of airspace, but also measures to ensure the management of migration flows and ensure the protection of refugees from Ukraine. At the same time, the Ministry of Internal Affairs has started the necessary preparations for managing the flow of migrants from Ukraine, registered at the border of the Republic of

Moldova. In the conditions of the war situation in Ukraine, all the institutions of the Republic of Moldova went on to operate on alert. Also, under the created conditions, the Crisis Monitoring and Management Center started its activity on the territory of the Republic of Moldova.

In the context of the created situation, the Commission for Exceptional Situations of the Republic of Moldova (2022), approved on February 24, 2022, Disposition no. 1, which provided for several derogations from the national legislation. All the provisions of Provision No. 1 aimed at ensuring and efficient management of the situation and facilitating the access of refugees from Ukraine.

**Crossing the state border.** In the context of the war situation in the neighboring country, which began on February 24, 2022, the authorization to cross the state border into the Republic of Moldova from the territory of Ukraine was allowed and simplified upon presentation of one of the valid identity documents: minors with the presentation of the birth certificate, the document of national identity (identity bulletin/card), passport, and adults upon presentation of the national identity document (identity bulletin/card) or passport. A few days later, the condition of presenting valid identity documents when crossing the state border was cancelled, so minors could also enter the country based on the medical certificate certifying the child's birth. Later, the entry conditions were simplified to the maximum, granting the right to travel, based on other types of documents, including their copies, which allow the identification of the person (Ombudsman, 2022).

In order to facilitate the movement of refugees who entered the territory of the Republic of Moldova from Ukraine, green corridors were created through which carriers ensured the movement of refugees, and the Civil Aviation Authority ensured the organization of irregular flights to EU member countries.

According to the latest UN report, the Republic of Moldova is the first in the top five countries that have received refugees from Ukraine - with almost 1,400 people per 10,000 inhabitants. More than 500,000 refugees have already passed through the Republic of Moldova, leaving around 102,000 citizens in the country, of which about 49,000 children (Ciocină, 2022). So, the entry into the Republic of Moldova of foreigners from Ukraine, in a facilitated regime, was accepted for humanitarian purposes.

**Temporary accommodation.** In the context of the intensification of military actions and the increase in the number of refugees, the decision was made to create the necessary living conditions for refugees. Thus, the Commission for Exceptional Situations decided to create two temporary Centers for the management of influxes of foreigners on the territory of the Republic of Moldova, which were deployed near the town of Palanca, on the eastern border, and the town of Calarașovca, in the north of the country, managed by the MAI. In order to standardize the procedures throughout the national territory, the Ministry of Internal Affairs decided to create and set up another provisional Center for refugees at the Giurgiulești border crossing point in the south of the republic. In total, on April 20, 2022, the total number of temporary centers under the management of the MAI is 6, with a total capacity of 2000 places. The efforts of the Republic of Moldova to manage the crisis of

refugees from Ukraine, were focused including on ensuring the necessary living comforts within the established Centers. In order to ensure the established norms, the Regulation on the organization and operation of the Temporary Placement Center for Refugees and the personnel and expenses rules were developed and approved, granting the placement center the status of a specialized social structure (Ombudsman, 2022).

Of those more than 100,000 refugees, less than 10% are in placement centers. So 90% are accommodated in families or on their own. Usually, in other countries in such crises, tent parks are set up. The authorities of the Republic of Moldova have avoided this, including because Moldova and Ukraine are culturally close states, good neighbors, and our society has absorbed the flow of refugees very quickly. Most placement centers are dormitories or former study blocks (Ciochină, 2022). 107 centers with a capacity of over 9000 seats, but only 46% of them are currently used.

The Ukrainian refugees, who remained in the Republic of Moldova, continue to be in those 95 temporary placement centers and in host families. The accommodation rate in placement centers is currently 46.4%. In total, over 716 thousand meals a day were distributed in placement centers by the Government, non-governmental organizations and the World Food Program (Government of the Republic of Moldova, 2022).

Also, 54,029 refugees received monthly financial assistance from the UN Refugee Agency, of which 27,449 people benefited from the second tranche of financial assistance.

In parallel with the support provided to refugees, about 10,500 host families from Moldova received the single allowance from the World Food Program. Ukrainian refugees who entered the Republic of Moldova after the start of the war in the neighboring country receive monthly financial support. Thus, for each person in the family, 2200 lei are offered, transferred on a card, which can be used only on the territory of Moldova. Refugee payments are managed by the United Nations High Commissioner for Refugees and coordinated with the Ministry of Labor and Social Protection, Messager reports (Dolgieri, 2022).

**Healthcare.** Special attention was focused on healthcare services and health emergencies. By means of the provisions of the Commission for Exceptional Situations, the exemptions necessary to the normative framework in force were regulated. The Ministry of Health has ensured the creation of mobile medical teams, for rapid intervention at border crossing points, including medical teams that are permanently active in temporary Centers for the management of influxes of foreigners. The services provided are primarily focused on triage, first medical aid, medical-surgical emergencies and primary psychological assistance (Ministry of Health, 2022). The provision of necessary medicines and equipment is carried out from state reserves and from humanitarian aid that has been collected from external partners and managed by the Ministry of Health.

In order to provide the necessary assistance at the border of the Republic of Moldova, preliminary sorting centers have been created, created by the Ministry of Internal Affairs. For example, if some refugees want to continue their journey to other countries, then buses are organized, which transport them directly from Palanca to Iasi. The Causeni-Iasi train also operated for a while, running several times a day and was free of charge. For those

who want to stay on the territory of the Republic of Moldova, the transport from the border to the placement centers is organized, and there are created minimum conditions-sleeping places, hygienic putties, food, basic medical services and even vaccination points. Also, during the same period, there were about 14,000 requests for primary, emergency and hospital care, of which: 86 COVID cases, 101 births, 518 dialysis sessions and 241 chemotherapy and radiotherapy sessions (Government of the Republic of Moldova, 2022).

**Access to employment.** The CSE Disposition no. 4/2022 facilitated the right to work for Ukrainian citizens. In consequence, refugees, regardless of legal status, for the period of emergency can be employed on the territory of the Republic of Moldova.

In the situation created, the managers of the production and service units were obliged to inform the National Employment Agency about the employment of foreign persons benefiting from a form of protection on the territory of the Republic of Moldova. At the same time, all territorial subdivisions for employment were informed about the availability of work in this field, including favored visits to placement centers for refugees, in order to disseminate information on the possibility of employment (Ombudsman, 2022).

Therefore, the labor market was opened to refugees, who had the opportunity to work directly, without a work permit, and to work in this way for two months (Ciochină, 2022). Representatives of the Employment Agency have already received applications. According to the authorities, more than 9,900 jobs are available in various fields - textile, HoReCa or/and transport. Of the more than 9,400 vacancies, 3,800 are in Chisinau. For Ukrainian refugees, the employment procedure has been simplified so that they can work without a work permit (tvrmoldova.md, 2022).

It should be noted that 482 refugees found a job, and 1,135 employers showed openness to the citizens of Ukraine, offering 2,163 vacancies. At the same time, 283 Ukrainian citizens are registered in the territorial subdivisions of ANOFM in order to benefit from employment support (Government of the Republic of Moldova, 2022). The Republic of Moldova has the opportunity to provide Ukrainian refugees with jobs in IT, Free Economic Zones, the construction sector, the textile industry and HoReCa (esp.md, 2022), there are two areas where Ukrainian refugees can be integrated into work. If there are highly qualified specialists in the field in Ukraine, they could be absorbed by this sector. If IT companies around the world want to help Ukrainian refugees, it is enough to place orders with Moldovan companies in the field. The higher the volume of services provided by the Republic of Moldova, the higher our capacity to absorb refugees, said the economist.

The second area, according to the economic analyst, are the Free Economic Zones, 43 in number throughout the Republic of Moldova, which in 2021 registered 600 million dollars in exports, and this year will be able to easily exceed 700 million dollars. The response of the Republic of Moldova for those with high skilled work must be the IT sector; for those who do not have the necessary qualification must be the Free Economic Zones. "In the last ten years, investments of 340 million dollars have been made in these Free Economic Zones. In ten years, the number of employees has increased by 13,000. The

crisis of 2020 has slightly reduced the number of employees, in 2021 the level that was in 2019 has been exceeded ", said the economic analyst.

The first area is the IT sector, which since 2016 has seen a significant increase in exports of services and products. The volume of exports of this sector in 2021 has exceeded 340 million dollars, and in 2022 it could exceed 400 million dollars. If in 2013 5 thousand people were employed in this sector, now there are over 11 thousand, and a higher demand can no longer be met at the expense of the local labor force. The Chisinau government must encourage both IT parks and Free Economic Zones to promote the Republic of Moldova as a country where investments can be attracted in these sectors, which will allow the country's development and help Ukrainian refugees.

„In the field of construction, there is a need for labor. The same goes for the textile industry and the Horeca sector. These sectors are facing a shortage of jobs and we could involve Ukrainians by helping them” (esp.md, 2022).

Although the war and its disastrous consequences have forced millions of people to flee their homes and take refuge in other countries, such as Poland, Slovakia, Hungary, Romania and the Republic of Moldova (jurnal.md, 2022), Ukrainian citizens are trying to adapt to the new reality that has gripped them. life. Some of the people who arrived in the Republic of Moldova have already integrated into the labor force. Chisinau, 16 - in Ungheni and Balti, 12 - in Cahul and less than 10 in other regions of the country.

**Child protection.** In March 2022, the placement of refugee children from Ukraine in studies was regulated by the provision of the Commission for Exceptional Situations. In such circumstances, the Ministry of Education and Research has developed the study placement mechanism. At the same time, all children from refugee families in Ukraine were given the opportunity to attend the educational institution as an audience, which means the possibility to attend classes without the obligation to attend school, with the child's record in a provisional register. In order to ensure the protection of foreign children in Ukraine, at the national level, the Regulation on the establishment of the intersectoral cooperation mechanism for the identification, assistance and monitoring of children at risk, who came from the territory of Ukraine during the war in Ukraine, was approved (Ombudsman, 2022).

Another important decision, adopted by the ESC at its meeting of 04 May 2022, provides for the adjustment of measures for the protection of children at risk and children separated from their parents, who cross the state border from Ukraine. Thus, the persons responsible for taking over the minors will carry out an assessment of each case, individually, based on a document approved by order of the Ministry of Labor and Social Protection (Migration and Asylum Office, 2022).

## Conclusions

The military aggression of the Russian Federation in Ukraine has a major impact on the civilian population, which is thus forced to flee the attacks. In this context, the European Union's objectives of supporting neighborhood resilience, reaffirmed by the Joint

Declaration of the Eastern Partnership Summit, become relevant. In the context of the war in Ukraine, European solidarity was manifested by the support of Member States through the EU Civil Protection Mechanism (Mocanu et al, 2022).

Analyzing the involvement of the Republic of Moldova in the crisis situation, generated by the massive influx of refugees from Ukraine, it is worth mentioning that the speed and ability with which the state authorities reacted showed a professionalism and a consolidation of government, specialized structures and the whole civil society, in order to manage the influx of refugees as efficiently as possible, especially in the first days after the beginning of the conflict.

Thus, starting from the presence of threats to regional security, the Republic of Moldova will, without delay, review and develop a new national security strategy within the security policy. Also, taking into account the situation in the region, as well as the behavior of actors at regional and international level, highlighting internal and external security concerns becomes an imperative for the New Strategy aligned with European principles and values.

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