



LAW ON LEGAL STATUS OF FOREIGN

CITIZENS AND STATELESS PERSONS

IN THE REPUBLIC OF MOLDOVA

Note: This is an unofficial translation. This Law was signed by the President of the Parliament on 10 November 1994 and published in the "Monitorul Oficial" dated 29 December 1994. Modified by Law nr.18-XIV dated 14.05.98 and by Law nr.716-XIV dated 03.12.99.

CHAPTER I

GENERAL PROVISIONS

Art. 1. Any who has no citizenship of the Republic of Moldova but has the evidence of his belonging to another state is recognised as foreign citizen.

Art. 2. Any who has no citizenship of the Republic of Moldova and has no evidence of his belonging to another state is recognised as stateless person.

Art. 3. Foreign citizens and stateless persons are obliged to observe the Constitution and other laws of the Republic of Moldova.

Art. 4. Legal of foreign citizen and stateless person is laid down by the legislation in force and by the international treaties to which the Republic of Moldova is a party.

Art. 5.

1. Foreign citizens and stateless persons enjoy the same rights, freedoms and duties as citizens of the Republic of Moldova, except ones established by law.

2. Foreign citizens and stateless persons enjoy rights and freedoms without prejudice to the state interests, to the legitimate rights and interests of persons of the Republic of Moldova and of other persons.

3. Foreign citizens and stateless persons are equal before the law and public authorities without distinction of any kind such as sex, race, nationality, ethnic origin, language, religion, views, political membership, property or social origin

CHAPTER II

FUNDAMENTAL RIGHTS, FREEDOMS AND RESPONSIBILITIES

OF FOREIGN CITIZENS AND STATELESS PERSONS

Art. 6.

1. Foreign citizens and stateless persons have the right to reside in the Republic of Moldova on the basis of valid identity documents.

2. Foreign citizens and stateless persons temporarily arrived to the Republic of Moldova have the right to be domiciled in the Republic of Moldova in accordance with the legislation in force.

Art. 7.

1. Foreign citizens and stateless persons who are domiciled in the Republic of Moldova have the right to work and to work protection in conformity with the legislation in force.

2. Foreign citizens and stateless persons can not be appointed to a position or be engaged in an activity for which in conformity with the legislation in force the citizenship of the Republic of Moldova is required.

Art. 8.

1. Foreign citizens and stateless persons have the right to rest and to health care on the common grounds with citizens of the Republic of Moldova.
2. Foreign citizens and stateless persons are obliged to pass medical examination with the purpose of revealing human immune-deficiency virus (HIV) and AIDS disease.

Art. 9.

Foreign and stateless persons who are domiciled in the Republic of Moldova have the right to receive allowances, pensions and other social securities in conformity with the legislation in force.

Art. 10.

Foreign and stateless persons who are domiciled in the Republic of Moldova enjoy the same right as citizens of the Republic of Moldova to dwelling.

Art. 11.

Foreign and stateless persons have the right to have a home and other private property, to inherit and bequeath a property, to enjoy the copyright of literature, artistic and scientific works, discoveries and inventions and to have personal property rights.

Art. 12.

1. Foreign citizens and stateless persons and citizens of the Republic of Moldova have the equal right to education.
2. Foreign citizens and stateless persons admitted to the educational institutions have the rights and responsibilities in conformity with the legislation in force and with the rules established by these institutions.

Art. 13.

Foreign citizens and stateless persons who are domiciled in the Republic of Moldova have the right on the common grounds with citizens of the Republic of Moldova to join the diverse cultural, scientific and sport societies, cooperative organisations and production associations if their statutes do not envisage the something different.

Art. 14.

In conformity with the legislation in force foreign citizens and stateless persons are guaranteed freedom of conscience, expression and opinion.

Art. 15.

Foreign citizens and stateless persons have the right to marry citizens of the Republic of Moldova and other persons and to dissolve a marriage in conformity with the legislation in force. They enjoy the same rights and have the same responsibilities as citizens of the Republic of Moldova in family relations.

Art. 16.

Foreign citizens and stateless persons have the right to move on the territory of the Republic of Moldova and to choose the place of residence in accordance with the legislation in force.

Art. 17.

1. In conformity with the legislation in force foreign citizens and stateless persons are guaranteed personal immunity and inviolability of dwelling. They have the right to effective rehabilitation by the competent courts and other public authorities in case their rights, freedoms and legitimate interests are violated.
2. Foreign citizens and stateless persons in conformity with legislation on Ombudsman have the right to present a petition to an Ombudsman in case of violation of their legitimate rights and interests on the territory of the Republic of Moldova.

[section (2) art.17 introduced by Law nr. 18-XIV dated 14.05.98]

3. Foreign citizens and stateless persons enjoy the same proceeding rights as citizens of the Republic of Moldova in court.

4. Foreign citizens are guaranteed the right to seek protection at diplomatic missions of their countries.

Art. 18.

Duties, taxes and other payments are raised on common grounds from foreign citizens and stateless persons as from the citizens of the Republic of Moldova, if international treaties to which the Republic of Moldova is a party do not stipulate something different.

Art. 19.

1. Foreign citizens and stateless persons have no right to elect and to be elected to the legislative, executive and other election bodies and also to participate in the all-nation poll.

2. Foreign citizens and stateless persons cannot be members of parties and other socio-political organisations.

Art. 20.

Foreign citizens and stateless persons cannot serve in the Armed Forces of the Republic of Moldova.

CHAPTER III

RESPONSIBILITY, REDUCTION OF STAY PERIOD, EXPULSION

Art. 21. Foreign citizens and stateless persons bear administrative and criminal responsibility for violation of the legislation in force.

Art. 22. In case foreign citizens and stateless persons violate the present law their staying period in the Republic of Moldova can be reduced.

Art. 23.

1. Foreign citizens and stateless persons can be expelled from the Republic of Moldova, in case:

a. their entrance and stay in the republic is effected with violation of the legislation in force.

b. staying in the republic causes prejudice to national security, public order, health or morals.

2. Foreign citizens and stateless persons can be extradited only on the basis of the international conventions or according to the reciprocity on the basis of court judgement.

Art. 24. The opening of an expulsion case can be initiated by responsible persons from the Ministry of Interior, by the person itself or based on a request coming from an institution, organisation, enterprise that ensures the staying of foreign citizens and stateless persons, with the subsequent notification to the Ministry of Foreign Affairs.

[Art.24 introduced by Law nr. 716-XIV dated 03.12.99]

Art. 25. The expulsion of foreign citizens and stateless persons is done based on a court decision by authorities of the Ministry of Interior.

[Art.25 introduced by Law nr. 716-XIV dated 03.12.99]

Art. 26.

1. All costs related to expulsion of foreign citizens and stateless persons out of the Republic of Moldova are borne by extradited persons, by physical and legal persons who invited them in the Republic of Moldova, as well as the respective insurance company.

2. In case that the expulsion can not be done due to objective reasons according to the (1) section, the competent authority can dispose the expulsion on state budget's account.

[Art.26 introduced by Law nr. 716-XIV dated 03.12.99]

Art. 27. In case that the expulsion can not be done due to reasons of health, missing the needed documents or other reasons, the competent authority can dispose the issuing of a temporary staying permission.

[Art.27 introduced by Law nr. 716-XIV dated 03.12.99]

Art. 28. Foreign citizens and stateless persons are expelled to the countries of their citizenship or to the countries whose authorities issued them identity documents.

[Art.28 introduced by Law nr. 716-XIV dated 03.12.99]

Art. 29. Foreign citizens and stateless persons can not be expelled to the country if there are evidences that they could be persecuted there due to race, nationality, religion, political opinion or they could be subjected to an inhuman and degrading treatment, torture or capital punishment.

[Art.29 introduced by Law nr. 716-XIV dated 03.12.99]

CHAPTER IV

FINAL PROVISIONS

Art. 30. The present law does not affect the privileges and immunity of the heads and collaborators of diplomatic missions and other persons specified in the legislation in force and in the international treaties.

Art. 31. In case a state establishes the rights and freedoms restrictions for citizens of the Republic of Moldova, the Government can establish retaliatory restrictions for the citizens of the respective state.

Art. 32. In case international treaty to which the Republic of Moldova is a party establishes norms different from ones specified by the present law, the norms of international treaty are applied.

Date of Entry Into Force:

29 December 1994