MIGRATION COURSE:
Training Manual

Developed under the “Building Training and Analytical Capacities on Migration in Moldova and Georgia (GOVAC)” Project
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Prepared and edited by the GOVAC project team in close cooperation with project counterparts in Georgia and Moldova and project partners.
Vienna – Austria

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Introduction

This training guide on the Migration Course was developed within the EU-funded project “Building Training and Analytical Capacities on Migration in Moldova and Georgia” (GOVAC project). This guide is designed to assist the Bureau for Migration and Asylum (BMA) of the Moldovan Ministry of Interior in organising and implementing migration-related training for civil servants of all governmental institutions involved in migration management in Moldova.

The Migration Course consists of 9 stand-alone Modules which nevertheless could be combined according to the needs of training beneficiary institutions into a full or partial Migration Course. Each of the Modules consist of respective units that could be lectured as a basic or advanced course and many of them combine understanding and skill elements.

The Migration Course is of interest to all civil servants whose work is related to migration, the short introductory course could be also lectured to all civil servants in order to provide them an overview on migration management. Moreover, the course could not only be used as an introductory activity for all newly employed personnel, but also for vocational and in-depth training for experienced employees. For more detailed information, please see the structure of proposed courses under the curriculum at the end of the Introduction. Each Module is also adapted to this structure.

This curriculum was prepared during the GOVAC project in cooperation with Moldovan counterparts, particularly with the Ministry of Internal Affairs (Bureau for Migration and Asylum and Centre on Combating Trafficking in Human Beings), the Border Guard Service, the Ministry of Information Technologies and Communication (the Directorate of Documentation of Population), the Ministry of Foreign Affairs, the Ministry of Labour, Family and Social Protection and the Ministry of Economy; project partners – experts from Bulgaria, the Czech Republic, Finland, the Netherlands, Poland, Portugal, Slovakia, and Switzerland, ICMPD and scientific experts. From the academia side, the migration curriculum was supported by the Moldova State University representatives who participated in the GOVAC project. The already existing and used migration training guides were analysed and used in the preparation of this training course.

Why a Migration Course?

Migration is a global phenomenon in the contemporary world and each and every state and its society is affected by this phenomenon. The last decades created a real need for states to educate “migration specialists” – in the field of migration management, regular migration,
border protection, asylum, etc. Moreover, migration plays a strong role in such areas as human rights law, labour market, demography, the economic, social and cultural development of the state, state security aspects, and the activities of the police and other law enforcement institutions. Migration as a part of the migration globalisation process is also important for Moldova. Even if universities or other higher education institutions start to prepare qualified migration specialists for governmental needs, their expertise needs to be enhanced as migration processes and trends continually change. These specialists also need to develop of practical skills related to specific migration procedures. All these gaps and needs in the education process could be and should be filled by a comprehensive migration course offered at one central state institution which is experienced in training and which has good cooperation ties with international experts, academia, and international organisations. In Moldova, such an institution is the Bureau for Migration and Asylum of the Ministry of Interior which will take over the ownership for Migration Course after completion of the GOVAC project.

**How to Use the Migration Course Guide?**

The beginning of this course includes the part *Methodology*. This part covers the following aspects:

- **Organisation of the Migration Course:**

  This section provides information on how to organise the Migration Course and adapt it to the real needs of trainees from different state institutions or other organisations and describes how to use visual aids and other materials, etc. The template for a needs assessment is also included in this section.

- **Implementation of the training:**

  This section focuses on the methodology for starting the training (including introduction and ice-breakers exercises), the content of the training (methods to be applied, examples of warm-up games, etc.), and the conclusion/evaluation of the training (including sample evaluation form).

Furthermore, the **9 thematic Modules** that constitute the migration course are presented. Each of the Modules of the Course contains Units that are split into smaller topical parts. The course (and its respective Modules) could be lectured as an introductory course for civil servants irrespective of their employment field, as an introductory course for civil servants working in the migration area or as a set of thematic courses depending on the civil servants’ field of work. For more detailed information, please see the structure of the proposed courses at the end of the *Introduction*. Moreover, each Module and each individual Unit could be lectured as a whole migration course, with other modules, or as separate seminar according to the needs and level of experience of the target group.

Each of the Modules follows the same structure:

- **Short Description of the Module (a):**

  The Short Module Rationale describes the main elements of the Module. The user or intended target group should be able to understand immediately what topics are covered by the Module. The description also includes an overview on the **intended target groups for the Module and the trainer’s profile**: the modules are flexible in nature and can be adapted to the needs of the target group. The target groups are the institutions that are most likely relevant for the Module. Nevertheless, the Module could be lectured to other institutions that are not mentioned.

- **Learning Objectives (b):**

  This part lists the intended learning outcomes, i.e. what a student should know after completing the Module.
- Outline of the Module (c):
The section provides a detailed description of the Module, including Units and specific topics.

- Overview of the Module, including Classification of Learning Outcomes (understandings or skills) and Classification of Module Units (basic course or advanced course) (d):
This section provides a comprehensive table that classifies the units by the intended learning outcomes (knowledge/understanding or skills) they provide. The understanding-related learning outcomes are comprised of knowledge in different migration areas (e.g. knowing and understanding migration terminology). The skills-related outcomes can be described as “knowing how” to implement different procedures in various migration fields (e.g. knowing how to make a decision on a residence permit).
The table provided in this part of the migration course guide also lists which units should be taught during the basic introductory course and which during the advanced course. In any case, it is recommended to first complete the basic introductory course, and then the advanced course to increase knowledge in a specific migration field.

- Suggested Timeframe and Training Methods of the Module (e):
This information aims to assist intended beneficiaries in understanding how much time should be planned for completion of the course. However, the concrete timetable could be calculated after the identification of Modules (Units, topics) to be included in the training programme.
The introductory course for all civil servants is planned to be completed within one working day, while the introductory course and thematic courses should be completed within one working week (5 days, 8 academic hours per day). At the end of the training week, some time (1 hour for introductory course and 4 hours for other courses) is left for an evaluation and feedback on the learning process, materials, etc.

- Central Module Questions (f):
These questions are to be used for the evaluation, discussion and feedback at the end of the module. The questions will help participants to streamline and affirm the knowledge gained during the training. The trainer will receive feedback on his/her lecturing and efficiency. The questions could be also used by the trainer during the training for an open discussion to facilitate the working group.

- Module Instructions (g):
The Module Instructions part provides a detailed timeframe, as well as the methods and materials, which the trainer will need for each Unit. Furthermore, these instructions provide a training plan with the main methodological and theoretical recommendations for the teaching process. The proposed methodology is described in a separate section of the migration curriculum. The following signs (icons) used in the instructional part refer to:

- Methodological and technical organisation of the lecture (unit)

- Theoretical recommendations for/plan of the lecture (unit)

- Additional materials provided in this Manual to be distributed to the students during or after the lecture, as well questions and tasks for interactive activities
- **Resources and further reading (h):**

This part provides a list of resources and further reading material (books, monographs, legal acts and internet sources) for each Module. This list is not exhaustive; the trainer and students can use other resources that are not mentioned to prepare for the lecture.

- **Additional Materials (i):**

Additional materials for the Migration Course Guide include:
- Handouts;
- Practical exercises;
- Questions for discussions or group/partner/individual work
- Scenarios for role playing, etc.

The materials are formatted in such a way that the trainer (instructor) of the course can take them out of the book, copy them and distribute them to the participants.

**How is the Migration Course Structured?**

The suggested structure of the migration course includes 8 specific courses (please see the table below). This training manual proposes the timeframe and topics to be included in each of the courses. The courses which are included in the proposed structure are the following:

- **Basic Introductory Course (A)** is for different civil servants. This one-day introductory course is meant for civil servants whose work is only rarely (or not at all) connected to migration issues, but who have to be informed about the basics of the migration field (e.g. police officers not working in the migration area).

- **Advanced Introductory Course (B)** is for civil servants working in migration institutions. This one-week course is designed to be taught to civil servants who have just started to work on migration issues and need general training.

- **Advanced Thematic Courses (C1–C8)** are intended for migration specialists working in specific migration areas who need additional expertise. This is one-week course mainly concentrates on one or two specific areas. Such migration areas include ID documents, migration statistics, citizenship, statelessness, resident permits, visas, fight against irregular migration, trafficking in human beings and smuggling of migrants, border management, international protection, integration of foreigners and diaspora issues.

This Training Manual is designed in such a way that the Migration Course can be comprised of different Modules, units and even topics according to the individual needs of the trainees (for more information, please refer to the section *Methodology: Preparation for the Training*).
## Structure of the Migration Course

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<tr>
<td><strong>Advanced Introductory Course</strong> for civil servants in migration related institutions (B)</td>
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<tr>
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<td>ID documents issue or statistics area (C1)</td>
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<td></td>
<td>4 AH</td>
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<td>4 AH</td>
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<tr>
<td></td>
<td>Residents permits/visa area (C3)</td>
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<td>4 AH</td>
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<td>Fight against irregular migration/border management area (C4)</td>
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<td>4 AH</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>Fight against THB and smuggling area (C6)</td>
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<td>4 AH</td>
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<tr>
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<td>Foreigners’ Integration area (C7)</td>
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<td>4 AH</td>
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<tr>
<td></td>
<td>Diaspora/Migration and Development (C8)</td>
</tr>
<tr>
<td></td>
<td>4 AH</td>
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</tbody>
</table>

| Total Course Duration² | 8 AH (1 WD) | 36 AH (4.5 WDs) |

² AH – academic hour; WD – working day
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<td>ACHR</td>
<td>1969 American Convention on Human Rights</td>
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<tr>
<td>AH</td>
<td>Academic hour (45 minutes)</td>
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<tr>
<td>BMA</td>
<td>Bureau for Migration and Asylum, Moldova (MOI)</td>
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<tr>
<td>BCP</td>
<td>Border Crossing Point</td>
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<tr>
<td>CAT</td>
<td>1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>CEAS</td>
<td>Common European Asylum System</td>
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<tr>
<td>CEDAW</td>
<td>1979 Convention on the elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>CMW</td>
<td>1990 International Convention on the protection of the Rights of All Migrants Workers and Members of Their Families</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>COI</td>
<td>Country for Origin Information</td>
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<td>CRC</td>
<td>1989 Convention on the Rights of the Child</td>
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<td>DRC</td>
<td>Danish Refugee Council</td>
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<tr>
<td>EAC</td>
<td>European Asylum Curriculum</td>
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<tr>
<td>EASO</td>
<td>European Asylum Support Office</td>
</tr>
<tr>
<td>ECHR</td>
<td>1950 European Convention for Protection of Human Rights and Fundamental Freedoms</td>
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<tr>
<td>ECRE</td>
<td>European Council on Refugees and Exiles</td>
</tr>
<tr>
<td>ESC</td>
<td>1965 European Social Charter</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>EUDO</td>
<td>European Union Democracy Observatory on Citizenship</td>
</tr>
<tr>
<td>EUROSTAT</td>
<td>The statistical office of the European Union situated in Luxembourg</td>
</tr>
<tr>
<td>FRONTEX</td>
<td>European Union Agency for the Management of Operations Cooperation at the external Borders of the Member States of the European Union</td>
</tr>
<tr>
<td>FYROM</td>
<td>Former Yugoslav Republic of Macedonia</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GOVAC</td>
<td>“Building Training and Analytical Capacities on Migration in Moldova and Georgia” project</td>
</tr>
<tr>
<td>IBM</td>
<td>Integrated Border Management</td>
</tr>
<tr>
<td>ICCPR</td>
<td>1966 International Covenant on Civil and Political rights</td>
</tr>
<tr>
<td>ICERD, CERD</td>
<td>1965 International Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>ICESCR</td>
<td>1966 International Covenant on Economic, Social, and Cultural rights</td>
</tr>
<tr>
<td>ICMPD</td>
<td>International Centre for Migration Policy Development</td>
</tr>
<tr>
<td>ICRC</td>
<td>International Committee for the Red Cross</td>
</tr>
<tr>
<td>ID</td>
<td>Identity Document</td>
</tr>
<tr>
<td>IDMC</td>
<td>Internal Displacement Monitoring Centre</td>
</tr>
<tr>
<td>IDP (IDPs)</td>
<td>Internally Displaced Person (Persons)</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
</tr>
<tr>
<td>IO</td>
<td>International Organisation</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organisation for Migration</td>
</tr>
<tr>
<td>IT</td>
<td>Information Technologies</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>MIA</td>
<td>Ministry of Internal Affairs</td>
</tr>
<tr>
<td>MOI</td>
<td>Ministry of Interior</td>
</tr>
<tr>
<td>MOJ</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>MS</td>
<td>Member State</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental Organisation</td>
</tr>
<tr>
<td>NRM</td>
<td>National Referral Mechanism</td>
</tr>
<tr>
<td>OCHA</td>
<td>Office for Coordination of Humanitarian Affairs</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organisation for Security and Cooperation in Europe</td>
</tr>
<tr>
<td>PhD</td>
<td>Postgraduate Academic Degree</td>
</tr>
<tr>
<td>PPT</td>
<td>PowerPoint Presentation</td>
</tr>
<tr>
<td>THB</td>
<td>Trafficking in Human Beings</td>
</tr>
<tr>
<td>UDHR</td>
<td>1948 Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UN, UNO</td>
<td>United Nations, United Nations Organisation</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNECE</td>
<td>UN Economic Commission for Europe</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organisation</td>
</tr>
<tr>
<td>UNGA</td>
<td>United Nations General Assembly</td>
</tr>
<tr>
<td>UNHCHR</td>
<td>United Nations High Commissioner for Human Rights</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations International Children’s Emergency Fund</td>
</tr>
<tr>
<td>UNODC</td>
<td>The United Nations Office on Drugs and Crime</td>
</tr>
<tr>
<td>UNRWA</td>
<td>The United Nations Relief and Works Agency for Palestine Refugees in the Near East</td>
</tr>
<tr>
<td>UNTOC</td>
<td>United Nations Convention Against Transnational Organised Crime</td>
</tr>
<tr>
<td>US, USA</td>
<td>United States, United State of America</td>
</tr>
<tr>
<td>USD</td>
<td>US dollars</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
</tr>
</tbody>
</table>
Methodology

Preparation of the Training

This section provides information about how to organise the migration course, how to adapt it to the real needs of the trainees from different state institutions or other organisations and how to use the visual aids and other materials.

- Unit 1. Organisation of the Migration Course

This training manual is designed for different courses which could be lectured for migration specialists and beginners, as well as other interested civil servants. The trainer can simply use the structure of the course as it is proposed in this manual (see Introduction). However, the manual is also designed in such a way that it can be easily adapted to the specific needs of the practitioners.

This section provides a sample template for the training needs assessment, which will assist institutions organising the training to determine:

- Whether training in the migration field is needed
- The content of the training
- Training objectives (knowledge or skills)
- Basic background of future trainees
- The desired timeframe of the training
- The desired method to evaluate the course.

The Migration training needs assessment template below can be used in different ways. It can be sent out to state institutions annually or biannually with a short introduction and accompanying letter asking the heads of institutions to fill it out and return it to the institution organising the training. The template can be also converted into an electronic format and sent out electronically. Alternatively, the Migration training needs assessment template can be posted at the homepage of the training institution permanently and interested could fill it out electronically. The needs assessment exercise will, in this way, support and ensure the provision of training in the migration field.
After the needs assessment is conducted, the training institution shall contact the focal point from the institution that requires training and agree on further details (exact timeframe, time and place where the training will be provided, etc.). As with many other materials included in this manual, the migration training needs assessment template can be simply taken out of the leaf-loose collection, copied and then submitted to the institutions.
# Migration Training Needs Assessment Template

## I. General Information

<table>
<thead>
<tr>
<th>Name of the institution for which training needs to be organised</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name, function and contact information (telephone and email address) of the contact person who will be responsible for the organisational details of the training</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Target group of the training:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginners</td>
</tr>
<tr>
<td>Specialists in need of additional expertise</td>
</tr>
<tr>
<td>Mixed group</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Learning objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>To gain/improve knowledge</td>
</tr>
<tr>
<td>To gain/improve skills</td>
</tr>
<tr>
<td>Mixed objectives</td>
</tr>
</tbody>
</table>

## II. Topics of needed training

<table>
<thead>
<tr>
<th>Modules and topics of available migration training</th>
<th>Desired timeframe (in minutes or academic hours, please indicate)</th>
</tr>
</thead>
</table>
| **Module 1. Migration Management**  
Unit 1. General Issues (types of migration, terminology, development of migration processes)  
Unit 2. Introduction to International Migration Law and EU migration acquis  
Unit 3. Migration Management in Moldova  
Unit 4. Migration and Civil Society | |
| **Module 2. Identity Documents and Migration Data Management**  
Unit 1. Identity documents in Moldova  
Unit 2. Population registers and other migration related databases  
Unit 3. Data Protection (international and national)  
Unit 4. Migration Statistics (international and national) | |
| **Module 3. Citizenship and Statelessness**  
Unit 1. Citizenship (international and national law and practice)  
Unit 2. Statelessness (international and national law and practice) | |
| **Module 4. Regular Migration and Visa**  
Unit 1. International and regional migration law  
Unit 2. Visa system | |
Unit 3. Migration related procedures in Moldova

Module 5. Irregular migration and Return
  Unit 1. International migration Law and EU acquis (related to irregular migration and return)
  Unit 2. Border Management
  Unit 3. Procedures related to irregular migration in Moldova

Module 6. International Protection
  Unit 1. International Refugee Law and EU acquis
  Unit 2. Asylum status determination procedure
  Unit 3. Skills related to implementation of asylum procedure
  Unit 4. Situation of Internally Displaced Persons

Module 7. Trafficking in Human Beings and Smuggling of Migrants
  Unit 1. International and national framework
  Unit 2. Trafficking in Human Beings
  Unit 3. Smuggling of Migrants

Module 8. Integration of Foreigners
  Unit 1. International legal framework related to the rights of migrations and the EU cooperation on integration
  Unit 2. Legal and institutional framework on integration in Moldova
  Unit 3. Integration process in Moldova

Module 9. Diaspora
  Unit 1. General aspects of Diaspora
  Unit 2. Legal and institutional framework on diaspora in Moldova
  Unit 3. The features of Moldovan diaspora
  Unit 4. Diaspora impact on processes in Moldova

III. Evaluation method

<table>
<thead>
<tr>
<th>Desired evaluation method (multiple choices are possible):</th>
<th>Test (written)</th>
<th>Test (oral)</th>
<th>Test (no preferences on method)</th>
<th>Review of gained knowledge/skills, no official test</th>
<th>Self-Assessment questions</th>
<th>Evaluation forms, analyzed and submitted to the target institution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Thank you very much for your request for migration training! We will get in contact with you on further details.
Visual aids are important tools for conveying information during the training. According to some experts, people will remember:

- 20% of what they hear
- 30% of what they see
- 50% of what they see and hear
- 80% of what they hear, see and do\(^3\).

In general, the visual aids help to

- Capture attention
- Reinforce points
- Organize information
- Promote understanding
- Support spoken messages
- Emphasize key points.

In other words, visual aids support presentations and enhance communication. The visual aids can be simple or complicating: it depends on available resources, personal choice, time available, number of participants, room size, etc. It is recently indeed popular to use powerpoint (PPT) presentations for training, meetings, conferences, etc. Still, the trainer should try to limit the use of the PPT, especially, if the training lasts the whole day: participants will see nothing, but just the lightning screen at the end of the day. The trainer can also consider to use different visual aids or materials to reinforce the attention of participants.

**Commonly used visual aids and other training materials:**

- **PPT presentation:**

  As it was already mentioned, PPT presentations should not upstage the trainer; it is still the trainer who provides the information. The following rules should be observed when using PPT presentations:

  - Make sure that the information on the screen is **visible** to everybody.
  - The PPT presentation should not have more than 7 slides and each slide should only have up to 7 lines and a maximum of 7 words per line. Therefore, do not put all the content of your presentation to the slides – use **keywords**!
  - Choose an appropriate **background** for your PPT presentation and **font** of your text. The best is to use white background for slides and a black or dark blue font colour.
  - Although **pictures** capture the attention of participants, do not overload your PPT presentation with them.
  - When you have finished with the PPT presentation or would like to comment longer on one or another point by using another visual aid or method, or simply want to talk to the participants, turn off the projector. First, it will allow participants to get rested from intensively watching the screen. Second, all the attention will be on you, and not divided

\(^3\) E.g. Edgar Dale “Dale’s Cone of Experience”.
between you and the screen. Use button B (for black) on the keyboard of your computer or remote control: during the PPT presentation, the button deactivates and activates the screen.

- **Flip-chart:**

Flip-charts can have a double use: a) showing and commenting on information on pages prepared in advance or b) allowing the trainer to quickly write down either his/her ideas or ideas submitted by the audience (mind-mapping, brainstorming, discussions, highlighting relevant key words). Flip charts should be also used by participants when implementing tasks or discussing questions in the working groups. For flip charts, apply the same rules as for PPT presentations: clear and visible writing, not too many colours, and not too much text.

- **Video clips, movies**

As with showing pictures to participants, the video clips or movies capture their attention. However, try to avoid showing very long movies, as participants can get distracted. If the video or movie is in foreign language which can be not understood by all participants, take short breaks often and explain what was said or shown. Do not use a video or movie without a purpose: always comment on it, involve participants in a discussion, or use it as task for practical exercise, etc. The video or movie must not be always directly related to the topic of the course. You can use the video as attention step when you see that participants are tired and distracted, e.g. by using “Test Your Awareness” kind of movies (you find them on You Tube, for instance).

- **Moderation cards**

Moderation cards are indispensable – they can be used for any part of the lecture. Make sure you have enough of them when you prepare your lecture. You can use them as reminders for your presentation, for writing down keywords, or as a tool for brainstorming, mind mapping and other exercises, etc.

- **Handouts**

It is advisable to prepare handouts of your PPT presentation and other relevant handouts. It is up to you to decide when you give them to the participants: at the beginning, during or after the lecture. Just try to make sure that participants do not record separately the part of you lecture that is presented on the handouts, although some people always prefer to make notes during the lecture. This training manual contains handouts on the most important issues, which could be easily distributed to participants;
Unit 3. Trainer’s Tips and Tricks

Verbal and non-verbal communication
A good and successful training is all about communication. But here the trainer should never forget that both verbal and non-verbal communication is equally important and decisive.

Challenging participants can be a useful tool in creating a more interesting training. This can be in the form of a provocative statement that could open a discussion or a difficult or new exercise that would make the participants act and be more proactive.

The trainer should be aware that most communication is conveyed through non-verbal signs. Posture, eye contact, mimics, gestures, even clothing, all have an influence on the way the trainer appears to the audience.

Here are some basic tips for clear communication:
- It is always easier to stand in front of an audience, but that also depends on its size. If it is a very small audience, it is also ok to sit.
- Gestures should be kept between the area of the eyes and the belt.
- Wear only up to 4 different colours and no distracting patterns.
- Speak loud and clearly.
- It is ok to move slowly in front of the audience, but never too fast, hectic and behind persons.

Attention step
An attention step is a tool to grab the attention of your audience by doing something that they do not expect, such as inserting a funny picture into your PPT presentation, changing to another colleague, speaking in a different manner, changing methods, etc. It can be also a joke. An attention step can be also directly related to the topic of your presentation: an interesting quotation (read in a lower voice, for instance). You can also use things that happen in the class without your influence as an attention step: if somebody throws down the pencil, you can pretend that you were afraid or thank the participant for waking everybody up.

Some other tips and tricks
- It is easy to adjust the training to the targeted audience; it just depends on the timeframe.
- Always give clear and precise instructions and information to the audience.
- Convince the audience; do not confuse them.
- If the group or participant presented something during the course (e.g. implemented a task), make sure that each group/participant gets applause.
- Always use reasonable information and numbers. Illustrate with relatable stories, examples, images or anecdotes.
- If the methodology does not fit the target group, then please adjust it.
- Try to use icebreakers and exercises. If you notice that a group is struggling, then try to assist them: this is not a test, but a tool to make your training interesting and unforgettable!
- Breaks are important to keep the attention of the audience and give them time to relax.
- Keep it short and simple.
- Be confident.
- Be prepared.
- Use humour.
- Stay positive.

**Trainer’s don’ts:**

- Do not show a movie at the end of the training session or after lunch, as the participants will be either tired or eager to leave.
- Do not apologise that your presentation or training session will be long, boring or too theoretical, as this will immediately influence the audience and they will perceive the training in a negative way.
- Do not use a stick or your finger to point at things. Use your open palm instead.
- Do not say that you forgot to add something, but rather say that there is another important point that needs to be mentioned.
- Never criticise participants or other trainers/training courses.
- Do not talk to the flip chart: first write down what you wish, then turn back and then talk.
- Do not ignore participants’ reactions: verbal and non-verbal: react to it!
- Do not wear clothing that might distract the audience. Such distractions could be: too many colours, too much perfume or too much jewellery.
- Do not read your presentation – be prepared.
**Implementation of the Training**

This section provides information about the implementation of the migration course: how to start the training or training session, how to provide the content of the training and how to conclude and evaluate the training.

➢ **Unit 1. Getting Started**

You have assessed the training needs and adapted your training to the specific needs of the participants. You have prepared the content of your training and the presentations, and you have all the materials you need. The day of your training has come. Relax – you are the best trainer and nothing can go wrong!

**Introduction**

The training should always start with an introduction of the trainer, the training session, the objectives of the training, an overview of the content that will be taught and organisational issues (breaks, lunch, etc.). Then it is important that the participants introduce themselves, the institutions they work at and their positions. If the audience is made up of persons who do not know each other, then an icebreaker/introduction exercise can be used for the introduction of the participants.

An interesting opening could be a (surprising) question/provocation or contradiction. This will surprise the audience, make them curious and immediately get their attention: prepare this step beforehand. You can also open your session with an interesting quotation.

After the introduction is done in one way or another, or during one of the breaks, the participants can be asked to write down the questions they have on particular topics or the topics they would like to learn about during the training course/session. These questions/topics can be posted on the walls in the training room and used later during the evaluation.

**Examples of Ice Breaker to be used as Introduction or opener of the training**: 4

1. **Who I Am?**

   **Purpose:** To help participants and the trainer learn each other’s name.
   **Time Required:** 15-20 minutes.
   **Materials Required:** Paper sheets to be used as name tags for each participant and markers.

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4 For references and more ice-breakers, please refer to
http://www2.pathfinder.org/site/DocServer/ATOT_Trainer_s_Guide.pdf,
**Methodology: Implementation of the training**

**Unit 1. Getting Started**

**Description:** Ask each participant to write his/her name on the paper, which is then folded in a way to stand as a name tag on the table during the whole training: it should be the name that participants would like to be called during the training (last name, first name, nickname, etc.). Furthermore, ask participants to introduce themselves to the group by giving their name and one unusual/interesting fact about themselves. For example, “My name is Maria and once I jumped from a plane with a parachute.” The next person repeats the name and information about the first person and adds his or her own name and fact. Each person follows the same procedure, recalling all of the names and facts. The participants can be assisted by each other or the trainer.

2. **The interview**

**Purpose:** To introduce participants and learn something about them  
**Time required:** 20–30 minutes  
**Materials:** Pen and paper for each participant to take notes

**Description:** Ask participants to choose a partner they don’t know or use the technique of dividing the group into partners (see Unit 2: Providing the content of the training → Examples for group/partner division).  
- Give 5 minutes for each person to interview his/her partner. Instruct them to find out as much about their partner as possible. Notes may be taken.  
- After the interviews, ask each person to introduce their partner to the rest of the group.

3. **Common ground**

**Purpose:** To get to know each other  
**Time required:** 10-15 minutes  
**Materials:** Pen and paper

**Description:** Divide your group into 5–6 smaller groups (depending on the number of participants, there should not more than 5 persons in a group, but here could be as few as two – see Unit 2. Providing the content of the training → Examples for group/partner division). Instruct each group to list everything they can find that they have in common and give them 5 minutes for that. Instruct the group that they should avoid obvious commonalities, such as we all represent migration service or we all take part in this workshop, etc. The group should select one person who will introduce the list of common things and also the names of the group’s participants. When the time is up, ask each group to read the things on their list.

4. **Candy game**

**Purpose:** To get to know each other  
**Time required:** 10–15 minutes  
**Materials:** Different small candies or cookies in a box or bowl

**Description:** Let a bowl or box with candies or cookies be passed around the room and invite participants to take as much as they need. No other explanations. After all participants have done this, ask them to introduce themselves and tell as many facts about themselves as the number of candies/cookies they have taken.

5. **Choose you colour!**

**Purpose:** To get to know each other  
**Time required:** 10–15 minutes  
**Materials:** Moderation cards of different colours or small candies in different papers; some other small objects of different colour; flip chart with prepared information

**Description:** Let each participant choose one object from the suggested items. After all participants have done this, explain to them that now everybody shall tell his/her name and
one more thing according to the colour. Present the flip chart with the following prepared information:

- red – hobbies
- green – favourite places on earth
- blue – favourite memory
- yellow – dream job
- orange – wildcard (tell us anything about yourself!)

The trainer can adapt the list according to the available colours.

6. Find someone!

**Purpose:** To get to know each other  
**Time required:** 20 minutes  
**Materials:** Moderation cards for each participant where three words are written in advance: favourite colour, hobby, favourite place for dream vacation; additional cards for notes

**Description:** Divide the cards among the participants and ask them to fill in the facts. Allow only 3 minutes for that. After all participants have done the task, ask them to stand up and move around in the room and ask participants questions to find as many people with the same answers as possible. They should note the name of the participants with whom they have something in common and how many things are in common. Allow 10 minutes for this exercise. Afterwards, each participant shall introduce himself/herself and read the list of persons he/she has found and things in common. While doing so, the participant shall point at persons he/she speaks about.

7. Who is who?

**Purpose:** To help participants and the trainer to learn something about each other; works best when people already know each other, at least by name  
**Time required:** 20 minutes  
**Materials:** A slip of paper for each participant and a bowl/box

**Description:**
- Hand out a slip of paper to each participant.
- Ask each participant to write several things about themselves that would help other participants recognise them, such as height, hair colour, if they wear glasses, etc. The participants should not show or discuss with each other what they are writing.
- Ask participants to fold the slips of paper and put them into a bowl.
- Ask each participant to pick a slip of paper from the bowl.
- One at a time, ask participants to identify the person described on their slip of paper.

8. Two truths and a lie

**Purpose:** To help participants who already know each other get to know more about each other  
**Time required:** 15–30 minutes, depending on the number of participants  
**Materials:** One small prize (chocolate, a pen, etc.)

**Description:**
- Each participant should first give their name and then tell the rest of the group 3 interesting things about themselves. The facts should be things the rest of the participants are not likely to know: two facts must be true and one false.
- The group has to decide which piece of information is the lie.
- After everyone has introduced themselves and their lie, ask the group to vote on the best or most imaginative lie.
- Give the person who wins a small prize.

9. Self-disclosure
**Purpose:** To introduce participants to each other; is useful as an opening exercise for participants who already know each other  
**Time required:** Two minutes for each person  
**Materials:** None

**Description:**
- Ask each person to take two items from their bag, purse or pocket. Suggest that they take out things that are important to them for some reason or another.
- Ask each person to introduce themselves and explain why the item is important to them.

**10. Find your partner**

**Purpose:** To introduce participants to each other.  
**Time Required:** 10 – 15 min.  
**Materials:** Prepared cards with migration keywords in pairs. There must so many cards as participants. Examples of pair words:
- Regular migration – irregular migration
- Citizenship – statelessness
- Migration data – migration statistics
- Integration – assimilation
- In migration – out migration
- Push factors – pull factors
- Emigration – immigration
- Seasonal migration – labour migration
- Voluntary return – forced return
- Brain drain – brain gain
- Country of origin – country of destination
- Asylum seeker – refugee
- Documented migrant – undocumented migrant
- Skilled migrant – unskilled migrant
- Repatriation – resettlement, etc.

**Description:**
Each participant takes a card from a box, and then has to find his or her partner in the group. After this has been done, pairs of participants introduce each other to the whole group and also the words they have found.
The main objective of the training is to make sure that the participants learn as much as possible and are able to apply the skills they gained or improved during the training. Therefore, the trainer’s task is to make training interesting, experimental and useful. It is not enough to know the material lectured; the trainer should be also able to present this material in an appropriate way. This unit briefly describes the main trainer’s techniques and methods which could be applied during the training. The 9 thematic modules of this training manual suggest methods for each module and unit. A general description of these methods is provided below.

**Methods to be applied during the training**

All of the methods mentioned below require adequate preparation. The appropriate tools that can be used are PPT, handouts, flip chart, moderation cards and different coloured markers and exercise sheets with questions/remarks/statements, etc. The required materials are also listed under each unit of the thematic modules included in this manual in order to facilitate the trainer’s preparation.

In general, it is recommended to incorporate experimental activities into the training, e.g. through group work, exercises, icebreakers and warm-ups, in order to keep the participants interested and to have a more interactive and engaging training. Allow participants to ask questions in order to keep them involved and immediately eliminate misunderstandings.

- **Frontal lecturing method**

A frontal lecture is a presentation given by a single person in front of the audience. It is intended to teach and present certain information to a group of people. The advantage of frontal lecturing is that the presenter can transfer his or her knowledge in a systematic way in a time-efficient manner. It is a suitable tool for introductions and general statements. The disadvantage of frontal lecturing is that the audience has a passive role and thus might get bored or even stop listening. Also, there is a risk that the participants might get overloaded with information.

A lecture should be given in a clear and understandable way. Ideally, it should not be longer than 20 minutes and followed by other methods that would include the audience. Afterwards, the trainer can again continue the frontal lecturing. The lecturing can be also supported by a PPT presentation, usage of a flipchart or white board, etc.

- **Instructional conversation method**

When applying instructional conversation method, the trainer shall ask questions related to the topic of his/her presentation without starting a longer discussion. The trainer should avoid a situation when only one or a couple of participants answer questions. The trainer should avoid telling that the participant who gave the answer was wrong, but rather try to immediately give his/her own explanation. The advantage of an instructional conversation is that ideas can be developed within a group through the involvement of the participants. The trainer can directly ask and involve the participants who have a more active role in the training. Additionally, the trainer can also receive immediate feedback about the learning achievements. On the other hand, this method is quite time-intensive, and therefore requires solid preparation. It is also only an appropriate tool if the audience already possesses a
certain basis of knowledge. The instructional conversation method is one of the best tools to make frontal lecturing more interesting by involving participants in the lecturing process. This training manual includes questions which can be used for instructional conversation under the specific modules.

- **Discussion**

Different from the instructional conversation method, a discussion is a longer process which involves more participants giving their opinion on one or another subject. A discussion is a very good method to engage the audience in the exchange of knowledge and experience and to participate actively. It is up to the trainer to decide if he/she wants to get involved or not. Although it is advisable for the trainer to try to steer the discussion in certain directions if need be. It is also only possible with a smaller group.

Discussions can be also organised in a more creative way, for example, by using and adapting to the needs of the training the *World Café Method*. The tables in the room should be organised in a circle with flip chart paper and pens. Each table is responsible for a discussion question/topic of the training. The discussion topic could be also provocative, like for example, “what would happen in Moldova, if suddenly all foreigners arriving in the country would need to obtain a visa”. The participants are divided into groups; the number of groups corresponds to the number of café tables. In each group one person is elected (appointed) who is responsible for facilitating the discussion at the table, and the rest of group members move from table to table and discuss the topic. It is recommended to prepare a matrix on how groups move around and how long the discussion at each table could be. The trainer can also change the facilitator of the discussion periodically in order to involve more people in active discussion. This training manual includes questions which can be used for discussion under specific modules.

- **Role Playing Game**

This exercise is extremely important when learning the objectives of the training that are related to the improvement of certain skills. With this method, participants are provided with a case scenario and they have to simulate the real situation. The trainer shall be aware of following when he/she applies this method:

- It requires more time.
- It may require a specific setting.
- The trainer shall communicate the rules of the game and scenario very clearly and be sure that all participants have understood them.
- The role playing method has to be always commented on after it was completed. The participants have to understand what they have achieved from it.
- The feedback shall be first received from the “actors” and then from the “observers”.

This training manual includes case scenarios which can be used for role playing in specific modules.

- **Practical exercises method**

With this method, participants are divided into small groups, pairs or individually and have to complete a specific task, such as carry out some research via the internet, solve the practical case, write a short proposal, etc. The trainer shall prepare the task in advance and make sure that all needed materials and equipment are available and working. The practical exercises are useful and must be used when the learning objectives of the training are related to the improvement of certain skills. This training manual includes practical exercise examples under specific modules.

- **Individual work method**

Here the participants work on their own after they have received instructions from the trainer. The trainer can hand out exercises, questions, observation sheets, etc. This method is an
adequate tool to assess the scale of the knowledge of the participants. It also forces every single participant to work actively on their own. On the other hand, it might get difficult for the trainer to steer the results of each participant. This training manual includes questions and tasks for individual work under specific thematic modules.

- **Partner work**

  The instructions are similar to individual work. The only difference is that the participants work in pairs. They have the possibility to exchange their ideas/experiences and give direct feedback, and subsequently come to a conclusion or solution through dialogue. This method produces social contact quickly and allows the participants to get to know each other. This training manual includes questions and tasks for partner work under specific thematic modules.

- **Group work**

  During this exercise the participants work in small groups of preferably odd numbers. The ideal group size is 3, 5 or 7 persons. Odd numbers are preferable, as the participants need to reach a consensus by a majority. If it is impossible to have groups with odd numbers, then a participant can always be assigned to act as a moderator. The objective is to solve an exercise as a group. This method allows the group to exchange ideas, engage in a discussion or dialogue and brainstorm on a certain topic. It also helps to develop a team spirit and increase communication. The advantages of this form of exercise are the facilitation of cooperation among the group members, a break from the trainer, a high level of identification due to individual contribution and encouragement to find active and creative solutions. On the other hand, the differences in knowledge can be immense and the group may not be able to find a direction for discussion or simply is not active. At this point the trainer can step in and provide guidance and support the group with additional questions and insights. The trainer should think in advance where to place groups so that they feel comfortable implementing the task. This training manual includes questions and tasks for group work under specific thematic modules.

**Examples of methods to divide group into smaller groups or pairs**

Surprisingly, even the methods applied to divide up groups into smaller groups or into pairs can serve as specific attention steps or warm-ups. If implemented in an extraordinary way, this method makes participants interested and involved in the task even before they really know what they are going to do next. There are different ways to split participants into groups or pairs. Sometimes, the trainer can also leave it to participants to choose their partner or to divide participants according to the institution they represent. If time is short, the trainer can also assign them their group.

However, if time allows and the trainer has no specific preferences on dividing the participants into groups/pairs, one of following methods could be applied:

- The trainer prepares cards with an image on each card (such as bacon, egg and sausages, strawberries, blueberries, and blackberries, apples, oranges and lemons and other such groups of things). The overall amount of cards shall be equal to the number of participants, and the trainer can decide how many groups and how many persons per group he wishes to form (if pairs are desired, there must be only two cards which correspond to each other). The cards are randomly given to the participants who then stand up and find their group/pair.

- During the break, the trainer sticks differently coloured dots or small posters under the participants’ chairs: as many colours as desired groups. When it is time to be divided up, the participants should stand up and look under their chair.

- The trainer distributes to each participant one candy in different coloured paper: as many different colours as desired groups.
Methodology: Implementation of the training
Unit 2. Content of the Training

- Suggest that the participants find a person for partner work whom he/she knows the least.
- The trainer collects in advance a few newspaper articles on migration-related issues. Cut each article in two equal halves if the trainer needs pairs or into more pieces if groups are desired. The article pieces are randomly divided up between the participants who have to find the matching half and form a group in this way. This exercise may also be creatively continued: participants should be provided with glue, and then put the article together and discuss it in the group/pair.
- Participants are asked to number off. If four groups are desired, participants number off to 4 and the next person starts over with 1. Then groups with all the 1s, 2s, 3s, and 4s form separate groups.
- The trainer prepares cards with one name (surname) which sounds the same but can be written in a different way, for example, "Brown, Braun, Broun, etc.". The Trainer should use the name which is often confused by pronunciation. The trainer shall prepare as many variations of the name as the number of groups desired and repeat the differently written name on as many cards as participants in the group. The general number of cards shall correspond to the overall number of participants. Without telling the clue to the participants, the trainer randomly gives the cards to them and tells them to find the same name by shouting it loudly in the room. After some time the participants understand that they call the same name and will look at the cards and will form the groups in this way.

Examples of warm-up games
If the training lasts one day or longer, the trainer shall think of some warm-up games which help to keep the participants in a good mood, interested and active. As already mentioned, the methods to divide participants into smaller groups or pairs can also be used as warm-up games.

1. Snapshot discussion – opinion barometer:

Time required: 10–20 minutes according to the needs
Materials: Two moderation cards with a smiley on it, a line to be positioned on the floor, statements to be discussed prepared by the trainer

Description: During the break, mark a line on the floor and attach one smiley ☺ on one side and one smiley ☙ on the other side. Explain to the group that you will read one statement and they should position themselves accordingly on the line if they agree, disagree or are neutral. The participants shall be informed that there is no wrong or right opinion, but they should be ready to discuss it. After each positioning, question a few persons as to why he or she stands there. Try to ask always different participants and listen carefully to their opinion. The main goal is to get the participants to argue and discuss their points of view. The statement could be funny and provocative, but can be also related to the topic, for example:

- Migration is about people.
- The state has a right to limit immigration.
- Migrants should have the same rights as citizens.
- State security and migration are in constant conflict.
- Trafficking of human beings is the same as smuggling of migrants.
- Economic factors are the main reasons for migration.
- Immigration should be strongly restricted to highly skilled migrants.
- Remittances help the development of a country.
- There should be no restrictions on migration at all.
- The media has no influence on migration policy and public opinion
2. Passing the ball

_Time required:_ 10-20 minutes according to the needs;  
_Materials:_ a small ball

_Description:_ The participants have to stand in a circle. Explain that they will be passing a ball (or any other small object) from one player to another. The first person receiving the object must begin to tell a story – made up on the spot. The trainer can start the circle by suggesting the beginning of the story. The participants will toss the ball to another person who must catch it and continue the story. The story can take any form, just as long as there is an attempt to connect to the last player’s contribution. Emphasise that players must not break the flow of the story no matter how fast the ball is passed. Those who catch the ball must speak – if only a few words – and then they can toss the ball to another person. Participants will continue to pass the ball until time is called.

1. Silent post

_Time required:_ 10–20 minutes according to the needs  
_Materials:_ Four different pictures shown on the screen; the pictures could be different: a landscape photo, an activity photo, a food photo, etc.

_Description:_ The participants have to be divided into two (or three) groups. One person from each group stays in the room whereas everybody else has to leave the room. The two persons get one minute to look at four different pictures. Then one person from each group can enter the room. The person who has seen the photos now has to describe them to the newly arrived person. Then a new person comes in from outside and the second person has to give a description as well, and so on. Once the game has reached the last person, this person has to either describe or draw the images that were described to him or her. Then the drawing or the description can be compared to the original photos. The game can be also used to illustrate how important interview techniques are and how visible information can be wrongly understood when orally described.

2. Turn around

_Time required:_ 5–10 minutes  
_Materials:_ None

_Description:_ The participants have to stand up and group themselves in pairs. They have to face their partner and look at each other. Then they have to turn around and remove something from them like their glasses, tie, jewellery etc. (i.e. change something about their appearance). After that they both have to turn around and try to figure out what their partner has changed.
The methods to conclude the training course/ training session

The way in which the training or each training session is brought to the end is also very important. Even if only a part of the training has ended, the trainer should plan how to conclude it. The participants received a lot of information and carried out different activities. In order to sort out this information and recall the main points, a short summarising session should be done. If you summarise the whole day of training, then you should think of a 30–40 minute closing part. If the training lasts longer than one day, the trainer or main facilitator of the training shall recall the next morning what was learned before.

The trainer can summarise the lecture himself/herself. The trainer shall not repeat his presentation, but sum up the main points using the keywords that participants will remember and recall the content of the training later. The trainer shall answer questions which were not answered for whatever reason during the training. The trainer can also point out resources for further reading for interested students. If the training lasts longer than one day, the trainer or main facilitator of the training shall also inform about the next day’s programme.

However, in order to make the summary more effective, the trainer can also divide the group into smaller groups (5–6 persons). They should be given flip chart paper and markers and shall be asked to summarise one of the topics which was lectured during the day. The trainer shall choose the most important topics of the day. The participants shall be given 10–15 minutes for this exercise and later each group shall summarise their topic in the panel (within 5 minutes). The trainer can add comments when needed or ask other participants to add something if it was missing.

If trainer had collected questions from the participants at the beginning of the training course/session which were posted on the walls in the class room (see Unit 1: Getting Started), now would be the time to answer these questions. This would be another method to conclude the training session/course. The trainer could ask each participant to pick out one question posted on the wall and try to answer it.

Finally, the trainer can simply organise a short discussion with participants to conclude the training by using the Central Module Questions included in this training manual under specific modules.

Evaluation of the training

The evaluation of the training can have two purposes: to evaluate the knowledge of the participants and also to evaluate the efficiency and effectiveness of the course.

- **Evaluation of the participants’ knowledge**

Depending on the existing practice and wish of the institution that required the training, the following forms of evaluation of knowledge could be carried out:

- oral test
- written test
- review of knowledge skills without a test
- self-assessment questions.

For both forms of the test, the trainer shall prepare the test questions in advance. The Central Module Questions may be used as test questions; however, they shall be modified often.

As a review of gained knowledge/skills without a formal test, the trainer can divide participants into a few groups/pairs and ask them to prepare a summary of one of the
topics/units/modules taught during the training course. Allow participants to work about one hour. They can use all materials they received during the course. Afterwards they shall present their topic to the panel. Such an evaluation shall take around 4 hours, including preparation time. This method is usually quite effective because participants not only recall one of the topics which they have to prepare, but also listen one more time to a summary of the other topics.

Self-assessment questions have to be prepared by the trainer in advance and distributed to the participants. They should try to answer these questions. Depending on the number of questions, the trainer can allow up to one hour in time, as with a written test. However, instead of checking the questions individually, the trainer later should read one of the questions and ask the participants to comment on it. If there are questions that the participants cannot answer, the trainer should summarise the part of this respective unit one more time.

- **Evaluation of the course**

An evaluation of the training is important in the sense that it can show the trainer how the participants have perceived the training and especially how useful it was for them. The trainer can assess if the overall learning objectives were met, if there is a need to adjust the training content or materials, or if there is need of a follow-up training. It is useful to prepare evaluation forms in advance that can be filled out by the participants anonymously.

The evaluation of the training course is not a one-time activity – it is a process. The evaluation forms shall be analysed and conclusions drawn. If there is a need, the training curriculum, methodology, setting, or materials must be adjusted. If requested, the analysis of the evaluation forms should be provided to the institution which required the training.

A sample evaluation form can be found below. As with many other materials in this manual, it can be simply taken out of the loose-leaf collection, copied and distributed to participants.
Migration Training Evaluation Form

Dates of the course:

Please respond to the following questions by ticking (✓) one box only for each question. Your views are very important to us and will help us to improve!

I. General

I represent ____________________________ (name of organisation/institution)

1. Overall, my satisfaction with this course was: High □ □ □ Low □ □ □
2. The benefit of attending this course was: High □ □ □ Low □ □ □
3. The relevance of this course for my future work: High □ □ □ Low □ □ □
4. The course has met my expectations: High □ □ □ Low □ □ □
5. I was the right target person to attend this course: Yes □ □ □ No □ □ □
6. If other modules of the migration curriculum are lectured in the future, I personally would like to participate: Yes □ □ □ No □ □ □
7. If YES, I would be particularly interested in:

   Module 1. Migration Management □
   Module 2. Identity Documents and Module 3. Citizenship and Statelessness □
   Module 4. Regular Migration and Visa □
   Module 5. Irregular Migration and Border Management □
   Module 6. International Protection □
   Module 7. Trafficking in Human Beings and Module 8. Internally Displaced Persons □
   Module 9. Diaspora □
II. Organisation of the course

8. Overall, my satisfaction with the organisation of the course was: High Low

9. I am satisfied with the location of the course: High Low

10. I am satisfied with the course facility/food (if was provided): High Low

Please comment on the above questions if you wish (on possible improvements)


III. Content of the course

11. The trainers’ level of competence was: High Low

12. The delivery/language was comprehensible: High Low

13. The trainers adjusted the training to the experience of the participants: High Low

14. In the future, the migration course should be lectured by a mixed team of academia and government representatives: Yes No: Only Academia Only Government

15. The trainer spoke at a suitable speed: High Low

16. The length of the training course was: Too long Ideal Too short
17. What presentations/activities were the most important/interesting for you:

18. Which methodology used during the course did you like the most (lectures/presentations, facilitated activities, discussion, etc?):

Please comment on the above questions if you wish and make any other general comments on the course as a whole

____________________________________________________________________________________

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____________________________________________________________________________________

Thank you for your time!
Module 1. Migration Management

a. Short Module Description
This Module aims at providing a comprehensive approach to training on migration management, including knowledge transfer on migration terminology, past and current migration trends, international migration law, the EU migration acquis, national legal acts of Moldova in the migration field and the main principles of migration management.

<table>
<thead>
<tr>
<th>Target Groups</th>
<th>Trainer's Profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Justice, Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation, Ministry of Internal Affairs, Ministry of Foreign Affairs, State Fund for Protection of and Assistance to Victims of Trafficking, Ministry of Labour, Health and Social Affairs, State Ministry for Diaspora</td>
<td>Representatives of the Ministry of Justice involved in migration policy development; academia representatives – specialists of international migration law and academia involved in research on the migration situation in Moldova</td>
</tr>
</tbody>
</table>

b. Learning Objectives
At the end of this Module, the participants will:
- have increased their knowledge on migration terminology and patterns
- understand the development of migration processes and current migration trends worldwide and in Moldova
- have gained general knowledge on international, EU and Moldovan migration legislation
- understand the principle role of the state in migration management
- have increased their knowledge on actual migration management in Moldova
- understand the relationship between state institutions involved in migration management and civil society
- understand the importance of international and inter-institutional cooperation in the field of migration.

The learning objective for this module is understanding.
c. **Outline of Module 1**

**Unit 1. General Issues**

1.1. Types of migration;
1.2. Migration terminology;
1.3. Development of migration processes and current trends on migration worldwide;
1.4. Development of migration processes and current trends on migration in Moldova.

**Unit 2. Introduction to International Migration Law and EU migration acquis**

2.1. International Law:
   2.1.1. State powers and responsibilities related to migration;
   2.1.2. Rights of migrants.
2.2. EU migration *acquis*:
   2.2.1. Immigration policy;
   2.2.2. International Protection;
   2.2.3. Entry and Residence;
   2.2.4. Illegal migration, return & expulsion;
   2.2.5. Information and Cooperation

**Unit 3. Migration Management in Moldova**

3.1. Migration management in Moldova, division of responsibilities:
   3.1.1. Admission rules;
   3.1.2. Border control;
   3.1.3. Regulation of stay;
   3.1.4. Admission to labour market;
   3.1.5. Citizenship;
   3.1.6. Immigration control
   3.1.7. Asylum
3.2. Inter-institutional cooperation in the field of migration;
3.3. International cooperation in the field of migration:
   3.3.1. Regional, bilateral, cross-border cooperation, co-operation with EU and fields of co-operation;
   3.3.2. Moldovan international co-operation in the field of migration.

**Unit 4. Migration and Civil Society**

4.1. Media Law and Right to information;
4.2. Role of NGO’s.
### d. Overview of the Module

#### What?

**Learning Objectives - Understandings**

<table>
<thead>
<tr>
<th>Unit 1. General Issues</th>
<th>Unit 2. Introduction to International Migration Law</th>
<th>Unit 3. Migration Management in Moldova</th>
<th>Unit 4. Migration and Civil Society</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview of the Module</td>
<td>Timeframe and Lecturing Methods</td>
<td>Timeframe for Basic Introductory Course(A)</td>
<td>TimeFrame for Advanced Introductory (B) and Advanced Thematic (C) Courses</td>
</tr>
<tr>
<td>1.1.- 1.4. Sub-units</td>
<td>2.1. – 2.2. Sub-units</td>
<td>15 min.</td>
<td>15 min.</td>
</tr>
<tr>
<td>60 min.</td>
<td>Unit 1. General Issues</td>
<td>60 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>60 min.</td>
<td>Unit 2. Introduction to International Migration Law and EU Migration Acquis</td>
<td>30 min.</td>
<td>30 min.</td>
</tr>
<tr>
<td>135 min.</td>
<td>Unit 3. Migration Management in Moldova</td>
<td>45 min.</td>
<td>45 min.</td>
</tr>
<tr>
<td>45 min.</td>
<td>Unit 4. Migration and Civil Society</td>
<td>7 AH</td>
<td>4 AH</td>
</tr>
<tr>
<td>7 AH</td>
<td>Total</td>
<td><strong>Total</strong></td>
<td></td>
</tr>
</tbody>
</table>

### e. Timeframe and Lecturing Methods

The Basic Introductory Course (A) is recommended to be completed in 7 academic hours; 1 hour is reserved for feedback and evaluation. The Advanced Introductory Course (B) and the Advanced Thematic Courses (C) under this module last 4 academic hours. Only a general overview should be provided to the trainees and detailed information is to be provided under other respective modules (the detailed structure of all courses is provided in the Introduction of this migration guide). The timeframe for each unit of the module is described in detail in the instructional part (f) of this training manual. The lecturing methods for this module include presentation, work in small groups and facilitated panel discussion.
f. **Central Module Questions**

- What are the reasons for the various types of international migration?
- What is the relationship between international obligations of the state, state interests and human rights in migration management?
- What are the most relevant types of migration and categories of migrants in Moldova? Which indicators make them the most important ones? Which sources provide information on migration and form public opinion on migration processes in Moldova?
- Is the migration management structure and system in Moldova sufficient? In which areas could it be improved?
- What would be an ideal administrative setting for migration management in Moldova? Why?
- What are the main goals and objectives of international cooperation of Moldova? Are they complementary to the general state policy development?
Module 1. Migration Management: Instruction
Unit 1. General Issues

g. Module Instruction

Unit 1. General Issues

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. Types of migration;</td>
<td>25 min.</td>
<td>25 min.</td>
<td>Frontal lecturing, group work, instructional conversation</td>
</tr>
<tr>
<td>1.2. Migration terminology;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3. Development of migration processes and current trends on migration worldwide</td>
<td>15 min.</td>
<td>15 min.</td>
<td></td>
</tr>
<tr>
<td>1.4. Development of migration processes and current trends on migration in Moldova</td>
<td>20 min.</td>
<td>20 min.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>60 min.</td>
<td>60 min.</td>
<td></td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods for this unit are the same for the Basic Introductory Courses (A), Advanced Introductory (B) and Advanced Thematic Courses (C), as the content of this unit is not repeated under other Modules. However, this unit could be skipped, if the trainees of the Advanced Thematic Course recently received Basic or Advanced Introductory course and there are no major changes in the lecturing materials.

The whole course (valid for all types of courses) should start with Introduction of the training course and participants. Activities which could be used for introductory part are listed under „Methodology“ part of this training guide.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with interactive methods as described below and in the Methodology section of this course. The instructor should start the lecture with an instructional conversation, asking the audience to name categories of migrants they know. The instructor should use the flip chart/markers or flip chart/moderation cards in order to record the migrant categories suggested by the students. The instructor should facilitate and stimulate the students’ discussion by proposing new ideas, if needed. The instructor may also use the handout “Main Types of Migration and Migrants” (attached in section i: Additional Materials of this module) to facilitate the discussion. In a second step, the instructor (with frontal lecturing or with the assistance of students) should define each type of migration/migrant category.

Following types of migration/migrant categories are to be mentioned and defined:
- International and Internal migration;
- Emigration and Immigration;
- Forced and Voluntary Migration;
- Permanent and Temporary (also seasonal, circular) migration
- Internally displaced persons and asylum seekers/refugees;
- Regular and irregular migration;
- Economical and labour migration/migrants, international students, migrants – family members, etc.

The Migration Terminology is a set of internationally agreed terms used in relation
to migratory movements. Some of them are frequently used in daily life: on TV and other media, in general conversation, in political debates, etc. Still, it is important to have a clear understanding of official migration terms, their respective definitions and the contexts in which they are used, in order to understand the various areas of migration management systems and the terminology they are based on.

The instructor could invite the students to assign specific migration terms to one or another type of migration (within group/partner/individual work or instructional conversation). For example, terms related to

- “irregular migration”: illegal entry, illegal stay, refusal of entry, return, removal (deportation, expulsion), reintegration, smuggling, etc.
- “regular migration”: visa, residence permit, family reunification, naturalization, diaspora, etc.
- “forced migration”: asylum seekers, refugees, IDPs, asylum, asylum procedure, integration of refugees, etc.

The students should try to assign the terms with the facilitation and assistance of the instructor. The instructor may also use the handout “Main migration terminology” (see Additional Materials).

The main aim of the presentation (frontal lecturing) on the Development of migration trends is to show historic aspects of migration by mentioning that all world nations were affected by migration processes. The ability of human beings to migrate was and is the core element of the modern world as we know it. The main migration movements during the modern history shall be touched upon. Finally, the instructor should explain how migration processes develop in the modern globalised world and why it is important for migration management systems to be prepared to react to these developments and changes. Interested students should be referred to additional reading sources, compiled by the instructor in preparing the lecture. The following main aspects of development of migration processes could be mentioned during this lecture:

- Scientific introduction: the first Homo sapiens appeared in East Africa appr. 200,000 years ago – this is where migration started from some 85,000 years ago to the coasts of Middle East, and further to Asia, Indonesia and Australia. The fist human beings arrived to Europe some 40,000 years ago. During this time, migration processes were mainly affected by climate conditions and events;

- Today, the whole nations, as, for example, in North and South America, are completely composed by migrants' descendants. The migration to these regions started during the Early Modern Period, about 500 years ago. This period of human migration could be characterized by the desire of human beings to discover the new world and consequent development of colonies there. Some migrants moved voluntarily to the “new lands”, some were forcible moved there (some 15 million slaves were moved during XVI-XVIII centuries);

- Differences in development between continents and regions, creation of colonies in the South America, Asia and Africa, searching for new opportunities characterized migration movements between XVIII and XIX centuries. During this time, many migrants left Europe, but there were also significant movements to Europe and within Europe;

- Main aspects affected migration in the first part of XX century were I and II World Wars and related developments (national revolutions, hunger, persecution, etc.); this period was also characterized by refugees' movements, in particular from and within Europe. After the II World war, the migration in Europe was mainly

5 Additional Materials section includes prepared cards for this activity (to copy and divide between participants)
stipulated by labour market needs: many of developed counties were in need of labour force;

- XX century was also the most important with regard to migration management and regulation: the majority of international legal instruments were adopted during this time;

- The first settlements at the territory of the modern Moldova dates back to the Paleolithic age: approximately from VI A.D. it was populated by the Frakiya tribes, as well as by Scythians and others. Later, in IV-V A.D. the territory was occupied by Huns, and then – in VI-VII A.D. – by some Slavic tribes. Thus, the formation of Moldovan population was influenced by mutual migrations from and to the territory by the neighboring tribes – voluntarily and involuntarily (wars, invasions, climate events, etc.). Later, it became part of Gold Horde, Hungarian Kingdom, Turks, and the Russian Empire. This was naturally accompanied also by migratory movements from and to Moldova.

- According to the UN Population division, by 2010, the estimated number of international migrants was 214 million: they represent 3 percent of the total world population. In 2010, the largest number of international migrants lived in Europe (70 million), Asia (61 million), and Northern America (50 million). For 2000 – 2010, the USA, Spain and Italy were top net immigration countries; Mexico, China and Pakistan – the top net emigration countries.

For the introduction of the development of the migration trends in Moldova students could be divided into two or more groups (depending on overall number of students, 5 – 6 students in the group), and tasked to discuss - based on their opinion - the main migration trends in Moldova at the moment. The instructor could advise the group to think of following:

- Is Moldova a country of origin or destination for migrants, or both? Why?
- Is the country’s economic, social and cultural development affected by migration processes? How?
- What are the most important migration issues for Moldova at the moment (repatriation of citizens; reintegration or repartees and/or integration of foreigners; development and implementation of asylum system; citizens labour migration, etc.)? Why and what is done/should be done in this regard?

Alternatively, each group can receive just one question for their discussion.

The work in the working groups should last up to 10 min., then the speakers of the group should shortly present the results (up to 5 min. each) and the results shall be commented by the instructor providing additional background information and statistics on each of the discussed issues.

The instructor should include in the presentation (or prepare for discussion) the following main aspects of migration processes development in Moldova:

- The impact of the collapse of the Soviet Union in 1991 on the development of migration processes in Moldova: immigration and emigration; asylum, etc.;
- Main countries of destination of Moldovan emigrants and diaspora (Russia, Ukraine, and EU countries: Italy, Spain, Portugal, etc.);
- Main countries of origin of immigration to Moldova based on statistical data and annual migration trends;


7 These questions are also included in the Additional Materials section to ‘support trainer’s preparation to the course (to copy and divide questions between participants).
- Level of remittances transferred by Moldovan citizens and its role for the country development;
- Moldovan visa policy;
- Moldovan participation in international instruments on migration

At the end of this unit depending on available time a short discussion by using the central Module questions could be organised. After that the instructor should provide the concluding remarks, as well as inform interested students about further reading sources.

Additional materials (see section i.) to this Unit include:

- Handout “Main Types of Migration and Migrants”;
- Handout “Main migration terminology”;
- Tasks to define Migration terms under the Unit 1.2.;
- Questions for group work on development of migration trends in Moldova under the Unit 1.4.
Topic | TimeFrame | Input | Materials
--- | --- | --- | ---
2.1. International Law:  
2.1.1. State powers and responsibilities related to migration;  
2.1.2. Rights of migrants. | 30 min. 15 min. | Frontal lecturing, discussion, instructional conversation | Laptop, projector, screen, flipchart, paper, markers
2.2. EU migration acquis:  
2.2.1. Immigration policy;  
2.2.2. Asylum  
2.2.3. Entry and Residence;  
2.2.4. Illegal migration, return & expulsion;  
2.2.5. Information and Cooperation | 30 min. 15 min. | | |
Total | 60 min. 30 min. | | |

The timeframe and lecturing methods for this unit are different for the Basic Introductory Course (A) and Advanced Introductory (B)/Advanced Thematic Courses (C), as the content of this unit is partly repeated under other Modules that are included in the training plan (structure) of the Advanced Courses. The Advanced Courses students should receive only a short introduction to the International migration and Law and the EU Acquis. However, this unit also could be skipped, if the trainees of the Advanced Thematic Courses recently received the Basic or Advanced Introductory course and there are no major changes in the lecturing materials.

The instructor could use a method of *frontal lecturing* for this Unit; however, it is recommended to use elements of *discussion* or *instructional conversation* during the lecture in order to keep participants of the course interested.

**Main international law instruments** (in chronological order):
- 1954 Convention relating to the Status of Stateless Persons;
- 1961 Convention on the Reduction of Statelessness;
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- 1966 International Covenant on Civil and Political Rights (ICCPR);
- 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR);
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women;
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- 1989 Convention on the Rights of the Child (CRC);
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

Main regional international law instruments:
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963), and Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1984);
- 1969 American Convention on Human Rights (ACHR);

After the introduction of the provisions of the main international legal acts related to migration, the instructor could initiate a facilitated discussion on migrants’ rights depending on the available time. The instructor could raise the following questions for the discussion:
- What human rights with regard to foreigners must be respected by the state while exercising its powers to establish and implement the national migration management system? Why? In what way?
- Which legal instruments contain such human rights?
- What is the relationship, what the right balance between human rights of migrants and state security? 8

The instructor should summarise the results of the discussion and make a short presentation which would include all or main discussed questions. The trainer can use the UNHCR prepared Self-Study Module 5 “Human Rights and International Protection” 9 (Chapter 3, 4, 5, and 8) in preparation of this unit.

Human rights are the rights to which a person is inherently entitled merely for being human; therefore, they may not be renounced.

The origins of human rights may be found both in Greek philosophy and the various world religions. The philosophical developments made prior to the 18th century led to the adoption of ground-breaking declarations of rights that included fundamental rights inherent to all human beings, regardless of their social or economic status. The treaty that established the League of Nations in 1920 – the organisation that preceded the United Nations – contained no general provisions dealing with human rights. It was the Charter of the United Nations, adopted after the atrocities of the Second World War, which took the decisive step toward the international protection of human rights.

The idea of promulgating an “International Bill of Rights” was developed immediately after the adoption of the UN Charter and led to the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. This document is not a treaty – it was adopted by a resolution of the UN General Assembly; however, the UDHR is the earliest comprehensive human rights instrument adopted by the international community.

The following international instruments on human rights shall be analysed in this unit:
- International Covenant on Economic, Social and Cultural Rights

8 These questions are also included in the Additional Materials section to support instructor’s preparations
9 http://www.unhcr.org/45a7acb72.html, also available in Russian language.
ICESCR
The ICESCR was adopted by UNGA Resolution 2200 A (XXI) of 16 December 1966. It entered into force on 3 January 1976. The covenant rights apply to everyone “within” the jurisdiction of the State, including not only refugees, asylum-seekers, and stateless persons but also irregular migrants. It recognises several rights which are of utmost importance to foreigners, for instance, the principle of non-discrimination (Articles 2 and 3), the right to work (Article 6), the right to just and favourable conditions of work (Article 7), the right to an adequate standard of living for oneself and one’s family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions (Article 11), the right to the highest attainable standard of physical and mental health (Article 12), and the right to education (Article 13).

International Covenant on Civil and Political Rights (ICCPR)
The ICCPR was adopted by UNGA Resolution 2200 A (XXI) of 16 December 1966. It entered into force on 23 March 1976. Under the ICCPR, States undertake “to respect and ensure” the rights enshrined therein of all individuals within the territory or the jurisdiction of the State. Most of the rights contained in the covenant are relevant to foreigners, including the principle of non-discrimination (Article 2), the right to life (Article 6), the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (Article 7), the right to liberty and security of the person (Article 9), and the right to equality before the law (Article 26). The Human Rights Committee acknowledges an extra-territorial dimension of obligations under the ICCPR.

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
The CERD was adopted by UNGA Resolution 2106 A (XX) of 21 December 1965. It entered into force on 4 January 1969. The CERD contains a number of detailed prohibitions and obligations to prevent discrimination on the grounds of race, colour, origin, and national or ethnic background. The convention bans discrimination in relation to a range of rights, including the right to equal treatment before tribunals, security of person, freedom of movement and residence, the right to nationality, and the right to public health, medical care, social security and social services. State Parties shall ensure effective protection and remedies against acts of racial discrimination (Article 6), and States pledge to combat prejudices that lead to racial discrimination (Article 7).

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
The CEDAW was adopted by UNGA Resolution 34/180 of 18 December 1979. It entered into force on 3 September 1981. This convention sets out a series of obligations for States with the aim of guaranteeing that women enjoy rights on an equal footing with men.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
The CAT was adopted by UNGA Resolution 39/46 of 10 December 1984. It entered into force on 26 June 1987. The prohibition of refoulement is the most important feature in this instrument which offers a valuable protection tool.

Convention on the Rights of the Child (CRC)
The CRC was adopted by UNGA Resolution 44/25 on 20 November 1989. It entered into force on 20 September 1990. According to this treaty, a child is any person below the age of 18, unless under applicable laws majority is attained earlier (Article
1. The CRC sets out four guiding principles: the best interest of the child shall be a primary consideration (Article 3); there shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Article 2); each child has a fundamental right to life, survival and development to the maximum extent possible (Article 6); and children should be assured the right to express their views freely and that they should be heard and their views be given “due weight” in accordance with the age and maturity of the child (Article 12).

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)**

The CMW was adopted by UNGA Resolution 45/158 of 18 December 1990. It entered into force on 1 July 2003. The convention seeks to prevent and eliminate the exploitation of migrant workers throughout the entire migration process by providing a set of binding international standards to address the treatment, welfare and human rights of both documented and undocumented migrants. It also sets out the obligations and responsibilities on the part of sending and receiving states.

Furthermore, the following main human rights treaties adopted under the Council of Europe are important for the lecturing of this unit:

- **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) was adopted on 4 November 1950 and entered into force on 3 September 1953. 14 Protocols to the ECHR have been adopted as well. The ECHR applies to all persons under the jurisdiction of the contracting States. Thus, the convention protects not only the nationals and citizens of the State, but all persons affected by measures taken by the State’s authorities. The convention contains primarily civil and political rights, although it also includes the right to education and the protection of property (Protocol No. 1).

- **European Social Charter (ESC)**

The European Social Charter (ESC) was adopted on 18 October 1961 and entered into force in February 1965.

- **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) was adopted on 26 November 1987 (ETS No. 126).

- **Framework Convention for the Protection of National Minorities**

The Framework Convention for the Protection of National Minorities was adopted on 1 February 1995 and entered into force on 1 February 1998.

With regard to the **European Union framework in terms of the integration of foreigners**, the following shall be discussed during the lecture:

**The Charter of Fundamental Rights of the European Union** was signed and proclaimed by the Presidents of the European Parliament, the Council, and the Commission at the European Council meeting in Nice on 7 December 2000. It contains the whole range of civil, political, economic, social and cultural rights of European citizens and all persons who reside in the EU.

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10 This was prepared by UNHCR in the Self-Study Module 5, Vol. 1, “Human Rights and Refugee Protection”, [http://www.unhcr.org/45a7acb72.html](http://www.unhcr.org/45a7acb72.html) (also available in the Russian language).
Regarding the specific areas of the **EU migration policy**, the following main policy areas are to be presented to the participants:

- **Labour migration:**

  EU policy on managing labour migration aims to produce flexible admission systems adaptable to the needs of EU Member States and enabling migrants to make full use of their skills. The main instruments in the area are:

  - “The Single Permit Directive” (Directive 2011/98 EU of the European Parliament and the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State);
  - Proposals for a Directive on seasonal employment and for a Directive for intra-corporate transfer of non-EU skilled workers.

- **Family reunification:**

  Right to family life is one of the fundamental human rights. Ensuring the right to family reunification facilitates migrants’ integration into receiving country’s society. The main instrument in the area is:

  - Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, establishing conditional rules as well as restrictions on family reunification. Despite the allowed restrictions or limitations of the right to family reunification, Member States must apply the directive in a way consistent with the right to family and private life and best interest of the child.

- **Study, training and research:**

  Policy in this area is oriented towards the promotion and facilitation of studies, training or research activities of third countries nationals in the EU Member States. The main documents in this area are:

    - Council Recommendation of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community;
    - Recommendation of the European Parliament and the Council of 28 September 2005 to facilitate the issue by Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research.

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11 For more information and further reading, as well as for the access to all policy documents: European Commission, Home Affairs, Immigration policy, [http://ec.europa.eu/home-affairs/policies/immigration/immigration_intro_en.htm](http://ec.europa.eu/home-affairs/policies/immigration/immigration_intro_en.htm)
**Integration of migrants:**

The general EU migration approach is directed to the improvement of the integration of legally residing "third country nationals" (non-EU citizens) into the societies of EU Member States. A first step in EU cooperation in this area was made with the adoption of the Tampere Programme in 1999. Later, other policy documents were adopted (2004 Common Basic Principles for Immigrant Integration Policy in the European Union). The 2009 Stockholm Programme reaffirmed the necessity to develop a new European agenda on citizenship as a part of legal integration, to reinforce the tools for knowledge exchange and to facilitate the mainstreaming of integration priorities into all relevant policy areas. In July 2011, the Commission proposed a European agenda for the integration of non-EU migrants.

The EU has the following instruments to support the integration of third country nationals into the societies of Member States:

- A *network of national contact points on integration* which allows for the exchange of information and experience between EU Member States, with the purpose of finding successful solutions for integration and keeping national policy coherent with EU initiatives;
- The *European Integration Forum* which serves as a platform for dialogue involving all stakeholders active in the field of integration;
- The *European Web Site on Integration* – which is the main focal point for the exchange of information, documentation and on-line data collection. It also serves for community-building activities between the main stakeholders in integration in Europe;
- A *Handbook on Integration* which has been prepared for policy-makers and practitioners and compiled with a view to structuring an information exchange on that EU States can use when developing policy measures for more successful integration;
- The *European Integration Fund* – which is a financial instrument supporting the efforts of EU Member States to enable non-EU nationals to integrate into European society.

**Long-term residence:**

Measures in this area enable migrants who are long-term residents to enjoy the same rights as EU MS nationals in the area of employment, education and vocational training, social protection, etc. The main policy document is:


**Irregular Migration:**

EU policy in this area aims to reinforce the efforts of EU MS on tackling human trafficking and smuggling, protection and managing the EU’s external borders. The main instruments in the area are:

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- European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)\(^\text{17}\);
- Schengen Acquis;
- Integrated Border Management (IBM) Strategy.

- **Return and Readmission:**

  The EU policy in this area includes common rules for the return of irregular migrants, operational cooperation between EU MS, as well as cooperation with non-EU countries on readmission. The main EU instruments in this area are:

  - Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more EU Member States, of third-country nationals who are subjects of individual removal orders;
  - European Return Fund, providing support for actions assisting returnees' reintegration processes and for activities enhancing the quality of information on voluntary return assistance and on the risks related to irregular migration.

- **Asylum\(^\text{18}\):**

  The right to seek and enjoy asylum is one of the fundamental human rights. The EU policy in the area of asylum aims to ensure that this human right is respected in the EU, to guarantee high standards of international protection and fair and effective asylum procedures and to ensure financial solidarity and other forms of solidarity between the EU MS. The EU aims to develop and implement the Common European Asylum System (CEAS). The main instruments in the area are:

  - “Qualification Directive”: Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
  - “Dublin Regulation” Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the EU Member State responsible for examining an asylum application lodged in one of the EU


\(^{18}\) For more information and further reading, as well as for the access to all policy documents: European Commission, Home Affairs, Asylum policy, [http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm](http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm)
Member States by a third-country national;
- EURODAC, a biometric database for comparing fingerprints, which helps the EU States to verify whether an asylum applicant has previously claimed asylum in another EU State, or has been previously apprehended when entering EU territory irregularly, and the “EURODAC regulation” (Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention);
- “Temporary protection directive”: Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between EU Member States in receiving such persons and bearing the consequences thereof;
- European Asylum Support Office;
- European Refugee Fund.
- **Migration and Asylum Statistics**: At the EU level, great attention is paid to migration and asylum statistics, which are used for immigration policy development, the distribution and accountability of funds, burden sharing between the EU MS, etc. The statistical data on migration is collected and analysed in the EU MS, and then is submitted to EUROSTAT – the statistical office of the European Union situated in Luxembourg. The data is submitted in a comparable format that enables Eurostat to make comparisons between countries and regions. The main documents in this area are:

**Present role of the Charter of Fundamental Rights of the European Union** in migration issues.

At the end of unit a short discussion by using the central Module questions could be carried out. After that the instructor should provide concluding remarks, as well as inform interested students about further reading sources.

Additional materials (see section i.) for this Unit include:
- Questions for a discussion on Migrants rights in Unit 2.1.2

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Unit 3. Migration Management in Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Time Frame</th>
<th>Input</th>
<th>Materials</th>
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<tbody>
<tr>
<td></td>
<td>Basic Introductory Course (A)</td>
<td>Advanced Introductory (B) and Advanced Thematic (C) Course</td>
<td>Presentation, group/partner /individual work, panel discussion</td>
</tr>
<tr>
<td>3.1. Model of migration management in Moldova, division of responsibilities: 3.1.1. Admission rules; 3.1.2. Border control; 3.1.3 Regulation of stay; 3.1.4. Admission to labour market; 3.1.5. Citizenship; 3.1.6. Immigration control 3.1.7. Asylum</td>
<td>90 min.</td>
<td>15 min.</td>
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<tr>
<td>3.2. Inter-institutional cooperation in the field of migration</td>
<td>25 min.</td>
<td></td>
<td></td>
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<tr>
<td>3.3. International cooperation in the field of migration: 3.3.1. Regional, bilateral, cross-border cooperation, co-operation with EU and fields of co-operation; 3.3.2. Moldovan international co-operation in the field of migration</td>
<td>20 min.</td>
<td>15 min.</td>
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<tr>
<td>Total</td>
<td>135 min.</td>
<td>3 hours</td>
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</table>

The timeframe for this unit is different for the Basic Introductory Course (A) and Advanced Introductory (B)/Advanced Thematic Courses (C), as the content of this unit is partly repeated under other Modules which are included in the training plan (structure) of the Advanced Courses; in particular, the regulations related to different migration procedures are lectured in other Modules. The Advanced Course students should receive only a short overview of the institutions involved in migration management in Moldova, their cooperation and international cooperation of Moldova in the field of migration in order to get introduced to migration issues. Other, detailed information shall be provided to them during the training under the respective Modules of this training guide. Trainees of the Basic Introductory Course receive only one WD training; therefore, they should get a more detailed overview of the migration procedures, institutions and cooperation under this Unit.

The instructor could choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time, especially if trainees already have basic knowledge on the lecturing subject, as described below and in the “Methodology” section of this course.

An overview of the migration management system in Moldova should be presented during the lecture under this unit. It is suggested to make a presentation (frontal lecturing) about the functions and responsibilities of the various entities dealing with migration management. This presentation could be combined with an introduction on inter-institutional cooperation in the field of migration. It is recommended to invite specialists from the field to introduce the functions of different institutions and various migration procedures.

In particular for the Basic Introductory Course under which this unit should be taught, the following topics are suggested:

- Model of migration management in Moldova, division of responsibilities:
  - Admission rules
  - Border control
  - Regulation of stay
  - Admission to labour market
  - Citizenship
  - Immigration control
  - Asylum
- Inter-institutional cooperation in the field of migration
- International cooperation in the field of migration:
  - Regional, bilateral, cross-border cooperation, co-operation with EU and fields of co-operation
  - Moldovan international co-operation in the field of migration

The total time for this unit is 3 hours.
within 135 min. (3 AH), it is recommended to combine presentations with the interactive activities, such as group/partner or individual work, depending on the available time and group size. The participants should be divided into working groups (5-6 students in each) or in pairs and tasked with the following questions:

- What instruments of inter-institutional cooperation are used in Moldova (MoU, common work instructions, inter-institutional working groups, etc.)? What is the advantage or disadvantage of these instruments? What is the most effective instrument and why?

- Does the migration management structure in Moldova require a high level of inter-institutional cooperation? Why? Which areas of migration management are covered by inter-institutional cooperation and which not? What should be improved in the area of inter-institutional cooperation in Moldova? Why? How?

- Does the migration management system in Moldova belong to a unitary model or a multi-organisational model? What are the advantages and disadvantages of both models? What model of the migration management system would fit Moldova best? Why? What should be changed in the migration management system to achieve more effective migration management and inter-institutional cooperation?²²

If the trainees already have some background knowledge and/or the group is small, the aforementioned tasks could be also distributed as individual work. After the discussion in the groups/individual work, each group/trainee shall present the results of their discussion and the instructor shall make concluding remarks. A short discussion on the effectiveness of migration management and inter-institutional cooperation in Moldova should conclude the unit.

**Migration Management Models:**

The development of a migration management system model depends on different factors: the constitutional structure or form of government (unitary state or federation), the legal tradition of the country, state migration policy objectives and priorities, the migration situation in the country, the geographical position of the country (e.g. where the external borders are situated and the influence of the neighbouring states), etc. The possible models of migration management are listed below:

- **Unitary migration management structure** is a structure in which: one institution (e.g. one ministry where different departments/units/divisions are responsible for different migration issues, etc.), is responsible for the overall coordination of migration policy in the country. Even if some specific functions are delegated to other ministries (e.g., foreign relations – to the Ministry of Foreign Affairs; labour market regulation – to the Ministry of Labour), one single institution remains a coordination body for all migration policy issues;

- **Multi-organisational migration management structure** is a structure in which: there is no one single institution which coordinates general state migration policy, each ministry or state institution has its competence, functions and responsibility. Such a model requires a high level of coordination between institutions in order to ensure consistency and efficiency in the implementation of migration policy;

- **Centralised migration management model** is a structure in which: the responsibility for migration policy implementation (in general, or in one specific area) is within a central state institution; other institutions or local authorities to which some functions (mainly of executive nature) are delegated, are coordinated by and are accountable to a central migration institution;

- **Decentralised migration management model** is a structure in which: each institution involved in migration management (including local authorities) is

²² These questions are also included in the Additional Materials section to support instructor’s preparations (copy and divide between participants)
responsible for the implementation of certain tasks related to migration management (e.g. in a federal state, where each federal land has its “migration ministry”).

Migration Management System in Moldova:

- **President of Moldova**
  Decision-making on acquisition and termination of citizenship, involvement in the strategic development of migration policy, monitoring of the migration policy implementation.

- **The Parliament of Moldova**
  As a legislative body, agrees upon and adopts the legislative acts including ones in the field of migration. International treaties signed by Moldova require ratification of the Parliament.

- **The Ministry of Interior and Bureau for Migration and Asylum**
  The Ministry is a coordinating role in the implementation of the state migration policy on strategic and operation level. According to the Governmental decree of the Government the Ministry (Bureau for Migration and Asylum) is responsible for monitoring and coordination of migration processes in Moldova; analysis and control over compliance with legislation in the field of migration and granting asylum; development of draft legislation in the field of legal status on regulatory activity of foreign citizens and stateless persons; issuance of letters of invitation, extension of visa validity, granting of immigrant, refugee, subsidiary protection and repatriation status. The Bureau implements also operational functions and investigative activities. The Bureau also runs the accommodation centre for asylum seekers and detention (temporary accommodation) centre for foreigners. Another unit of the Ministry – **Centre on Combating Trafficking in Human Beings** – is the national authority for all issues related to combating trafficking in human beings, prevention of this crime, investigation and persecution.

- **State Border Guards Service**
  Responsible for checks at the state border crossings, control of the state border. The SBGS has responsibilities in the area of identification of irregular migrants in the border region, resolving their legal status and deportation from the country of those who have no legal ground to remain in Moldova.

- **State Security Service**
  Is responsible for countering and prevention of irregular migration, human trafficking and organised crime.

- **The Ministry of Labour, Social Protection and Family**
  The Ministry is responsible for labour market regulation, including the regulation of the labour migration of Moldovan citizens. The Ministry issues the work permits to foreigners, etc.

- **The Bureau on Interethnic Relations under the Government**
  is *inter alia* responsible for coordinating and developing ties with the Moldovan diaspora abroad, legal acts drafting in the related area, implements research on Moldovan diaspora abroad, etc.

The possible forms of **international cooperation** in the field of migration are listed below:

- **Regional international cooperation** usually takes place in different processes, working groups or conferences. Regional cooperation is important because states in a region usually have the same or similar priorities, needs or challenges related to migration. This cooperation usually includes the
exchange of information and best practices, the development of specific agreements on cooperation, etc.

- **Bilateral cooperation** takes place through bilateral agreements between countries on general migration issues or in the specific area, for example, labour or circular migration agreements, readmission agreements, etc.

- **Cross-border cooperation** is similar to bilateral cooperation, e.g. is implemented under the bilateral agreement, but takes place between countries with a common border. Thus, this form of cooperation usually covers issues related to joint border control and operations, cross-border migration, seasonal and circular migration, etc.

- **Multilateral and global cooperation on migration** includes participation in global migration forums and conferences. Often this form of cooperation is stipulated by the international treaties which are open for all states and international organisations.

In order to enhance the learning process, the trainer could facilitate a *discussion or instructional conversation* with participants during the presentation on cooperation forms in Moldova.

The instructor could use the following questions for the discussion:

- Why is international cooperation in the field of migration important?
- What are the forms of international cooperation? Which are the most important for Moldova? Why?
- In which migration areas should the international cooperation of Moldova be further developed/deepened? Why? In what way?\(^23\)

Additional materials (see section i.) for this Unit:

- Questions for *group/partner/individual work* on migration management in Unit 3.1.;
- Questions for *discussion* on international cooperation in Unit 3.3.

\(^{23}\) These questions are also included in the *Additional Materials* section to support instructor’s preparations
Unit 4. Migration and Civil Society

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<th>Topic</th>
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<tbody>
<tr>
<td></td>
<td>Basic Introductory Course (A)</td>
<td>Advanced Introductory (B) and Advanced Thematic (C) Course</td>
<td>FEMAppard, projector, screen, flipchart, paper, markers</td>
</tr>
<tr>
<td>4.1. Media Law and Right to information;</td>
<td>45 min.</td>
<td>Presentation, facilitated discussion (advanced course)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>45 min.</td>
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</tr>
<tr>
<td>4.2. Role of NGO’s.</td>
<td>45 min.</td>
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<tr>
<td></td>
<td>45 min.</td>
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<tr>
<td><strong>Total</strong></td>
<td>45 min.</td>
<td>45 min.</td>
<td>Laptop, projector, screen, flipchart, paper, markers</td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods for this unit are the same for the Basic Introductory Course (A) and Advanced Introductory (B)/Advanced Thematic Courses (C), as the content of this unit is not repeated under other Modules of this Training Guide. However, this unit also could be skipped, if the trainees of the Advanced Thematic Course recently received the Basic or Advanced Introductory course and there are no major changes in the lecturing materials.

The instructor could choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this course.

This unit concludes the training on the whole Module; therefore the participants have already received basic knowledge on migration issues. The instructor could start this Unit with a facilitated discussion on the role of media and civil society in managing migration. The main topic for the discussion shall cover the benefits of public information about migration issues, in particular:

- For migrants (better information on rights and obligations, legal procedures, etc.)?
- For migrant communities (effective integration into society, familiarity with the state’s economic, political, and cultural situation, etc.)?
- For civil society (image of migrants, prevention of xenophobia and racism, development of a multicultural approach, prevention of trafficking in human beings, development of organised labour migration, use of migrants’ remittances for general country development, etc.)?
- For the state (prevention of irregular migration and migration-related crimes, coordination of state migration policy, transparency of migration procedures, anti-corruption measures, public respect for state authorities, etc.)?

The discussion should be summarised by the instructor and main principles of public information on migration should be highlighted.

At the end of the Unit the instructor should make a short presentation on the role of civil society for migration policy development.

Some time shall be left for an open discussion.

The right to access information in a democratic society became one of the fundamental human rights. It is also related to freedom as freedom of expression, which according to Article 10 of the European Convention on Human Rights includes

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24 These questions are also included in the Additional Materials section to support instructor’s preparations
freedom to hold an opinion and to receive and impart information and ideas without interference by public authority. Nevertheless, the international law allows limitations on this freedom to be imposed that are necessary in a democratic society in the interests of national security, public safety, etc. Additionally, well-organised public information, particularly on migration could bring benefits to all interested parties: to migrants and their communities, to citizens and civil society, and, finally to the state. Public information disseminated by state institutions on migration should include:

- Migration trends and statistics in the country and worldwide;
- Migration legislation, procedures and practices;
- Risks related to irregular migration and not organised or well informed labour migration;
- Consequences (benefits and disadvantages) of out- and in- migration.

Well-organised public information on migration could help:

- to implement anti-corruption measures and strengthen respect for public authorities, as it provides transparent and understandable information on migration legislation and procedures;
- to prevent irregular migration and migration-related crimes (for example, trafficking in human beings and smuggling);
- to develop and strengthen the protection of citizens abroad by informing them about risks related to labour migration and exploitation, as well as about possibilities of protection against these risks;
- to form a positive public opinion about migrants, including asylum seekers and refugees, and to prevent xenophobia and racism in doing so;
- to make migration procedures more effective by providing clear and understandable information to migrants on migration legislation, procedures, practices, as well as the rights and obligations of migrants;
- to support the integration of migrants.

There are different ways of implementing public information campaigns on migration, particularly when there are different mass media possibilities. The most effective ways of public information are listed below:

- an institution’s website should be created and continually updated. Information published on the website should be relevant, easy to access and understandable. If possible, information should be provided in different languages;
- contacts with mass media (TV, newspapers, etc.) should be well developed. It is important to ensure that mass media representatives provide relevant and accurate information on migration;
- relations with civil society representations – NGOs, and with migrants' communities, should be well developed. It is important to ensure that state institutions have continual contact with these organisations and develop communication and cooperation strategies for the benefit of both sides;
- specific information campaigns could be organised on migration topics in the country, for example, the introduction of new ID documents, trafficking in human beings, labour migration, etc.;
- call centres/hotlines in state institutions should be established for citizens and migrants to be able to call and to get specific information on procedures, documents, fees, state of the individual procedure, etc.

State institutions should also develop a strong communication strategy in order to ensure that only relevant and accurate information is provided to the public.
Additional materials (see section i.) for this Unit:
- Questions for a *discussion* on the role of media and civil society in managing migration (Unit 4).
h. Resources and Further Reading

- Peter van Krieken (eds.), *The Consolidated Asylum and Migration Acquis* (2004).
i. Additional Materials

Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a *discussion* or can make copies and distribute them to the participants as referral materials or to implement tasks during the training.

Additional materials for this Module include:
- Central Module Questions (the whole Module);
- Handout “Main Types of Migration and Migrants” (Unit 1);
- Handout “Main Migration Terminology” (Unit 1);
- Tasks for *group/partner/individual work* to define migration terms (Unit 1.2);
- Questions for *group work* on the development of migration trends in Moldova (Unit 1.4);
- Questions for *discussion* on migrants’ rights (Unit 2.1.2.);
- Questions for *group/partner/individual work* on migration management (Unit 3.1.);
- Questions for *discussion* on international cooperation (Unit 3.3);
- Questions for *discussion* on the role of civil society in managing migration (Unit 4).
Central Module Questions – to be used for a *discussion* during the lecturing of the whole Module or for evaluation/feedback:

- What are the reasons for the various types of international migration?
- What is the relationship between international obligations of the state, state interests and human rights in migration management?
- What are the most relevant types of migration and categories of migrants in Moldova? Which indicators make them the most important ones? What sources provide information on migration and form public opinion on migration processes in Moldova?
- Is the migration management structure and system in Moldova sufficient? In which areas could it be improved?
- What would be an ideal administrative setting for migration management in Moldova? Why?
- What are the main goals and objectives of the international cooperation of Moldova? Are they complementary to the general state policy development?
Module 1. Migration Management: Additional Materials

Main Types of Migration and Migrants

- International Migrants
  - Voluntary
  - Economical: Labour Migrants, Investors
  - Educational: Students, Scientists
- Internal Migrants
  - Family and Personal Reasons
- Asylum Seekers, Refugees, Migrants in need of Protection
- Internally Displaced Persons
- War, Political and Social Instability, Environmental Reasons, etc.

Grounds for distinction

- State Border Crossing
- Voluntariness of migration
- Reasons for Migration
- Duration
- Legality of Leave, Arrival and/or Stay
- Direction (only International)

Types of Migration

- Temporary
- Permanent
- Seasonal
- Circular

Types of Migrants

- Regular
- Irregular
- Out-Migration: Emigrants
- In-Migration: Immigrants
### Main Migration Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alien</td>
<td>“A person who is not a citizen of the country”; A person who is not a citizen of an EU country.</td>
</tr>
<tr>
<td>Asylum</td>
<td>A form of protection given by a State on its territory based on the principle of non-refoulement and internationally or nationally recognised refugee rights. It is granted to a person who is unable to seek protection in his or her country of citizenship and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.</td>
</tr>
<tr>
<td>Asylum seeker</td>
<td>An alien (“A third-country national or a stateless person” in the EU context) who has made an application for asylum in respect of which a final decision has not yet been taken.</td>
</tr>
<tr>
<td>Border</td>
<td>A line separating two political or geographical areas, especially countries.</td>
</tr>
<tr>
<td>Border (External EU)</td>
<td>A Member States’ land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and late ports, provided that they are not internal borders.</td>
</tr>
<tr>
<td>Border crossing</td>
<td>The physical act of crossing a border either at a Border Crossing Point or another point along the border.</td>
</tr>
<tr>
<td>Circular Migration</td>
<td>A repetition of legal migration by the same person between two or more countries.</td>
</tr>
<tr>
<td>Subsidiary (Complementary) protection</td>
<td>The protection given to an alien (“third-country national or a stateless person” in the EU context) who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm (...), and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.</td>
</tr>
<tr>
<td>Consular Protection</td>
<td>According to Article 5 of the 1963 Vienna Convention on Consular Relations, consular functions cover the protection of citizens abroad. In the EU context and such protection shall comprise: “(a) assistance in cases of death; (b) assistance in cases of serious accident or serious illness; (c) assistance in cases of arrest or detention; (d) assistance to victims of violent crime; (e) the relief and repatriation of distressed citizens of the Union. In addition, (...) diplomatic representations or consular agents may, in so far as it is within their powers, also come to the assistance of any citizen (...) who so requests in other circumstances.”</td>
</tr>
<tr>
<td>Country of</td>
<td>The country which is a destination for migratory flows (legal or irregular).</td>
</tr>
</tbody>
</table>

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25 The definitions used in this handout are cited from the EU Immigration Portal Glossary, [http://ec.europa.eu/immigration/glossary.do?language=en](http://ec.europa.eu/immigration/glossary.do?language=en) (last accessed 08.05.2012), and the European Migration Network, [http://www.emn.ie/media/EMN_GLOSSARY_Publication_Version_January_20102.pdf](http://www.emn.ie/media/EMN_GLOSSARY_Publication_Version_January_20102.pdf) (last accessed 08.05.2012) if not referred otherwise. Therefore, the majority of definitions are provided within the EU or the EU legislation context.


| destination | The country which is the source of migratory flows and of which a migrant may have citizenship. |
| Country of origin | The country or countries through which a migrant passes in order to enter a country of destination from his/her country of origin. |
| Country of transit | The country which is the source of migratory flows and of which a migrant may have citizenship. |

**Data protection**

1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, defines the data protection as measures "to secure in the territory of each Party for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms, and in particular his right to privacy, with regard to automatic processing of personal data relating to him". According to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, data protection measures aim at protection of fundamental rights and freedoms, notably the right to privacy, which is recognized both in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. With regard to these fundamental principles, data protection shall be:

- obtained and processed fairly and lawfully;
- stored for specified and legitimate purposes and not used in a way incompatible with those purposes;
- adequate, relevant and not excessive in relation to the purposes for which they are stored;
- accurate and, where necessary, kept up to date;
- preserved in a form which permits identification of the data subjects for no longer than is required for the purpose for which those data are stored.

**Deportation**

The act of a state in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.

**Diaspora**

People or populations who leave their traditional homelands, are dispersed throughout other parts of the world and who feel a strong connection to their origins.

**Displacement**

In a global context, the forced removal of a person from his or her home or country, often due to armed conflict or natural disaster.

**Displaced person**

In the EU context, a third-country national or stateless person who has had to leave their country or region of origin, or has been evacuated, in particular in response to an appeal by international organisations, and is unable to return in safe and durable conditions because of the situation prevailing in that country, who may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments giving international protection, in particular:

- Person who has fled areas of armed conflict or endemic violence;
- Person at serious risk of, or who has been the victim of, systematic or generalised violations of their human rights.

**Dual Citizenship**

The simultaneous possession of two or more citizenships by the same person.

**Economic migrant**

A person who leaves his or her country of origin purely for economic reasons.

**Emigration**

In the EU context, the actions by which a person, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least twelve months. In a global context, the act of departing or exiting from one State with a view to settle in another.

<table>
<thead>
<tr>
<th><strong>Family reunification</strong></th>
<th>Entry into and residence in a (EU) country by family members of a non-(EU) citizen residing lawfully in that (EU) country, whether the family relationship arose before or after the resident’s entry.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Forced migration</strong></td>
<td>General term used to describe a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).</td>
</tr>
<tr>
<td><strong>Foreign national</strong></td>
<td>A person who is not a citizen of a (EU) country.</td>
</tr>
</tbody>
</table>
| **Highly skilled/Qualified worker** | A person who is employed in a (EU) country, is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else; is paid; and has the required adequate and specific competence, as proven by higher professional qualifications; “People with qualifications as managers, executives, professionals, technicians or similar, who move within the internal labour markets of trans-national corporations and international organisations, or who seek employment through international labour markets for scarce skills. Many countries welcome such migrants and have special 'skilled and business migration’ programmes to encourage them to come”.

32 UNESCO Glossary on Migration, [www.unesco.org/shs/migration/glossary](http://www.unesco.org/shs/migration/glossary)

33 BBC Migration Glossary, [http://news.bbc.co.uk/2/hi/in_depth/3527123.stm](http://news.bbc.co.uk/2/hi/in_depth/3527123.stm)

34 UNESCO Glossary on Migration, [www.unesco.org/shs/migration/glossary](http://www.unesco.org/shs/migration/glossary)

**Immigration** | In EU context, the action by which a person from a non-EU country establishes his or her usual residence in the territory of an EU country for a period that is, or is expected to be, at least twelve months; The action by which a person “leaves the native land and goes to another country as a permanent resident (as distinct from a holidaymaker, for example)”.

33 BBC Migration Glossary, [http://news.bbc.co.uk/2/hi/in_depth/3527123.stm](http://news.bbc.co.uk/2/hi/in_depth/3527123.stm)

**Integration** | In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States; “Integration is a term that has two meanings: Providing stability to a social group: Without a certain level of integration, social organisation cannot exist. In this sense, integration includes organisational principles like the division of labour, the public celebration of solidarity, norms and rules, etc. Acculturation, i.e. the process of making someone equal or fitting to the rest of society. The concrete measures to produce integration of immigrants can vary according to the concept of culture that is being used. Nearly all concepts of acculturation, though, implicitly assume, that 'native’ members of a host country already share the same traits which the immigrants still have to attain. Acculturation inevitably aims at reducing cultural diversity”.

34 UNESCO Glossary on Migration, [www.unesco.org/shs/migration/glossary](http://www.unesco.org/shs/migration/glossary)

**Internally Displaced Persons** | A person or a group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.

**Internal Migration** | The movement of a person or a group of persons within a State (without crossing an international border (international migration)).

**International migration** | In a global context, the movement of a person or a group of persons, either across an international border (international migration), or within a State (internal migration). It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants and persons moving for other purposes, including family reunification.

**Irregular migrant** | In the EU context, a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the
<table>
<thead>
<tr>
<th><strong>Irregular migration</strong></th>
<th>Movement that takes place outside the regulatory norms of the sending, transit and receiving countries.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Labour migration</strong></td>
<td>Cross-border movement of people for the purpose of employment in a foreign country.</td>
</tr>
<tr>
<td><strong>Migrant</strong></td>
<td>A broader-term of an immigrant and emigrant that refers to a person who leaves from one country or region to settle in another, often in search of a better life.</td>
</tr>
<tr>
<td><strong>Migrant worker</strong></td>
<td>A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national; Foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold.</td>
</tr>
<tr>
<td><strong>Migration</strong></td>
<td>In the EU context, migration is a broader-term of immigration and emigration, i.e. the action by which a person either: (i) Establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least twelve months, having previously been usually resident in another Member State or a third country; or (ii) Having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least twelve months. In a global context, migration is the movement of a person or a group of persons, either across an international border (international migration), or within a State (internal migration). It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants and persons moving for other purposes, including family reunification.</td>
</tr>
<tr>
<td><strong>Migration flows</strong></td>
<td>The number of migrants crossing a boundary, within a specific time period, for the purpose of establishing residence.</td>
</tr>
<tr>
<td><strong>Non-refoulement</strong></td>
<td>A core principle of international Refugee Law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened.</td>
</tr>
<tr>
<td><strong>Readmission</strong></td>
<td>An act on acceptation of re-entry (readmission) “at the request of the other Contracting Party and without any formality persons who do not, or who no longer, fulfill the conditions in force for entry or residence on the territory of the requesting Contracting Party provided that it is proved or may be validly assumed that they possess the nationality of the requested Contracting Party. The same shall apply to persons who have been deprived of the nationality of the requested Contracting Party since entering the territory of the requesting Contracting Party without at least having been promised naturalisation by the requesting Contracting Party”.</td>
</tr>
<tr>
<td><strong>Refugee</strong></td>
<td>According to the Geneva Convention, a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, a third-country national or stateless person as per the meaning of Article 1A of the Geneva Convention and authorised to reside as such on the territory of a Member State and to whom Article 12 (Exclusion) of directive 2004/83/EC does not apply.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smuggling</td>
<td>Organising the irregular entry of someone into a (EU) country of which he or she is neither a national nor a permanent resident so as to obtain directly or indirectly a financial or other material benefit.</td>
</tr>
<tr>
<td>Stateless person</td>
<td>Person who is not considered as a national by any State under the operation of its law.</td>
</tr>
<tr>
<td>Trafficking in persons</td>
<td>Trafficking in human beings is a serious crime and a gross violation of human rights; some people call it a modern form of slavery. Traffickers deceive and exploit people for financial profit by forcing them into prostitution or sexual exploitation; forcing them to work domestically with no or little pay often in inhuman conditions; forcing them to beg, or forcing them to removing and selling their organs. The causes of, and contributing factors to, trafficking in human beings are manifold and complex and often linked to other forms of exploitation.</td>
</tr>
<tr>
<td>Unaccompanied minors</td>
<td>A third-country national or stateless person below the age of eighteen, who arrives on the territory of the (Member) State unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or a minor who is left unaccompanied after he/ she have entered the territory of the (Member) State.</td>
</tr>
<tr>
<td>Voluntary return</td>
<td>Assisted or independent return to the country of origin, transit or another (non-EU) country based on the free will of the returnee.</td>
</tr>
</tbody>
</table>
The questions below could be used by the instructor to implement group/partner/individual work to assign and define the migration terms related to one of the process (Unit 1.2).

Please, copy this sheet, cut along to the line and distribute to the participants. The participants should try to define each indicated process by adding terms related to it and describing it.

Instructor’s copy!

Examples of terms related to migration processes:
- “irregular migration”: illegal entry, illegal stay, refusal of entry, return, removal (deportation, expulsion), reintegration, smuggling, etc.
- “regular migration”: visa, residence permit, family reunification, naturalization, diaspora, etc.
- “forced migration”: asylum seekers, refugees, IDPs, asylum, asylum procedure, integration of refugees.

Please, define migration terms related to:

Irregular Migration:
- Illegal entry - …
- …
- …
- …
- …
- …

Please, define migration terms related to:

Regular Migration:
- Visa - …
- …
- …
- …
- …
- …

Please, define migration terms related to:

Forced Migration:
- Asylum seekers - …
- …
- …
- …
- …
- …
For the introduction of the development of migration trends in Moldova (Unit 1.4) students could be divided into two or more groups (depending on the overall number of students, 5 – 6 students in the group), and tasked to discuss - based on their opinion - the main migration trends in Moldova at the moment. The questions below could be used for a discussion.

Please, copy this sheet, cut along to the line and distribute to the participants for a group discussion.

Please, discuss in your group and select one person to present results of the discussion:

Is Moldova a country of origin or destination for migrants, or both? Why?

Please, discuss in your group and select one person to present results of the discussion:

Is the country’s economic, social and cultural development affected by migration processes? How?

Please, discuss in your group and select one person to present the results of the discussion:

What are the most important migration issues for Moldova at the moment (repatriation of citizens; reintegration or repartees and/or integration of foreigners; development and implementation of asylum system; citizens labour migration, etc.)? Why and what is done/should be done in this regard?
The questions below could be used by the instructor for a facilitated discussion on migrants' rights (Unit 2.1.2):

- What human rights with regard to foreigners must be respected by the state while exercising its powers to establish and implement the national migration management system? Why? In what way?

- Which legal instruments contain such human rights?

- What is the relationship, as well as the right balance between the human rights of migrants and state security?
The questions below could be used by the instructor to implement group/partner/individual work to discuss the questions below on Migration management in Moldova (Unit 3.1).

Please, copy this sheet, cut along the line and distribute to the participants. The participants should try to define each indicated process by adding terms related to it and describing it.

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Please, discuss in your group and select one person to present results of the discussion:

What instruments of inter-institutional cooperation are used in Moldova (MoU, common work instructions, inter-institutional working groups, etc.)? What is the advantage or disadvantage of these instruments? What is the most effective instrument and why?

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Please, discuss in your group and select one person to present the results of the discussion:

Does the migration management structure in Moldova require high level of inter-institutional cooperation? Why? Which areas of migration management are covered by the inter-institutional cooperation and which not? What should be improved in the area of inter-institutional cooperation in Moldova? Why? How?

-----------------------------------------------------------------------------------------------------------------------

Please, discuss in your group and select one person to present the results of the discussion:

Does the migration management system in Moldova belong to a unitary model or a multi-organisational model? What are advantages and disadvantages of both models? What model of migration management system would fit Moldova best? Why? What should be changed in the migration management system to achieve more effective migration management and inter-institutional cooperation?
The questions below could be used by the instructor for a facilitated discussion on **international cooperation forms in Moldova (unit 3.3)**.

- Why is international cooperation in the field of migration important?
- What are the forms of international cooperation? Which are the most important for Moldova? Why?

The questions below could be used by the instructor for a facilitated discussion on the **role of media and civil society in managing migration (Unit 4)**.

What are the benefits of public information about migration issues:

- For migrants (better information on rights and obligations, legal procedures, etc.)?
- For migrant communities (effective integration into society, familiarity with the state’s economic, political, cultural situation, etc.)?
- For civil society (image of migrants, prevention of xenophobia and racism, development of a multicultural approach, prevention of trafficking in human beings, development of organised labour migration, use of migrants’ remittances for the country’s development, etc.)?
- For the state (prevention of irregular migration and migration-related crimes, coordination of state migration policy, transparency of the migration procedures, anti-corruption measures, public respect for state authorities, etc.)?
Module 2. Identity Documents and Migration Data Management

a. **Short Module Description**

This Module is related to the management of personal data within migration procedures (data collection, storage, use, and data protection), the issuance of identity documents, the registration of citizens and foreigners, the exchange of migration data and information between institutions involved in migration management, personal data protection, statistical research, and the management of case flow (IT systems in use, etc.).

The Module is designed to be lectured in the Advanced Introductory Course (4 AH) and in the Advanced Thematic Course for Civil servants working in different fields of migration (4 AH; for civil servants working on ID documents or statistics – 16 AH).

<table>
<thead>
<tr>
<th><strong>Target Groups</strong></th>
<th><strong>Trainer’s Profile</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum and Centre on Combating Trafficking in Human Beings), Border Guard Service, Ministry of Information Technologies and Communication (the Directorate of Documentation of Population), Ministry of Foreign Affairs.</td>
<td>Representatives of the Ministry of Internal Affairs and the Ministry of Information Technologies and Communication involved in civil registry and identity documents issues; academia representatives involved in statistical research and legal issues of data protection</td>
</tr>
</tbody>
</table>

b. **Learning Objectives**

At the end of this Module, the participants will:

- have good knowledge of ID documents issued in Moldova, the procedure for ID issuance and the security features of these documents
- understand the data processing issues, processes of collection, the use and exchange of migration data in Moldova
- have general knowledge on migration research possibilities as well as international, EU and Moldovan migration data collections
- understand the importance of data protection
- have knowledge on international data protection law development and the latest development in the field of data protection in Moldova
- be able to apply practical knowledge on the issuance of ID documents, data protection, document security and collection, and the analysis and use of migration statistics gained during the training in everyday work.

The learning objectives for this Module are *understandings and skills*. 
c. Outline of Module 2

Unit 1: Identity Documents in Moldova

1.1. Types of identity documents and legal provisions;
1.2. Responsible institutions and inter-institutional cooperation;
1.3. Procedures for the issuance of ID documents, requirements, fees;
1.4. Document security issues related to the ID documents issued in Moldova.

Unit 2: Population Registers and Other Migration related databases

2.1. Overview of Moldovan population registers and other migration related databases:
   2.1.1. Types of registers;
   2.1.2. Institutions responsible for data collection, processing, and storage;
   2.1.3. Connections between registers and data migration;
   2.1.4. Type of data collected in registers (biometric data, fingerprints, photos, etc.)
2.2. Right of individuals to access their personal data, procedures;
2.3. Current developments in the area of state registers

Unit 3: Data Protection

3.1. International and regional obligations and principles of personal data protection:
   3.1.1. Development of international data protection law;
   3.1.2. 1981 Convention for Protection of Individuals with Regard to Automatic Processing of Personal Data;
   3.1.3. 1995 EU data protection directive and its role for international data protection law development. Charter of Fundamental Rights of the EU (Article 8)
3.2. Data protection issues in Moldova

Unit 4: Migration Statistics

4.1. Different types of statistical migration data:
   4.1.1. Statistics available in Moldova;
   4.1.2. UN population and migration statistics;
   4.1.3. EU migration statistics – introduction to EUROSTAT;
4.2. Collection and use of migration statistics. UN recommendations on international migration statistics.
4.3. Analysis and statistical research in the field of migration
d. Overview of the Module

**What?**
- Unit 1. ID Documents in Moldova
- Unit 2. Population Registers
- Unit 3. Data Protection
- Unit 4. Migration Statistics

**How?**
- Unit 1. Issuance of ID Documents
- Unit 4. Migration Statistics

**Course B and C (4 AH)**
- 1.1–1.2. Sub-units
- 2.1. Sub-unit
- 3.2. Sub-unit
- 4.1. Sub-unit

**Course C1 (16 AH)**
- 1.1, 1.2 and 1.4. Sub-units
- 2.1–2.3. Sub-units
- 3.1–3.2. Sub-units
- 4.1 and 4.3. Sub-units
- 1.3. Sub-unit
- 4.2. Sub-unit

e. Timeframe and Lecturing Methods

This Module is designed for three courses in this Training Guide:
- Advanced Introductory Course (B) for civil servants in migration related institutions: 4 AH;
- Advanced Thematic Course (C2 – C8) for civil servants working in different migration areas: 4 AH;
- Advanced Thematic Course (C1) for civil servants working with ID documents or statistics: 16 AH.

The framework and lecturing methodology are the same for the B and C2 – C8 courses. The course C1 requires more time and a different methodology should be applied. The timeframe for each unit of the module is described in detail in the instructional part of this training manual. Depending on the proposed course, the lecturing methodology for this Module includes presentations, group/partner/individual work, facilitated panel discussions, case studies, practical exercises, and a study visit to the “Registru” centre.

<table>
<thead>
<tr>
<th>Advanced Introductory and Thematic Courses (B, C2 – C8)</th>
<th>Units of the Module 2</th>
<th>Advanced Thematic Course (C1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 min.</td>
<td>Unit 1. Identity Documents in Moldova</td>
<td>8 AH</td>
</tr>
<tr>
<td>30 min.</td>
<td>Unit 2. Population Registers and other Databases</td>
<td>90 min.</td>
</tr>
<tr>
<td>45 min.</td>
<td>Unit 3. Data Protection</td>
<td>135 min.</td>
</tr>
<tr>
<td>45 min.</td>
<td>Unit 4. Migration Statistics</td>
<td>135 min.</td>
</tr>
<tr>
<td>4 AH</td>
<td><strong>Total</strong></td>
<td>16 AH</td>
</tr>
</tbody>
</table>
f. Central Module Questions

- What types of ID documents are issued in Moldova and what institutions are involved in this process?
- What is your opinion about an individual’s right to access his/her data processed by state institutions? How could this right be ensured? Is the state allowed to restrict this right?
- What is the relation between personal data collection and the purpose of the collection? How shall an individual be informed about the purpose?
- Would you agree that the right to the protection of personal data is a fundamental human right? Why?
- What measures should be taken/could be improved in order to ensure personal data protection from misuse and to ensure respect of data owner rights?
- What types of migration statistics are available in Moldova? Are these statistics publicly available? What should/could be improved?
- What is your opinion of migration statistics? Why is it important to collect and analyze migration statistics? Is the use of migration statistics sufficient in Moldova? Why?
g. Module Instruction

Unit 1. Identity Documents in Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>TimeFrame</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. Types of identity documents and legal provisions;</td>
<td>40 min.</td>
<td>135 min.</td>
<td>Laptop, projector, screen, flipchart, paper, markers, examples of identity documents</td>
</tr>
<tr>
<td>1.2. Responsible institutions and inter-institutional cooperation;</td>
<td>20 min.</td>
<td>20 min.</td>
<td></td>
</tr>
<tr>
<td>1.3. Procedures of issuance of ID documents, requirements, fees;</td>
<td></td>
<td>4 AH (study visit)</td>
<td></td>
</tr>
<tr>
<td>1.4. Document security issues related to ID documents in Moldova</td>
<td></td>
<td>25 min.</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60 min.</strong></td>
<td><strong>8 AH</strong></td>
<td></td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods for this unit are different for the Advanced Introductory (B)/Advanced Thematic Courses (C2-C8) and Advanced Thematic Course (C1, for civil servants working with ID documents/statistics). Trainees of the (B) and (C2 – C8) courses receive training only on part of the sub-units in this unit and trainees of the (C1) course receive the full programme, including a study visit to the Centre for State Information Resources “Registru”.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this course.

The instructor should have examples of all identity documents which could be issued in Moldova for citizens and foreigners. While students examine the examples, the instructor starts with the presentation on all these documents, providing information on how long the document is being issued in Moldova, what legal acts regulate the issuance and/or security features related to this ID, and on the main provisions of the mentioned legal acts.

The following **ID documents** are issued in Moldova:

1. **Passport of a citizen of the Republic of Moldova**

A short history of Moldovan national passport shall be presented at the beginning - when was the first passport in the newest history issued? By which institution was it issued? When was the form of the passport changed?

**Issuance of biometric passports has started in Moldova on January 1, 2011.**

This type of passport was introduced due to the European Union compulsory requirement for the Republic of Moldova regarding the visa regime liberalisation between the Republic of Moldova and the European Union. This new generation document allows for the exact identification of a person. The implementation of biometric passports has been conditioned by the necessity of increasing the level of document security, preventing and combating illicit trafficking. Since 2011, citizens can obtain only a biometric passport, the old passport is not issued anymore,
although it is still valid until the date indicated in the passport.

The biometric passport differs from the common passport, since it contains a chip with biometric data of the holder: digital photo, digital fingerprints and personal data of the holder: name, surname, patronymic, date of birth, number, date of issuance and date of expiry of the passport and the holder’s signature. Children under 12 years old are not obliged to include digital fingerprints in the passport.

The biometric passport contains an international symbol indicating biometric data on its front cover.

The identification of a person takes place through the method of verifying the photo from the chip comparing it with the photo taken by the digital camera within the presentation of the biometric passport for the border control. A special device reads the fingerprints and identifies the holder, comparing the received information with the information from the chip.

The procedure for the issuance of the biometric passport is established by the Law No. 273-XIII dated November 9, 1994 on identity documents of the National Passport System amended by Law No.135 dated July 1, 2010.

The biometric passport is valid for up to 7 years, for children under 7 years only up to 4 years.

2. ID card

The ID card in Moldova serves as a personal document for the identification of persons within the country. The instructor should also briefly introduce the history and evolution of this ID card.

The ID card can be issued to all citizens of Moldova from the moment of their birth:
- From the moment of birth – up to 10 years;
- From 10 years old – until 16 years old;
- From 16 years old – until 25 years old;
- From 25 years old – until 45 years old;
- From 45 years old – no limitations.

3. Residence permits for foreigners (temporary, permanent)

Residence permit – an official document issued in accordance with the provisions of the legislation of the Republic of Moldova, in particular, with the Law on Legal Status of Aliens from 2011.

The validity of the temporary residence permit is limited to the period for which the right of residence in the Republic of Moldova was granted or and, where applicable, was extended. A temporary residence permit shall be renewed each time the temporary right of residence is renewed.

According to the agreement on visa regime facilitation between the Governments of the United States of America and the Republic of Moldova, US citizens who arrived to stay in Moldova shall be issued a residence permit valid for 60 months but not longer than the validity of their passport.

A temporary residence permit is issued to aliens who arrive to Moldova to reside temporarily for the following purposes:
- work;
- study;
- family reunification;
- humanitarian or religious activities;
- long-term medical treatment, recovery and rehabilitation;
• for other purposes, where the activity of the alien is not contrary to the laws of the Republic of Moldova or alien’s presence in the territory of the Republic of Moldova is necessary for the public interest or national security.

The term of validity of the temporary residence permit shall not exceed the period of validity of the document of the national identity.

**Permanent residence permit** can be issued to a foreigner who:

- legally resides on the territory of Moldova not less than 5 years (with temporary residence permit). The mentioned period is shortened to three years if a foreigner is married to a citizen of Moldova;
- can confirm that he/she has enough financial resources for staying in Moldova (this requirement is not applied in case of marriage to a citizen of Moldova);
- has a place of residence;
- speaks the state language on a sufficient level;
- there are no valid reasons listed in the law on which would forbid foreigners to enter Moldova.

4. **Other types of ID documents in Moldova.**

With regard to the specific interest of participants, instructor can also overview other ID documents issued in Moldova for stateless persons, refugees, service and diplomatic passports etc.

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**For the Advanced Thematic Course (C1) the instructor could include inter-active activities into the teaching process.** For example, *World Café Method* could be used, when participants are divided into groups which move from one table to another and get a short introduction on ID documents made by selected trainees (see “Methodology” part for further explanation of the activity).

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All personal documents are issued in Moldova by the Centre for State Information Resources “Registru” of the Ministry of Information Technology and Communication. Nevertheless, decisions on the issue of documents for foreigners and stateless persons are done by the Bureau for Migration and Asylum. Moreover, cooperation with the Ministry of Foreigners Affairs (in case of submission documents for visa, invitation for foreigners to arrive to Moldova, etc.), the Ministry of Labour (in case of residence permit on work ground), the Ministry of Education (residence permit on study ground), etc., is of highest importance. The instructor should provide information on how this cooperation works and what the current developments on improving cooperation are.

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**Part of the unit related to procedures on the issuance of ID documents** should be only presented to the trainees of the Advanced Thematic Course (C1). For the students of this course, the study visit to the “Registru” centre could be done during which the procedure would be explained on spot.

Furthermore, after the procedure is explained and according to the availability of time and facilities in the “Registru” centre, the practical exercises on ID documents issuance procedures could be done by the trainees. For examples of practical exercises, please, refer to the part i. of this Module – Additional Materials.
During the study visit, the instructor shall inform participants about procedures related to issuing documents, indicating:

- What main legal acts (law/ by-laws regulate the procedure of issuance for documents);
- Where a person (citizen or foreigner) could apply to submit an application;
- What additional documents should be submitted with the application;
- How long the procedure takes;
- What taxes are established for the issuance of ID documents.

Only students of the Advanced Thematic Course (C1) shall receive the basic information on the security features of ID documents in Moldova, including biometrical passport (ICAO standards). This information shall be presented by showing the participants the main security features of Moldovan ID documents on a screen. Students could also be provided with examples of falsified documents to illustrate different levels of document protection.

Additional materials (see section i.) for this Unit:

- Practical exercises on procedures related to issuing ID documents (Unit 1.3.)
### Unit 2. Population Registers and Other Migration-related Registers in Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Overview of Moldovan population registers:</td>
<td>Advanced</td>
<td>Presentatio</td>
<td>Laptop, projector, screen, flipchart, paper,</td>
</tr>
<tr>
<td>2.1.1 Types of registers;</td>
<td>Introductory</td>
<td>n, instructional</td>
<td>markers, adhesive tape</td>
</tr>
<tr>
<td>2.1.2 Institutions responsible for data collection, processing, and</td>
<td>Thematic</td>
<td>conversation and group work</td>
<td></td>
</tr>
<tr>
<td>2.1.3 Connections between registers and data migration;</td>
<td>Course (C1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.4 Type of data collected in registers (biometric data, fingerprints, photos, etc.)</td>
<td>30 min.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2. Right of individuals to access their personal data and procedure;</td>
<td>-</td>
<td>25 min.</td>
<td></td>
</tr>
<tr>
<td>2.3 Current development in the area of state registers</td>
<td>-</td>
<td>20 min.</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>30 min.</td>
<td><strong>90 min.</strong></td>
<td></td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods for this unit are different for the Advanced Introductory (B) and Advanced Thematic Courses (C2-C8) and Advanced Thematic Course (C1, for civil servants working with ID documents/statistics). Trainees of the courses (B) and (C2 – C8) receive training only on part of the Sub-units in this unit and trainees of the course (C1) receive a full programme.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this course.

The students of the Course (B) and Courses (C2-C8) shall get an overview of population registers and other migration related registers in Moldova. Students of the Course (C1) shall additionally understand at the end of the unit how cooperation between the institutions works in relation to registers, how individuals can access their data in the registers, etc.

Depending on the time available students could be tasked to work in groups (5 – 6 persons) to draw their vision of the ideal “migration information system” applicable to the Moldovan migration system. They should present their work graphically by showing possible connections between institutions collecting and using data. At the end of the activity the work shall be presented to the whole group and commented on by the instructor.
The Automated Information System “State Register of Population” (AIS “SRP”) represents a unified integrated system for automated evidence of citizens of the Republic of Moldova, foreign citizens and stateless persons permanently residing or temporarily staying on the territory of the Republic of Moldova, as well as citizens from the Republic of Moldova who emigrated abroad for permanent or temporary residence (for a period over three months). AIS “SRP” is designed for the collection, storage, update and analysis of data concerning the physical persons, who are the objects of registration by providing information to state governance bodies and to other authorised legal entities and physical persons in accordance with the legislation.

AIS “SRP” contains the following system components:

- central component of state control over the collection, storage and use of information resources concerning population (“PHYSICAL PERSONS CONTROL”);
- component of automated evidence and control of births and/or deaths on the territory of the Republic of Moldova (“BIRTH AND DEATH”);
- component of automated evidence and control of civil status acts (“CSO”);
- component of automated evidence and control over ensuring persons with identifying documents from the National Passport System (“DOCUMENTATION”);
- component of automated evidence and control of person’s place of residence (“ADDRESS”);
- component of automated evidence and control of citizenship (“CITIZENSHIP”);
- component of automated evidence and control of crossing the state border of the Republic of Moldova (“BORDER”);
- component of automated evidence and control of foreign citizens and stateless persons, who stay on the territory of the Republic of Moldova. (“FOREIGNER”);
- component of automated evidence and control of persons, who apply to the embassies and consulates of the Republic of Moldova abroad (“CONSUL”).

Automated Information Integrated „Migration and Asylum” is a set of automated information systems of state significance which provide evidence and control of migrants of different categories (except for internal migrants), integration of departmental information resources in the field of migration and asylum, as well as preparation and rendering of analytical and statistical data.
Unit 3. Data Protection

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1. International and regional obligations and principles of personal data protection:</td>
<td></td>
<td>Presentation, facilitated discussion, group/partner/individual work</td>
<td>Laptop, projector, screen, flipchart, paper, markers</td>
</tr>
<tr>
<td>- 3.1.1. Development of international data protection law;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 3.1.2. 1981 Convention for Protection of Individuals with Regard to Automatic Processing of Personal Data;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 3.1.3. 1995 EU Data Protection Directive and its role for international data protection law development, Charter of Fundamental Rights of the EU (Article 8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 min.</td>
<td>45 min.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.2. Data protection issues in Moldova</td>
<td>45 min.</td>
<td>90 min.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>45 min.</td>
<td>135 min.</td>
<td></td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods for this unit are different for the Advanced Introductory (B)/Advanced Thematic Courses (C2-C8) and Advanced Thematic Course (C1, for civil servants working with ID documents/statistics). Trainees of the Courses (B) and (C2 – C8) receive training only on part of the Sub-units under this unit and trainees of the course (C1) receive a full programme.

The students of the Advanced Introductory (B) and Advanced Thematic (C2-C8) Courses shall receive only a part of the unit related to the data protection in Moldova; however, the students of the Advanced Thematic Course (C1) shall receive also a lecture on international and regional legal acts related to data protection.

The lectures for all courses could include a discussion/instructional conversation with the following questions:

- Why has data protection become so important recently?
- Is data protection an important issue for you personally? Why?
- Is the data protection mechanism established in Moldova sufficient from your point of view? Why?\(^{36}\)

After the discussion, the instructor shall summarise the opinions and start with a presentation on the principles of data protection.

The fundamental human right related to personal data protection in the European region is enshrined in **Article 8 of the 1950 European Convention on Human Rights: the Right to Respect for Private and Family Life**. In its case-law, the European Court of Human Rights has established that *inter alia* the following personal data collected by the State falls under the scope of Article 8:

- Personal data collected during the official census;
- Recording of fingerprints, photography and other personal information;
- Collection of medical data and medical records;

\(^{36}\) These questions are also included in the Additional Materials section to support trainer’s preparation to the course.
- Tax information on personal expenditures;
- Databanks and system on personal identification, etc.

Therefore, all this information can be collected, recorded and stored only with the consent of the person concerned except for the cases listed in paragraph 2 of Article 8: such measures could be implemented only in accordance with the law and in a democratic society only when necessary in the interests of the state as listed in the Article.

Data protection issues are important whenever one opens a bank account, joins a social networking group, books a flight. Recently, these activities can all be done online and a person often does not know and does not consider where his personal data (such as name, address, credit card number, personal number, etc.) are transferred to and for what reasons it can be used. Data protection issues may be also jeopardised when it comes to migration issues: persons have to provide their personal data in order have their questions concerning their legal status, citizenship and ID documents issuance answered. The main principle of personal data protection is to ensure that personal data provided by individuals shall be used only for the purpose of providing a service (e.g. issuing a passport) and it shall be protected from any other use for which the individual did not provide his/her consent. An individual also shall have a right to get information on what data is collected on him/her by the state institutions and have a possibility to correct this data if needed.

The international community took some steps in creating a framework on data protection. There was a need for such a framework in view of the increasing use of computers for administrative purposes. As further growth in automatic data processing in the administrative field was expected to continue, the Council of Europe adopted in 1982 the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data. The number of recommendations and resolutions for the implementation of the Convention was also approved in the framework of CoE.

The objective of the convention is to strengthen data protection, i.e. the legal protection of individuals with regard to automatic processing of their personal information. The Convention provides that state institutions should:

- maintain the good quality of the information in their care;
- refrain from storing information which is not necessary for the given purpose;
- guard against unauthorised disclosure or misuse of the information;
- protect the data, hardware and software against physical hazards.

The Convention also makes a reference to the rules to be established by the CoE Member states when personal information is stored in electronic data banks. National data protection laws should contain rules on the processing of personal data, i.e. on the quality of the data and on the way in which the data may be used. In particular, the national legal acts should recognise:

- the principle of publicity, i.e. that the existence of automated data files should be publicly known;
- the principle of control, i.e. that public supervisory authorities as well as individuals directly concerned by the information can require that the rights and interests of those individuals are respected by the data users.

The CoE member states also made efforts to modernise the Convention on the occasion of the 5th year of Data Protection Day (28 January 2011). The modernisation and promotion of the Convention is a priority for the Organisation in 2012-2013. The Modernisation of the convention aims at dealing with the challenges for privacy resulting from the use of new information and communications
technologies and at strengthening follow-up mechanisms established by the Convention.

The EU adopted in 1995 the data protection directive (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data). Moreover, the Charter of Fundamental Rights of the EU in its article 8 has explicatively established that personal data protection is one of the fundamental human rights.

**Personal data** is defined by the directive as any information relating to an identified or identifiable natural person. **Processing personal data** means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

EU Member States shall determine and establish in their national legal acts that personal data must be:
- processed fairly and lawfully;
- collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes;
- adequate, relevant and not excessive in relation to the purposes for which it is collected and/or further processed;
- accurate and, where necessary, kept up to date;
- kept in a form which permits the identification of data subjects for no longer than is necessary for the purposes for which the data was collected or for which it is further processed.

Every person shall have the right to a *judicial remedy* for any breach of the rights guaranteed him/ her by the national law applicable to the processing in question. In addition, any person who has suffered damage as a result of the unlawful processing of their personal data is entitled to receive compensation for the damage suffered.

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All students could carry out a discussion on measures of data protection established in Moldova. The instructor could divide the students into groups (5 – 6 persons) or pairs, and task each group with the following question:

What measures (legislative/administrative) should be taken in Moldova in order to ensure the principles of personal data protection, taking in account the:
- **the principle of publicity**: publically known information of automated data collection;
- **the principle of control**: respect by public authorities of the rights and interests of individuals whose data is collected\(^ {37}\).

One student from each group shall present the results of the discussion of the group (partner work) and the instructor shall offer conclusions. The discussed questions could also be touched upon in the lector’s presentation on data protection issues in Moldova.

The first law on personal data protection was adopted in Moldova in 2007; Moldova became a party to the Convention for Protection of Individuals with Regard to Automatic Processing of Personal Data in 1999. In 2011, in order to bring Moldovan legislation in line with 1995 EU data protection directive, the new Law on Personal Data Protection was adopted.

The National Centre for Personal Data Protection established in 2008.

\(^ {37}\) The template for this exercise is also included in the *Additional Materials* section to support trainer’s preparation to the course (copy and divide between participants)
(http://www.datepersonale.md/md/start/), is the authority responsible for the control over the compliance of personal data processing with the legal provisions in the Republic of Moldova. This institution has a status of an autonomous public authority, independent of other public authorities, natural persons and legal entities. The Centre is *inter alia* responsible for:

- Supervision and control over the implementation of data protection legislation, in particular the right to information, access, correction, appeal or removal of data;
- Provides necessary instructions for adjusting the personal data processing in accordance with the legislation;
- Examines the personal data subjects’ complaints with regard to personal data protection;
- Provides information on personal data subjects' rights with regard to processing personal data, etc.

The Law on Personal Data Protection of the Republic of Moldova adopted on July 8, 2011, provides that the purpose of this legal act is to ensure protection of the rights and fundamental freedoms of natural persons to the processing of personal data, notably the right to inviolability of intimate, family and private life. The Law regulates relations arising in course of:

- Processing operations of personal data performed fully or partly by automatic means;
- Processing operations not by automatic means if it forms part of a filing system or is intended to be included in such a filing system.

Additional materials (see section i.) for this Unit:

- Questions for *discussion* on data protection (Unit 3);
- Template with questions for *group/partner work* on data protection measures (Unit 3.2.).
## Unit 4. Migration Statistics

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1. Different types of migration statistical data:</strong></td>
<td>45 min.</td>
<td>Presentation, facilitated discussion, practical exercises</td>
<td>Laptop, projector, screen, flipchart, paper, markers, computers for practical exercises</td>
</tr>
<tr>
<td>- 4.1.1. UN population and migration statistics;</td>
<td>45 min.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- 4.1.2. EU migration statistics – introduction to EUROSTAT;</td>
<td>60 min.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- 4.1.3. Statistics available in Moldova.</td>
<td>30 min.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>4.2. Collection and use of migration statistics. UN recommendations on international migration statistics</strong></td>
<td>60 min.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>4.3. Analysis and statistical research in the field of migration</strong></td>
<td>30 min.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>45 min.</td>
<td>135 min.</td>
<td>-</td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods for this unit are different for the Advanced Introductory (B)/Advanced Thematic Courses (C2-C8) and Advanced Thematic Course (C1, for civil servants working in ID documents/statistics field)). Trainees of the courses (B) and (C2 – C8) receive training only on part of the Sub-units in this unit, and trainees of the course (C1) receive a full programme.

The instructor could choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this course.

The students of the Advanced Introductory Course (B) and Advanced Thematic Courses (C2 – C8) shall receive training on different types of migration statistical data, including migration statistics available in Moldova. The students of the Advanced Thematic Course (C1) additionally shall receive training on the collection and use of statistical data, including practical exercises, and also an overview of the status quo on migration research worldwide and in Moldova. It is recommended to invite representatives of research organisations/universities for this part of training.

There is a number of international actors collecting, storing, analysing and providing statistical data on migration. Many of these agencies also collect data from national statistical offices and national migration authorities. The most important sources of international migration statistics are listed below.

**UN population and migration statistics:**

- **UNECE Census Database:** This UNECE (UN Economic Commission for Europe) Census database mainly contains census forms (questionnaires) and links to national statistical offices in the UNECE region. For many countries additional information (handbooks, instructions for enumerators, census laws etc.) is also available (http://www.unece.org/stats/census/2000/Welcome.html);

- **ILO migrant database,** The ILO (International Labour Organisation) database consists of three datasets on international labour migration statistics, antidiscrimination action profiles, and good practices on labour migration
Migrationinfo: The databases maintained by UNICEF in cooperation with the University of Houston features migration estimates from the UN Population Division. It allows customised data queries. Tables, maps and charts can also be produced (http://www.migrantinfo.org);

UN Population Division: The database provides estimates on migrant stocks since the 1960s worldwide. In addition to ad-hoc web-based tables, data can be downloaded in spreadsheet format (http://esa.un.org/migration);

UN Statistics Division: The website provides a wide range of (largely census based) data on core demographic indicators, including the size and structure of the population, nationality, mortality, international migration, ethno-cultural characteristics, etc. (http://unstats.un.org/unsd/default.htm);

UNHCR database: The database provides comprehensive statistics on asylum seekers, refugees and other persons of concern. Statistics published in UNHCR's annual statistical reports as well as various other statistics can be downloaded in excel format (http://www.unhcr.org/pages/49c3646c4d6.html).

EU statistical databases and databases in the EU region:

Prominstat. This database is a comprehensive inventory of statistical datasets on migration, integration and discrimination in Europe and currently contains descriptions of more than 1,400 statistical datasets. It documents the availability, comparability and accessibility of quantitative data (www.prominstat.eu);

EDACwowe. The European Data Center for Work and Welfare is a meta-data-shell for European research and policy making in the areas of work and welfare providing links to comparative national, quantitative and qualitative data. It includes public opinions, indicators statistics, policies and institutions. The main topics covered by EDACwowe are: income and benefits, social care and work and employment. (http://www.edacwowe.eu/);

Clandestino database. This database on irregular migrants in the European Union: provides an inventory and a critical appraisal of data and estimates in the European Union and in selected member states. It contains estimates on the size of irregular migrant populations and indicators of their composition with regard to gender, age, nationality and sector of economic activity (http://irregular-migration.net/);

Eurostat database. This database provides a large range of statistical data in various areas, including statistics on population and social conditions (health, education, labour market, living conditions and social protection, crime and culture). Population statistics include data on demography, international migration and asylum, population projections, and census tables (http://epp.eurostat.ec.europa.eu);

European Union Democracy Observatory on Citizenship (EUDO). This is part of a larger EUDO observatory on democracy in Europe. It provides the most comprehensive source of information on the acquisition and loss of citizenship in Europe for policy makers, NGOs and academic researchers. In addition to legal and policy information, detailed statistics on citizenship acquisition can be downloaded from the website's citizenship statistics page (http://eudo-citizenship.eu/index.php?option=com_content&view=article&id=40&Itemid=16).

National statistical offices and migration authorities of foreign countries could be a valuable source on migration as well. These institutions can be the only source of information on emigrants from a specific country or detected/ expelled migrants
who are citizens of a specific country.

The students of the Advanced Thematic Course (C1) shall be involved in a practical exercises on how to search and analyse migration statistics (see part i. Additional Materials for examples of practical exercises). This practical exercise requires using computers connected to the internet. With regard to available computers and group size, the students could be divided into smaller groups, partners, or implement tasks individually. **Note:** the instructor shall implement proposed tasks shortly before the lecture in order to have the latest statistical information and be able to comment on the students' research results.

The UN Department of Economic and Social Affairs, in its Social Division adopted the revised version of the 1976 recommendations on Statistics of International Migration in 1998. In this document, the definition of an international migrant for the purpose of managing migration flows is discussed in Chapter II. The paper also analyses the different definitions used by countries, major migration data collection sources, as well as different data on migration collection systems. The recommendations contain a wide scope of different migration and statistics related definitions which are in use.

Regarding the recommendations, the paper suggested tabulations on the collection of international migration statistics by place of birth and citizenship, as well as specific tabulation for the collection of data on asylum.

In general, there is a wide range of statistical data sources on migration which can be divided into four basic types:

- **Population censuses:** full enumerations of the population, either through registers, a traditional questionnaire based census, a mix of both and/or in combinations with surveys or so called „rolling-censuses”;
- **Registers:** regularly or continuously updated data systems containing information about a person's current status;
- **Counts** of events linked to persons, either based on specific enumerations or on registers;
- **Sample surveys** - statistically representative survey of a sample of the population or part of the population.

All of these sources have strengths and weaknesses, i.e. registers are usually based on administrative records, whereby statistical data collection is only a by product, which implies problems of reliability; registers often do not contain basic social information (e.g. Family members and composition, religion), sample surveys are limited in terms of what can be drawn out on the composition of the population by key migration related variables and only major groups of citizenship/country of birth can be distinguished, etc. It must be also noted that traditional population censuses are rather costly and therefore are used only periodically.

Usually, statistics on migration and migrants are collected in two categories: migration flows and migration stocks. These categories can be applied to all types of migrants: emigrants, immigrants, refugees, asylum seekers, irregular migrants, etc.

- **Flows** describe the number of migrants moving from or to a country within a defined period of time (for example, number of foreigners immigrated to a country
within 1 year);

- **Stocks** define a number of migrants residing in the country (permanently or temporarily) at a particular point of time (for example, number of recognised refugees residing in the country on January 1, 2012).

Additional materials (see section i.) for this Unit:
- Tasks for statistical research (Unit 4).
h. Resources and Further Reading


Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to implement tasks during the training.

Additional materials for this Module:
- Central Module Questions (for the whole Module);
- Practical exercises on procedures related to issuing ID documents (Unit 1.3.);
- Questions for a discussion on data protection (Unit 3.);
- Template with questions for group/partner work on data protection measures/mechanism (Unit 3.2.);
- Tasks for statistical research (Unit 4).
Central Module Questions – to be used for a discussion during the lecturing of the whole Module or for evaluation/feedback:

- What types of ID documents are issued in Moldova and which institutions are involved in this process?
- What is your opinion about an individual’s right to access his/her data processed by state institutions? How could this right be ensured? Is the state allowed to restrict this right?
- What is the relation between personal data gathering and the purpose of the gathering? How shall an individual be informed about the purpose?
- Would you agree that right to protection of personal data is a fundamental human right? Why?
- What measures should be taken/could be improved in order to ensure personal data protection from misuse and to ensure respect of data owner rights?
- What types of migration statistics are available in Moldova? Are these statistics publically available? What should/could be improved?
- What is your opinion, why it is important to collect and analyse migration statistics? Is the use of migration statistics sufficient in Moldova? Why?
The trainer can use the below practical exercises/situations to provide more practical approach to the document issue procedures in Moldova. It is recommended to offer these exercises to the students after they have already received training on the ID documents regulations and procedures in Moldova.

Please, copy this sheet, cut along the line and distribute to the participants. The participants should try to provide a solution for the proposed situation and present the results.

Citizen of India A. is married to citizen of Moldova B. The marriage took place in 2009 in Kiev (Ukraine), where both A. and B. studied medicine at the National University of Kiev. After they graduated in 2010, they both moved to India, where A. got a job at the Delhi central hospital.

In 2012, B. became pregnant and wanted to come back to Moldova. The family looked for possibilities to move there. After some communication with the Moldovan State University, citizen of India A. received a letter from the University stating that he could start his PhD in medicine at the University in September 2012 and work as a resident in one of the Chisinau hospitals.

In August 2012, the family arrived in Moldova. They went to the Bureau for Migration and Asylum, and asked what documents they should submit for A. to be able to legally reside in Moldova. At the moment, he only had a tourist visa issued in the consulate in Moscow for 1 month.

Questions:
- Could a resident permit be issued to citizen of India A.? If yes, on what grounds?
- Can citizen of India A. stay in Moldova during the procedure of issuing a resident permit? How long will the procedure take?
- What documents should citizen of Indi A. provide to the Bureau of Migration and Asylum? In what language?
- Do you have any suggestions on how to improve the procedure in the situation described above?

Citizen of the United States of America X. arrived to Moldova in December 2011 for a private visit. At the end of March 2012, he arrived at the Bureau of Migration and Asylum and informed the authorities that he would like to open a fast-food restaurant in the centre of Chisinau. He spent the last three months doing a for market analysis and business consultations. He planned to invest 100,000 USD in this business and the restaurant would employ about 15 persons: half of them – Moldovans.

Questions:
- What steps for his legal status should USA citizen X. make?
- What kind of legal residence could he receive?
- What documents should USA citizen X submit to the Bureau of Migration and Asylum in order to receive a residence permit?
- How long will the procedure take? Can the person in question stay in the country during the procedure?
- Do you have any suggestions on how to improve the procedure in the situation described above?
The questions below could be used by the instructor for a facilitated discussion or for instructional conversation during the lecture on data protection issues (Unit 3):

- Why has data protection issues become so important recently?
- Is data protection an important issue for you personally? Why?
- Is the data protection mechanism established in Moldova sufficient from your point of view? Why?

The questions below could be used by the trainer for a practical discussion as part of group work/partner work during the lecture on data protection issues in Moldova (Unit 3.2.). Please, copy this sheet, cut along to the line and distribute to participants. Participants should try to propose data protection measures in Moldova with regard to principles of publicity and control. After the group discussion, the results of the discussion should be presented.

Please, discuss in your group and select one person to present the results of the discussion:

What measures (legislative/administrative) should be taken in Moldova in order to ensure the principles of personal data protection, taking in account the:

- the principle of publicity: publically known information of automated data collection;
- the principle of control: respect by public authorities of the rights and interests of individuals whose data is collected.
The practical exercises below on searching and analysing statistical information in the field of migration (Unit 4.) are only possible if there are enough computers with internet access available. Therefore, students of the Advanced Thematic Course (C1) could be divided into smaller groups or, pairs, or implement tasks individually according to the number of available working places.

Note: The instructor shall implement the proposed tasks shortly before the lecture in order to have the latest statistical information and be able to comment on the results of the students’ research. Please, copy this sheet, cut along the line and distribute to the participants. They should receive 20 – 25 minutes for the task and then present the results. The instructor should also analyse possible methodological issues or other issues related to the search for information or the analysis.

Please, implement the task described below and prepare the results to discuss in the group.

According to Eurostat, what are the 3 main countries of destination in the EU for Moldovan emigrants? To implement this task, please compare:
- The number of residence permits (all types) issued to the citizens of Moldova in the last three years in EU MS;
- The number of naturalisations of former citizens of the Republic of Moldova in the EU.

Please, implement the task described below and prepare the results to discuss in the group.

According to UNHCR, what are the 3 main destination countries for asylum seekers from Moldova? To implement this task please compare:
- The number of asylum seekers from Moldova in the last three years in different countries;
- The number of recognised refugees – citizens of Moldova, residing in different countries in the last three years.

Please, implement the task described below and prepare the results to discuss in the group.

According to Eurostat, what is the main reason for the emigration of citizens of the Republic of Moldova to EU MS? To implement this task, please compare,
- The number of residence permits issued to citizens of the Republic of Moldova in EU MS in the last three years according to different grounds (family reunification, work and study).

Please, implement the task described below and prepare the results to discuss in the group.

According to Eurostat, what are the main tendencies of irregular migration of Moldovan citizens to Italy, Germany and Romania? To implement this task, please compare:
- The number of apprehended citizens of Moldova for irregular stay in Italy, Germany and Romania;
- The number of citizens of Moldova returned from Italy, Germany and Romania;
- The number of refusals of entry of citizens of Moldova to Italy, Germany and Romania.
Module 3. Citizenship and Statelessness

a. Short Module description

This Module provides knowledge on the main principles of citizenship contained in international and national law, the rights and obligations related to citizenship, issues of diplomatic and consular protection of citizens abroad, Moldovan citizenship law, the procedure related to the acquisition and loss of citizenship, and naturalisation. The Module also provides an overview of statelessness as an international legal concept and it addresses preventing and reducing statelessness, the situation and status of stateless persons in Moldova.

The Module is designed to be lectured in the Advanced Introductory Course (B, 4 AH), Advanced Thematic Courses (C7-C8, 4 AH) and Advanced Thematic Course for civil servants working in the field of citizenship and statelessness (C2, 20 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainer’s profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum), Border Guard Service, Ministry of Information Technologies and Communication (the Directorate of Documentation of Population), Ministry of Foreign Affairs, Ministry of Labour, Family and Social Protection</td>
<td>Representatives of the Ministry of Interior, Ministry of Foreign Affairs, academia representatives: constitutional law, human rights law, migration research</td>
</tr>
</tbody>
</table>

b. Learning objectives

At the end of this Module, the participants will:

- familiar with international and regional law provisions on citizenship and statelessness, its developments and new challenges related to statelessness reduction;
- understand the main principles of citizenship and their reflection in Moldovan citizenship law;
- have gained a general knowledge on the rights and obligations related to citizenship; states obligations towards its citizens including diplomatic (consular) protection of citizens abroad;
- understand the importance of data protection;
- have knowledge on procedures related to citizenship and statelessness under Moldovan legal acts;
- be able to apply practical knowledge on citizenship and statelessness procedures, as well as procedures related to the diplomatic (consular) protection of citizens abroad under the Moldovan legal acts gained during the training in everyday work.

The learning objectives for this Module are understandings and skills.
c. Outline of Module 3

Unit 1: Citizenship

1.1. Introduction to citizenship concept:
   1.1.1. Citizenship as a concept of international public law and constitutional law;
   1.1.2. Citizenship as a social and legal value;
   1.1.3. Diplomatic and consular protection of citizens abroad;
   1.1.4. Main principles of citizenship concept;
   1.1.5. Acquisition, loss, renunciation and deprivation of citizenship, naturalisation, dual citizenship concept.

1.2. Moldovan citizenship law:
   1.2.1. Development of Moldovan citizenship law;
   1.2.2. Principles, procedures and institutional framework under the Moldovan citizenship law;

1.3. Diplomatic and consular protection of Moldovan citizens abroad.

Unit 2: Statelessness:

2.1. Overview of stateless concept in international law:
   2.2.1. History and development;
   2.2.2. 1954 and 1961 Conventions on statelessness;
   2.2.3. 2006 Council of Europe Convention on the avoidance of statelessness in relation to State succession;
   2.2.4. World Map of Statelessness;

2.2. Statelessness in Moldova:
   2.2.1. Harmonisation of Moldovan legislation with international law;
   2.2.2. Status and categories of stateless persons in Moldova. Available statistics;
   2.2.3. Procedures related to the recognition of the status of stateless person in Moldova.

d. Overview of the Module

What?
Learning Objectives - Understandings

Unit 1. Citizenship
1.2. – 1.3. Sub-units

Unit 2. Statelessness
2.1. - 2.2. Sub-unit

How?
Learning Objectives - Skills

Unit 1. Citizenship

Course B, C1, C7 - C8 (4 AH)

Course C2 (20 AH)

1.1. – 1.3. Sub-units

2.1. – 2.2. Sub-units

1.2.2. Sub-unit
e. **Timeframe and lecturing methods**

This Module is designed for the following courses of this Training Guide:

- Advanced Introductory Course (B) for civil servants in migration related institutions: 4 AH;
- Advanced Thematic Course (C1, C7 – C8) for civil servants working in different migration areas: 4 AH;
- Advanced Thematic Course (C2) for civil servants working in citizenship/statelessness area: 20 AH.

The framework and lecturing methodology are the same for the Courses (B) and (C1, C7 – C8) course, the course (C2) requires more time, and a different methodology should be applied. The timeframe for each unit of the module is described in detail in the instructional part of this training manual. Depending on the proposed course the lecturing methodology for this Module includes presentations, group/partner/individual work, a facilitated panel discussion, case studies, and practical exercises.

<table>
<thead>
<tr>
<th>Advanced Introductory and Thematic Courses (B, C1, C7 – C8)</th>
<th>Units of Module 3</th>
<th>Advanced Thematic Course (C2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 min. Unit 1. Citizenship</td>
<td>12 AH</td>
<td></td>
</tr>
<tr>
<td>90 min. Unit 2. Statelessness</td>
<td>8 AH</td>
<td></td>
</tr>
<tr>
<td>4 AH Total</td>
<td>20 AH</td>
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</tr>
</tbody>
</table>

f. **Central Module questions**

- What are the main principles of citizenship law which are reflected in the Moldovan citizenship law?
- Are you against or for dual citizenship? Why?
- What is the main reason for the diplomatic (consular) protection of citizens abroad? How could citizens be protected in case of a limited number of state diplomatic (consular) representations? What are the roles and possibilities of (well-organised) diaspora?
- Should citizenship issues be a part of state migration policy and migration management? Why?
- What is the relation between a state’s sovereign freedom to regulate nationality under national law and its international obligation to avoid/reduce statelessness?
- Why is statelessness a concern for international law? What is the scale of statelessness? What are the consequences of statelessness?
- What are the challenges related to statelessness in Moldova? What should/could be changed in the Moldovan legislative/institutional framework in order to harmonise it with international provisions on statelessness reduction?
Module Instruction

Unit 1. Citizenship

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. Introduction to citizenship concept:</td>
<td>-</td>
<td>4 AH</td>
<td>Presentation, group/partner work, facilitated discussion, case studies/practical exercises</td>
</tr>
<tr>
<td>1.1.1. Citizenship as a concept of international public law and constitutional law;</td>
<td></td>
<td></td>
<td>Laptop, projector, screen, flipchart, paper, markers</td>
</tr>
<tr>
<td>1.1.2. Citizenship as social and legal value;</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1.1.3. Diplomatic and consular protection of citizens abroad;</td>
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<td></td>
</tr>
<tr>
<td>1.1.4. Main principles of citizenship concept;</td>
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<td></td>
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<tr>
<td>1.1.5. Acquisition, loss, renunciation and deprivation of citizenship, naturalisation, dual citizenship concept.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2. Moldovan citizenship law:</td>
<td>45 min.</td>
<td>6 AH</td>
<td></td>
</tr>
<tr>
<td>1.2.1. Development of Moldovan citizenship law;</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1.2.2. Principles, procedures and institutional framework under the Moldovan citizenship law.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3. Diplomatic and consular protection of Moldovan citizens abroad</td>
<td>45 min.</td>
<td>2 AH</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>90 min.</td>
<td>12 AH</td>
<td></td>
</tr>
</tbody>
</table>

The timeframe and lecturing methods in this unit are different for the Advanced Introductory (B)/Advanced Thematic Courses (C1, C7-C8) and Advanced Thematic Course (C2, for civil servants working in citizenship/statelessness field). Trainees of the courses (B) and (C1, C7 – C8) receive training only on part of the Sub-units in this unit, and trainees of the course (C2) receive the full programme.

Sub-unit 1.1. Introduction to citizenship concept is designed only for students of the Advanced Thematic Course C2, i.e. for civil servants working in fields related to citizenship and statelessness. Nevertheless, the trainer/instructor could include a very short introduction for students of other courses on this topic in order to underline the importance of the citizenship issue.

The instructor could combine the use of a presentation with a facilitated discussion by using the central Module questions. Additionally, section i. Additional Materials contains questions for a discussion which could be used during the lecture for group/partner or individual work and for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

The trainer can also use the practical exercises and examples from „A Guide to Teaching on Statelessness“, UNHCR, September 2010, [http://www.unhcr.org/refworld/docid/4d7f5f982.html](http://www.unhcr.org/refworld/docid/4d7f5f982.html).

Citizenship is described as a legal tie between an individual and a State that places the individual under the jurisdiction of this State. That means that notion of citizenship is closely related to the notion of sovereignty and statehood. It
establishes the legal status of individuals with a set of mutual rights and obligations of the individual and the state. International Court of Justice has described nationality as a “legal bond having at its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties” (Nottebohm; Liechtenstein v. Guatemala).

In international law citizenship is usually called nationality. However, in many languages nationality refers to a broader term – it includes also belonging to an ethnic group. In this manual, both terms (nationality and citizenship) have the meaning of citizenship, unless otherwise stated.

Regarding the sources of international public law on nationality or citizenship, these sources mainly concern:

- **customary international law principles** mainly regarding duties of states vis-à-vis other states, the international community and individuals, such as obligations to avoid statelessness, the arbitrary deprivation of citizenship and discrimination;

- **international case law** which includes the jurisdiction of the International Court of Justice, the European Court of Justice, the European Court of Human Rights, as well as the European Commission of Human Rights. The International Court of Justice case law primarily concerns the disputes between states on their duties to protect citizens; the European Court of Human Rights also examines the rights of individuals to nationality.

- **universal human rights instruments**, particularly the Universal Declaration on Human Rights (Article 15), the principle of non-discrimination listed in the International Covenant on Civil and Political Rights, etc.

- **treaties developed by global (UNO) and regional (e.g. Council of Europe) international organisations** which refers again to the 1997 European Convention on Nationality, the 1951 Convention Relating to the Status of Refugees and its Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1957 Convention on Nationality of Married Women, the 1963 European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiply Nationality, the 1967 European Convention on Adoption of Children, the 2006 European Convention on the Avoidance of Statelessness in relation to State Succession, etc.

- **soft law**, particularly recommendations adopted in the framework of the CoE.

**The legal value** of having the citizenship of a state involves the set of rights and duties the individual has as a citizen of a state. In particular, the following issues should be emphasised:

- Diplomatic and consular protection should be guaranteed by a state;

- The right to reside in the country of citizenship, leave this country and return to it is a right that citizenship provides. This right means that no person shall be prohibited to enter to his/her country of nationality. This principle is also generally understood to mean that the state does not deport or extradite their own citizens to other states. The obligation to readmit its own citizens is based mainly on customary international law and the principle of state sovereignty;

- A set of political, social and cultural rights are mainly included in the states constitutions. These rights include the right to work, the right to rest, the right to vote, etc.

Citizenship, in addition to its legal significance also has a strong **social value**, as it provides individuals the feeling of belonging to a community. In this regard, the
issues of statelessness and naturalisation are the most important. If nationality is described as a permanent bond between the state, society and individuals that is based on common cultural, historical, political, ethnic and social features, it is obvious that naturalisation requires some kind of proof that a person “belongs” to this state and society. This integration is not a single step, it involves a whole process with economic, political, social and cultural aspects. On the other hand, this perception should turn into an “earned citizenship” concept.

The diplomatic and consular protection of citizens abroad is one of the most important legal guarantees that persons who are citizens of a state can enjoy. Stateless persons are not protected by any state.

The main source of international consular law is the 1963 Vienna Convention on Consular Relations. Article 5 of this convention provides a list of consular functions; many of them are related to the consular protection of citizens abroad:

“(a) protecting in the receiving State the interests of the sending State and of its nationals…; …

(d) issuing passports and travel documents to nationals of the sending State…;

(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature…;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending States in cases of succession mortis causa in the territory of the receiving State…;

(h) safeguarding … the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

(j) transmitting judicial and extrajudicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State (…) .”

According to the aforementioned Vienna Convention (Article 36) as well as the UN International Convention on the Protection of the Rights of All Migrant Workers (Article 16), consular or diplomatic representatives of the state have special rights in cases of arrest or imprisonment of nationals of the sending country: e.g. to be informed, to get access, to communicate, etc.

The citizenship law has two main principles on how citizenship is determined, which are usually applied by States alone or in combination with each other where one principle is considering as the main principle. The granting of citizenship is usually defined by:

- **The birth principle** (*jus soli*): citizenship is primarily acquired by the fact of being born in a territory of the State in question;

- **The descent principle** (*jus sanguinis*): citizenship is primarily acquired through birth from parents who are citizens of the State in question
independently of the place of birth.

The two categories above are usually described in national citizenship laws as citizens, i.e. they usually do not require additional procedures, such as acquisition by naturalisation, marital status, etc.

Despite the way the state has chosen to regulate the determination of citizens, the main principles of international nationality law should be observed. These principles are listed in Chapter 2 of the European Convention on Nationality:

- Everyone has the right to a nationality;
- Statelessness shall be avoided;
- No one shall be arbitrarily deprived of his/her nationality nor denied the right to change his/her nationality;
- neither marriage nor the dissolution of a marriage between a citizen and an alien, nor a change in nationality by one of the spouses during the marriage shall automatically affect the nationality of the other spouse.

Besides the two main modes of **acquisition of citizenship**, national laws use other specific methods. The most common of them are listed below:

- **naturalisation** could be described as a mode of acquisition after birth which requires an application provided by a person and a decision by a public authority. Usually, naturalisation also requires a person to accomplish some conditions in order to be qualified for naturalisation. The requirements usually include:
  - a residence condition: the person in question must reside legally and continuously for a determined period of time on the territory before he/she can submit a naturalisation application;
  - a renunciation of previous citizenship;
  - a language test;
  - an integration test (knowledge of history, culture, constitution of a state, etc.).

- **facilitated naturalisation** is the acquisition of citizenship by naturalisation when some conditions of naturalisation are not applied or less stringent conditions (e.g. shorter residence condition) are applied for some categories of migrants (recognised refugees, spouses of citizens, etc.);

- **Achievement-based acquisition of nationality** is the acquisition of nationality after birth based on special achievements (in sports, science, the arts, etc.) of a person for the country in question in the past or expected achievements in the future;

- Acquisition of nationality by adoption is when a person gains nationality by being adopted by a Moldovan citizen;

- Acquisition of nationality based on **cultural affinity** – is usually applied to descendants of former citizens and is based on a particular cultural, ethnic, or religious group or former residence, etc.

**Dual or Multiple Citizenship** means the simultaneous possession of two or more nationalities. As was already mentioned, the state has the sovereign power to determine the citizenship acquisition rules under national law. If such national rules do not prohibit dual citizenship, citizens of this state might have multiple nationalities.

The 1963 CoE Strasbourg Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality does not excursively prohibits multiple nationalities, although it says that cases of multiple nationalities may cause difficulties. The European Convention on Nationality of 1997
Moldovan citizenship Law, as well as the principles of diplomatic (consular protection) shall be lectured for all courses students. The lecture shall be combined with discussion or instructional conversation elements. The students of the Advanced Thematic Course (C2) shall also implement practical exercises/case studies (see section i. Additional materials) on citizenship procedures. These exercises can be also suggested to students of other courses if there is time available and students have sufficient background knowledge.

Development of Moldovan citizenship law
This part of the training should present the history of the Moldovan citizenship which is in principle related to the history of independence of Moldova and state sovereignty. The trainer should mention the first nationality laws of Moldova and present the evolution of Moldovan citizenship concept.

Principles, procedures and institutional framework of the Moldovan citizenship law

The Constitution of the Republic of Moldova from July 1994 provides that no one may be deprived arbitrarily of his/her citizenship and no one can be deprived of the right to change it, whereas the citizenship of the Republic of Moldova can be lost, acquired, or regained only under the conditions provided for by the organic law (Article 17).

The new Law on Citizenship was approved in Moldova in 2000, following the ratification of Moldova of the European Convention on Nationality.

The following forms of citizenship acquisition are recognised in Moldova by the Law on Citizenship:
a) **Acquisition of citizenship by birth.** The child is a Moldovan citizen if his/her parents or one of them, at the time of the child's birth, are Moldovan citizens (1), he/she was born in Moldova and his/her parents are stateless (2), he/she was born in Moldova from parents who have the citizenship of another state or one of them is stateless and the other a foreign national if that respective State does not grant the child a citizenship (3), he/she was found in Moldova and his/her parents are unknown, unless the contrary is proven, up to the age of 18 years (4). The last three provisions are included in the Law in order to prevent statelessness.
b) **Acquisition of citizenship by recognition**, namely: persons born in Moldova or persons who had one parent or grandparent born in the territory of Moldova (1); persons who until June 28, 1940 lived in Bessarabia, Northern Bukovina, Herța, and the MASSR, their descendants, if they are lawfully and habitually residents of the Republic of Moldova (2); persons or refugees deported from the Republic of Moldova as of 28 June 1940 and their descendants (3).
c) **Acquisition of citizenship by adoption** assumes that a stateless child automatically acquires citizenship via adoption, if the adoptive parents or one of them are a citizen of Moldova. The Law also provides the rules how the citizenship question is solved if one of the adoptive parents is a foreign national and there is no agreement on child’s nationality.
d) **Regaining the citizenship** - the person who previously was a Moldovan citizen may recover it on request, keeping, at will, his/her foreign citizenship, if not subject to the restrictions prescribed by the law.
e) **Naturalisation** in Moldova requires additional conditions:
   - An applicant shall be at least 18 years of age and not born in Moldova;
   - He/she lawfully and habitually resides in Moldova for at least 10 years OR has been in a legal marriage with a citizen of the Republic of Moldova for at least three years OR is adopted by Moldovan citizens or adoptee of
A Moldovan citizen and resides lawfully not less than three years OR lawfully and habitually resident in the Republic of Moldova for five years before reaching the age 18 years old. Additionally, residence census for stateless persons and recognized refugees is at least eight years.

- knowledge and the respect of the Constitution of the Republic of Moldova,
- knowledge of the state language at a sufficient level in order to be able to integrate into social life,
- an applicant shall have sufficient resources to live in Moldova;
- loss or rejection of citizenship of another state if such held, unless the loss or rejection is not possible or cannot reasonably be required.

**Multiple citizenship in Moldova** has historical background: as a result of the conquest of Bessarabia by the USSR in 1940, the population of this territory who were citizens of Romania, without expressing their will, became citizens of the USSR and later of the MSSR. Due to this fact, all descendants of those up to 1940 have the right to acquire the Romanian citizenship – this is most of the Moldovan population.

Multiple citizenship is permitted in Moldova in the following cases according to the Law on Citizenship (Article 24):

a) Children who have at birth simultaneously acquired the citizenships of Moldova and other state;
b) Moldovan citizens who hold citizenship of another state if citizenship is acquired by marriage;
c) If the plurality outcomes from provisions of international agreements to which Moldova is party.

Additional materials for this Unit:

- Questions for group/partner/individual work (Unit 1.1.);
- Practical exercises/case studies on citizenship and consular protection abroad procedures in Moldova (Unit 1.2. and 1.3).
### Unit 2. Statelessness

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
</table>
| 2.1. Overview of stateless concept in international law:  
  2.1.1. History and development;  
  2.1.2. 1954 and 1961 Conventions on statelessness;  
  2.1.3. 2006 Council of Europe Convention on the avoidance of statelessness in relation to State succession;  
  2.1.4. World Map of Statelessness | 45 min. | 4 AH | Presentation, group/ partner/ individual Work, facilitated discussion, case studies, practical exercises, movie |
| 2.2. Statelessness in Moldova:  
  2.2.1. Harmonisation of Moldovan legislation with international law;  
  2.2.2. Status and categories of stateless persons in Moldova. Available statistics;  
  2.2.3. Procedures related to statelessness in Moldova. | 45 min. | 4 AH | |
| Total | 90 min. | 8 AH | |

The timeframe and lecturing methods in this unit are different for the Advanced Introductory (B)/Advanced Thematic Courses (C1, C7-C8) and Advanced Thematic Course (C2, for civil servants working in the citizenship/statelessness field). However, trainees of the courses (B) and (C1, C7 – C8) receive training on the same programme as trainees of the course (C2) course, only within a shorter timeframe.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this course.

The students of the courses (B) and (C1, C7-C8) shall get an overview of the statelessness concept. The students of the course (C2) should learn about the statelessness concept more in detail and carry out practical exercises and facilitated debates or discussions. The trainer can use the Central Module questions for a facilitated discussion.

Section i. Additional Materials at the end of this Module also includes some questions for a discussion for group/partner or individual work or for a facilitated discussion/instructional conversation.

It is also recommended to use „A Guide to Teaching on Statelessness“, UNHCR, September 2010, while lecturing a course on statelessness (http://www.unhcr.org/refworld/docid/4d7f5f982.html).

The aforementioned training guide also contains links to movies relating to statelessness which could be shown to participants.
Development of the 1954 and 1961 Conventions on Statelessness

The United Nations General Assembly convened a Conference of Plenipotentiaries to draft an international treaty on refugees and stateless persons in 1951. Both Conventions were planned as a single document; however, opinions were divided. While the Convention relating to the Status of Refugees was adopted that year, international negotiations on the protection needs of stateless persons continued. The Convention relating to the Status of Stateless Persons was adopted on 28 September 1954 and entered into force on 6 June 1960.

The 1954 Convention’s most significant contribution to international law is its definition of a “stateless person” as someone “who is not considered as a national by any State under operation of its law.” For those who qualify as stateless persons, the Convention provides important minimum standards of treatment. It requires that stateless persons have the same rights as citizens with respect to freedom of religion and education of their children.

The Convention on the Reduction of Statelessness was adopted on 30 August 1961 and entered into force on 13 December 1975. It complements the 1954 Convention relating to the Status of Stateless Persons and was the result of over a decade of international negotiations on how to avoid the incidence of statelessness. Together, these two treaties form the foundation of the international legal framework to address statelessness. The 1961 Convention is the leading international instrument that sets rules for the conferral and non-withdrawal of citizenship to prevent cases of statelessness from arising. By setting out rules to limit the occurrence of statelessness, the Convention gives effect to Article 15 of the Universal Declaration of Human Rights which recognises that “every-one has the right to a nationality.”


This document is of particular importance in the territory of the former USSR, because all states that became independent after the collapse of the Soviet Union, had to solve the issue of nationality and make efforts to avoid statelessness of some persons who could be between the jurisdictions of two or more independent states.

The Convention entered into force on May 1, 2009. As state succession can lead to the emergence of a large number of stateless persons, the 2006 Convention builds upon the European Convention on Nationality by developing more detailed rules to be applied by States with a view to preventing, or at least reducing to the extent possible, cases of statelessness arising from State succession.

The Convention defines "State succession" in the same manner as other international instruments. “State succession” may occur as a result of various types of events (transfer of territory from one State to another, unification of States, dissolution of a State, and separation of part(s) of the territory).

World Map of statelessness

The lecture on statelessness in Moldova, could start with a discussion on this issue. The trainer could pose the following questions to the audience:

- What are the possible reasons of statelessness in Moldova?
- What are the possible solutions for the reduction of statelessness in Moldova?
- Does Moldovan legislation provide the necessary legal and institutional framework to protect stateless persons?  

Furthermore, the instructor could start his/her presentation after concluding the results of the discussion. Alternatively, and in particular for the students of Course (C2), students could be divided into working groups or pairs, discuss separately and later introduce the results, which should be evaluated by the instructor.

The instructor shall also provide information on the practical implementation of procedures in place in Moldova on stateless person status. For this part of the training, it is recommended to invite a practitioner who could also provide the students with practical examples/exercises.

According to the National Strategy on Migration and Asylum adopted by the Government of the Republic of Moldova in September 2011, there are 5,374 stateless persons residing in Moldova. The majority of them are residing in Transnistria – a territory which is not controlled by constitutional Moldovan institutions. The majority of the stateless persons in Moldova belong to Russian, Ukrainian, Moldovan and Belorussian ethnic groups.

The main reasons for statelessness in Moldova are:

- Residence of former citizens of the USSR who have always resided in Moldova, but did not solve the nationality issue according to the legal acts of the Republic of Moldova;
- Arrival of former citizens of USSR to the Republic of Moldova without any their legal status;
- Some citizens of Moldova did not prolong validity of their national passports and became stateless.

The stateless person status procedure has started to be implemented in Moldova, but some of the stateless persons still cannot provide the required documents and remain unprotected in the country. Such persons cannot register their place of residence, receive identity documents, therefore, they cannot realise their rights to residence, labour, social and health protection, education, etc.

Additional materials for this Unit:

- Questions for group/partner/individual work on international frameworks related to statelessness (Unit 2.1.);
- Questions for a discussion or group/partner/individual work on the situation of statelessness in Moldova (Unit 2.2.).

39 These questions are also included in the section i. Additional Materials in order to support trainer’s preparations
Module 3. Citizenship and Statelessness: Resources and further reading

h. Resources and further reading

- Rainer Bauböck, Bernhard Perching, Wiebke Sievers: Citizenship Policies in the New Europe.
- EU democracy observatory on citizenship, International legal norms on citizenship; EU democracy observatory on citizenship, International and national case law on citizenship and statelessness; http://eudo-citizenship.eu/citizenship-case-law/.
Additional Materials

Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to carry out tasks during the training or for further reference.

Additional materials for this Module:
- Central Module questions (for the whole Module);
- Questions for group/partner/individual work (Unit 1.1.);
- Practical exercises/case studies on citizenship and consular protection abroad procedures in Moldova (Unit 1.2. and 1.3);
- Questions for group/partner/individual work on international frameworks related to statelessness (Unit 2.1.);
- Questions for a discussion or group/partner/individual work on the situation of statelessness in Moldova (Unit 2.2.).
Central Module Questions - to be used for a *discussion* during the lecturing of the whole Module or for evaluation/feedback:

- What are the main principles of citizenship law reflected in the Moldovan citizenship law?
- Are you for or against dual citizenship? Why?
- What is the main reason for the diplomatic (consular) protection of citizens abroad? How could citizens be protected in case of a limited number of state diplomatic (consular) representations? What are the roles and possibilities of (well-organised) diaspora?
- Should citizenship issues be a part of state migration policy and migration management? Why?
- What is the relation between the state’s sovereign freedom to regulate nationality under national law and its international obligation to avoid/reduce statelessness?
- Why is statelessness a concern for international law? What is the scale of statelessness? What are the consequences of statelessness?
- What are the challenges related to statelessness in Moldova? What should/could be changed in the Moldovan legislative/institutional framework in order to harmonise it with international provisions on statelessness reduction?
The questions below could be used by the trainer during the lecture on **citizenship concept** (Unit 1.1.) for **group/partner/ individual work** and/or for a **facilitated joint discussion/instructional conversation**, depending on the trainees’ needs and time available.

Please, take out this sheet and use it to facilitate a **discussion** by posing the questions to the whole group. Alternatively, copy and cut it as appropriate, and divide it among the participants for **group/partner work**. The participants should discuss the questions and prepare to present the results of the **discussion**.

Please, discuss the question below and prepare to present the results of the discussion:

How would you describe nationality/citizenship?

Please, discuss the question below and prepare to present the results of the discussion:

Would you like to have dual nationality? Why? What are advantages/disadvantages (depending on your answer) of dual nationality?

Please, discuss the question below and prepare to present results of the discussion:

What nationality are people “without a country”, e.g. Kurds, Palestinians? Should the international community seek a solution for their situation? Why? How?

Please, discuss the question below and prepare to present the results of the discussion:

Will nationality became more or less important in the future? Why?
The trainer can use the practical exercises/case studies below to provide a more practical approach to the citizenship procedures in Moldova or procedures related to the consular protection of Moldovan citizens abroad (unit 1.2. and Unit 1.3.). It is recommended to offer these exercises to the students after they have already received training on citizenship/consular protection procedures.

Please, copy this sheet, cut along the line and distribute to the participants. The students should work in small groups, with a partner or individually and provide a scenario of actions to be undertaken in order to solve the case study. The participants should present the results.

------------------------------------------------------------------------------------------

Citizen of Moldova A. and citizen of Portugal C. got married in Moldova in 2009. In 2010, they moved to Portugal. In 2011, they had a child (a boy), who receives a birth certificate; however, the parents did not solve the citizenship question.

In April 2012, Moldovan citizen A. went to the Moldovan consulate in Lisbon and informed the authorities that she most likely will get divorced and would like to return to Moldova, but she is not sure how the citizenship issue of the child could be solved.

Questions:
- What citizenship does the boy have? Could he be issued a Moldovan passport?
- From your point of view, what procedures should Moldovan citizen A. follow? Where should she do the procedures - in Portugal or in Moldova? Imagine, you are a consular officer, what would you suggest?
- Do you have any suggestions on how to improve procedures for such situations?

------------------------------------------------------------------------------------------

A married couple who are stateless persons from Palestine arrived to Moldova in 2011 and asked for asylum in this country. They were accommodated in the reception centre and the procedure was started. However, in January 2012, the family received a negative decision: asylum was not granted. They appealed against this decision before the court, and are currently waiting for the court decision. In April 2012, twins were born in the family: a boy and a girl.

Questions:
- Could the children in the family described above get Moldovan citizenship?
- Is residence during the asylum procedure considered a “lawful residence”?
- Does Moldovan legislation provide an answer to this particular situation?
- Do you have any suggestions on how to improve procedures for such situations?

------------------------------------------------------------------------------------------

You work as a consular officer in the Moldovan Embassy in Ankara. In March 2012, you received a telephone call from the police station. The officer informed you that a person without any personal documents was apprehended in the night for robbery, and he says that he is a citizen of Moldova, although his Moldovan passport (the police have not seen it) has not been valid since August 2011, and he does not have a visa or residence permit in Turkey either.

Questions:

Please, describe your next steps while keeping in mind that all the information that Moldovan citizen G.T. provided the police is true.
The exercises below could be used by the trainer during the lecture on the statelessness concept in international law (Unit 2.1.) for group/partner/individual work and/or for facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the exercise (one at a time) to the participants (or distribute the written text to all of them) and ask them to provide answers to the question. The instructor shall write the answers on the board or flipchart and later discuss them.

If the exercise is done as group/partner/individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and present the results of the discussion. It is recommended to use one exercise at a time, as the group could provide more ideas.

The aim of the exercises is – to provide information on what is important in defining statelessness and what solutions could be used to avoid statelessness.

State Utopia dissolved into four new states. You live in Landia, a successor of Utopia. According to the new Law on citizenship, some former citizens of Utopia also became citizens of Landia; however, some of them were not able to prove their citizenship and also masses of migrants from the other three states – successors of Utopia – arrived on the territory of Landia. You work in the governmental commission trying to find out what the legal status is of all these people who still do not have the citizenship of Utopia. Your commission is sent to the regions to complete the survey with these people.

Question: Please, think of a maximum 10 questions which you would include in the questionnaire and which will most help you to establish the status of aforementioned persons.

Please think of possible measures which could internationally reduce statelessness in case of:

- The succession of a state;
- Forced displaced and/or persecuted persons who cannot rely on the protection of their state;
- Newborn children in case of conflicting laws; non-birth registration; children of parents in an illegal situation abroad.

The exercises are prepared by using „A Guide to Teaching on Statelessness“, UNHCR, September 2010, while lecturing a course on statelessness (http://www.unhcr.org/refworld/docid/4d715f982.html)
The questions below could be used by the trainer during the lecture on statelessness in Moldova (Unit 2.2.) for group/partner/ individual work and/or for a facilitated joint discussion/instructional conversation, depending on the instructor’s preference and the time available.

Please take out this sheet and use it to facilitate a discussion by posing the questions to the whole group. Alternatively, please copy it and cut it as appropriate and divide it among the participants for group/partner work. The participants should discuss the questions and prepare to present the results of the discussion.

Please, discuss the question below and prepare to present the results of the discussion:

What are the possible reasons for statelessness in Moldova?

Please, discuss the question below and prepare to present the results of the discussion:

What are the possible solutions to reduce statelessness in Moldova?

Please, discuss the question below and prepare to present the results of the discussion:

Does Moldovan legislation provide the necessary legal and institutional framework for the protection of stateless persons? Please describe and state why?
Module 4. Regular Migration and Visa

**a. Short Module description**

This Module aims at generating an understanding of the mechanisms of regular migration and visa, as well as providing practical knowledge related to regular migration-visa procedures and inter-institutional cooperation in this field. Issues related to statistics (collection, exchange and use) on regular migration and visa policy are also discussed in the Module.

The Module is designed to be lectured in the Advanced Introductory Course (B, 4 AH), Advanced Thematic Courses (C1 and C4, 4 AH) and Advanced Thematic Course for civil servants working with visa or residence permits (C3, 12 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainers’ profile</th>
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</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum), Border Guard Service, Ministry of Information Technologies and Communication (the Directorate of Documentation of Population), Ministry of Foreign Affairs, Ministry of Labour, Family and Social Protection and Ministry of Economy.</td>
<td>Representatives of the Ministry of Internal Affairs, Ministry of Foreign Affairs, academia representatives involved in migration research</td>
</tr>
</tbody>
</table>

**b. Learning Objectives**

At the end of this Module, the participants will:

- be familiar with international and regional law provisions on migration and the protection of migrants rights;
- have gained knowledge on international law and Moldovan law provisions related to visa policy;
- be able to identify the main regular migration categories and describe the differences between them;
- have gained knowledge on the rights and obligations related to residence in Moldova;
- have knowledge on the procedures related to residence permits under Moldovan legal acts;
- be able to apply practical knowledge on residence permits procedures under the Moldovan legal acts gained during the training in everyday work;
- understand the importance of regular migration statistics for migration policy and general state development policy.

The learning objectives for this Module are *understanding* and *skills*.
c. Outline of Module 4

Unit 1: International and Regional Migration Law

1.1. State powers and responsibilities related to migration in international law and regional law:
   1.1.1. Entry, stay and exit;
   1.1.2. National security concern.

1.2. Rights of migrants in international law and regional law:
   1.2.1. Internationally recognised standards of treatment applicable to all migrants;
   1.2.2. Rights of migrant workers;
   1.2.3. Family unity and family reunification.

1.3. EU normative framework on migration:
   1.3.1. Policy and legal framework;
   1.3.2. Entry and Residence;
   1.3.3. Information and cooperation.

Unit 2: Visa system

2.1. Overview of International and Regional Law and bilateral agreements related to the visa system:
   2.1.1. Introduction;
   2.1.2. EU VISA Acquis
   2.1.3. EU and Moldova visa facilitation agreement;
   2.1.4. International agreements on visa-free regime of Moldova.

2.2. National Moldovan legal and institutional framework on the visa regime:
   2.2.1. Legal provisions;
   2.2.2. Internal consultations and decision making.

Unit 3. Migration procedures in Moldova

3.1. Legal status of foreigners in Moldova according to the Law on the Legal Status of Aliens:
   3.1.1. Entry;
   3.1.2. Residence;
   3.1.3. Departure.

3.2. Procedures related to the legal status of foreigners:
   3.2.1. Responsible institutions;
   3.2.2. Application examinations and decision making procedures;
   3.2.3. Statistics.
**Module 4. Regular Migration and Visa: Curriculum**

**d. Overview of the Module**

**What? Learning Objectives - Understanding**
- Unit 1. International Migration Law
- Unit 2. Visa System
- Unit 3. Procedures in Moldova

**How? Learning Objectives - Skills**
- Unit 2. Visa System
- Unit 3. Procedures in Moldova

<table>
<thead>
<tr>
<th>Course</th>
<th>Units</th>
<th>Sub-units</th>
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<tbody>
<tr>
<td>B, C1, C4</td>
<td></td>
<td>2.1 – 2.2</td>
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<tr>
<td></td>
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<td>1.1 – 1.3</td>
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<tr>
<td>C3 (12 AH)</td>
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<td>2.1 – 2.2</td>
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<td>3.1 – 3.2</td>
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<td>3.2 Sub-unit</td>
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<td></td>
<td></td>
<td>3.2 Sub-unit</td>
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</table>

**e. Timeframe and lecturing methods**

This Module is designed for the following Courses of this Training Guide:

- Advanced Introductory Course (B) for civil servants in migration related institutions: 4 AH;
- Advanced Thematic Course (C1, C4) for civil servants working in different migration areas: 4 AH;
- Advanced Thematic Course (C3) for civil servants working in the residence permits/visa area: 12 AH.

The framework and lecturing methodology are the same for the courses (B) and (C1, C4). The course (C3) requires more time and different methodology should be applied. The timeframe for each unit of the module is described in detail in the instructional part of this training manual. Depending on the proposed course the lecturing methodology for this Module includes presentation, group/partner/individual work, facilitated panel discussion, case studies, and practical exercises.

<table>
<thead>
<tr>
<th>Advanced Introductory and Thematic Courses (B, C1, C4)</th>
<th>Units of the Module 4</th>
<th>Advanced Thematic Course (C 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 90 min. Unit 2. Visa system</td>
<td>4 AH</td>
<td></td>
</tr>
<tr>
<td>90 min. Unit 3. Migration procedures in Moldova</td>
<td>4 AH</td>
<td></td>
</tr>
<tr>
<td>4 AH</td>
<td><strong>Total</strong></td>
<td>12 AH</td>
</tr>
</tbody>
</table>
f. Central Module questions

- What are the main principles regarding international migration and the protection of migrants rights?
- What are the main trends regarding in- and out- migration processes in Moldova?
- What is the relation between the sovereignty of state regarding the issuance of visas/state visa policy and the free movement of persons?
- What are the main features of the Moldovan visa policy?
- What kinds of residence permits are issued in Moldova?
- What could/should be changed in Moldovan state migration policy in order to ensure the maximum positive effects of in- and out- migration?
- Is the migration management system in Moldova sufficient to control migration flows? What could/should be changed?
Module 4. Regular Migration and Visa: Instruction
Unit 1. International and Regional Migration Law

**g. Module Instruction**

- **Unit 1. International and regional migration law**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
</table>
| 1.1. State powers and responsibilities related to migration in international law and regional law:  
  1.1.1. Entry, stay and exit;  
  1.1.2. National security concerns | 60 min. | Presentation, group/partner/individual work, facilitated discussion, instructional conversation | Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape |
| 1.2. Rights of migrants in international law and regional law:  
  1.2.1. Internationally recognised standards of treatment applicable to all migrants;  
  1.2.2. Rights of migrant workers;  
  1.2.3. Family unity and family reunification | 60 min. | |
| 1.3. EU normative framework on migration:  
  1.3.1. Policy and legal framework;  
  1.3.2. Entry and Residence;  
  1.3.3. Information and cooperation | 60 min. | |
| **Total** | **4 AH** | | |

This unit of Module 4 is designed only for the Advanced Thematic Course (C3), as students of the other courses receive an introduction/overview of International Migration Law and EU acquis in the field of migration in Module 1 of this training guide. The students of the course (C3) shall receive more detailed information on the subject.

The trainer can use the UNHCR prepared Self-Study Module 5 “Human Rights and International Protection” (Chapter 3, 4, 5, and 8) in preparation of this Unit.

**State powers and responsibilities as well as the rights of migrants** shall be presented by the instructor in the form of a presentation. However, depending on the background knowledge of the students, after a short introduction the instructor could divide students into smaller groups/pairs and suggest that they discuss the practical exercises listed in section I. Additional materials. The aim of these case studies is to discuss the nexus between state obligations and powers in connection to human rights and national security concerns. Furthermore, the instructor shall summarise the results and continue with the presentation.

To make the lecture interactive (discussion and instructional conversation), the central Module questions could also be used.

The following state powers in managing migration shall be presented through the international legal norms:

- Admission to the state and rules of admission;
- Border control and management;

41 [http://www.unhcr.org/45a7acb72.html](http://www.unhcr.org/45a7acb72.html) (also available in Russian language)
Module 4. Regular Migration and Visa: Instruction
Unit 1. International and Regional Migration Law

- Permission to stay and rules of stay;
- Expulsion;
- State obligations with regard to asylum and international protection;
- State power with regard to nationality;
- Limitations in state powers related to human rights.

The following state responsibilities shall also be discussed:

- Respect to human rights;
- Responsibility of the country of origin.

Main international law instruments (in chronological order):
- 1954 Convention relating to the Status of Stateless Persons;
- 1961 Convention on the Reduction of Statelessness;
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- 1966 International Covenant on Civil and Political Rights (ICCPR);
- 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR);
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women;
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- 1989 Convention on the Rights of the Child (CRC);
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

Main regional international law instruments:
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963), and Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1984);
- 1969 American Convention on Human Rights (ACHR);

The following human rights are important to mention:

- Right to life;
- Right to non-discrimination;
- Prohibition of torture and other cruel, inhuman or degrading treatment;
- Right to freedom;
- Right to family and personal life;
- Right to equality before the law;
- Right to nationality;
- Right to leave any country and return to one’s country;
- Right to asylum.

The role of the 1950 European Convention on Human Rights and the European Human Rights Court as well as the UN Special Rapporteur on the human rights of migrants should be mentioned.

After the presentation on the EU normative framework on migration, an open discussion round could be done to bring about an understanding of how international and EU legislation might affect Moldovan legal acts and practice in the migration field and in what way these legal acts have been already affected.

The goals of EU migration policy are reflected in the 2009 Stockholm Programme which provides the framework for policy development for 2009 – 2014. The main objectives of EU migration policy are to manage legal migration, improve integration measures for migrants and enhance cooperation with migrants’ countries of origin. The following main areas of EU migration policy, the following main policy areas are to be presented to the participants:

- Labour migration:

EU policy on managing labour migration aims to produce flexible admission systems adaptable to the needs of EU Member States and enabling migrants to make full use of their skills. The main instruments in this area are:

- “The Blue card directive” (Council Directive 2009/50/EC) of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment);
- “The Single permit directive” (Directive 2011/98 EU of the European Parliament and the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State)
- Proposals for a Directive on seasonal employment and for a Directive for intra-corporate transfer of non-EU skilled workers.

- Family reunification:

The right to family life is one of the fundamental human rights. Ensuring the right to family reunification facilitates migrants’ integration into the receiving country’s society. The main instrument in this area is:

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, establishing conditions and rules as well as restrictions on family reunification. Despite the allowed restrictions or limitations of the right to family reunification, Member States must apply the directive in a way consistent with the right to family/private life and in the best interests of the child.

- Study, training and research:

Policy in this area is oriented towards the promotion and facilitation of studies, training or research activities of third countries nationals in EU Member States. The main documents in this area are:


For more information and further reading, as well as for the access to all policy documents: European Commission, Home Affairs, Immigration policy, [http://ec.europa.eu/home-affairs/policies/immigration/immigration_intro_en.htm](http://ec.europa.eu/home-affairs/policies/immigration/immigration_intro_en.htm)
admitting third-country nationals for the purpose of scientific research:
  o Council Recommendation of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community;
  o Recommendation of the European Parliament and the Council of 28 September 2005 to facilitate the issuance by EU Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research.

- **Integration of migrants:**

The general EU approach to migration is directed to the improvement of the integration of legally residing “third country nationals” (non-EU citizens) into the societies of EU Member States. A first step on EU cooperation in the integration of migrants was made with the adoption of the Tampere Programme in 1999. Later, other policy documents were adopted (2004 Common Basic Principles for Immigrant Integration Policy in the European Union). The 2009 Stockholm Programme reaffirmed the necessity to develop a new European agenda on citizenship as a part of legal integration, to reinforce the tools for the exchange of knowledge and to facilitate the mainstreaming of integration priorities into all relevant policy areas. In July 2011, the Commission proposed a European agenda for the integration of non-EU migrants.43

The EU has the following instruments to support the integration of third country nationals into the societies of Member States:

- A *network of national contact points on integration* which allows for the exchange of information and experience between EU States, with the purpose of finding successful solutions for integration and keeping national policy coherent with EU initiatives;
- The *European Integration Forum*44 which serves as a platform for dialogue involving all stakeholders active in the field of integration;
- The *European Web Site on Integration*45 – which is the main focal point for the exchange of information, documentation and on-line data collection. It also facilitates community-building activities between the main stakeholders in integration in Europe;
- A *Handbook on Integration*46 which was prepared for policy-makers and practitioners with a view to establish an exchange of information which EU Member States can use when developing policy measures for more successful integration;
- The *European Integration Fund* – which is a financial instrument supporting the efforts of EU Member States to enable non-EU nationals to integrate into European society.47

- **Long-term residence:**

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Measures in this area enable migrants who are long-term residents to enjoy the same rights as EU MS nationals in the areas of employment, education/vocational training, social protection, etc. The main policy document in this regard is:


- Migration and Asylum Statistics48.

At the EU level, great attention is paid to migration and asylum statistics, which are used for immigration policy formation, distribution and accountability of funds, burden-sharing between EU MS, etc. Statistical data on migration is collected and analysed in the EU MS, and then is submitted to the EUROSTAT49 – the statistical office of the European Union situated in Luxembourg. The data is submitted in a comparable format which enables Eurostat to make comparisons between countries and regions. The main documents in this area are:


The role of the Charter of Fundamental Rights of the European Union50 in migration issues should also be mentioned.

Additional materials for this Unit:

- Practical exercises on state power/responsibilities and migrants’ rights (Unit 1.1. – 1.2.)

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Unit 2. Visa System

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Overview of International and Regional Law and bilateral agreements related to the visa system: 2.1.1. Introduction; 2.1.2. EU VISA Acquis; 2.1.3. EU and Moldova visa facilitation agreement; 2.1.4. International agreements on the visa-free regime of Moldova.</td>
<td>45 min.</td>
<td>90 min.</td>
<td>Presentation, group/partner/individual work, facilitated discussion, case studies</td>
</tr>
<tr>
<td>2.2. National Moldovan legal and institutional framework on the visa regime: 2.2.1. Legal provisions; 2.2.2. Internal consultations and decision making</td>
<td>45 min.</td>
<td>90 min.</td>
<td>Laptop, projector, screen, flipchart, paper, markers</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>90 min.</strong></td>
<td><strong>4 AH</strong></td>
<td></td>
</tr>
</tbody>
</table>

The timeframe of this unit is different for the Advanced Introductory Course (B)/Advanced Thematic Courses (C1, C4) and Advanced Thematic Course (C3, for civil servants working in the residence permits/visa). However, the instructor can apply the same lecturing methods for all courses and adapt the timeframe as needed.

After a presentation on **international and regional visa frameworks**, the instructor could organise group/partner work on the EU-Moldova visa facilitation agreement. The instructor could use the following questions for a discussion:

- Does visa liberalisation mean an automatic right of entry and stay of Moldovan citizens in the EU? Why?
- From your point of view, what is the relation between visa liberalisation and readmission agreements?
- What is local border traffic agreement? Does Moldova need such an agreement with some EU MS? Why?
- Which measures of the Visa Liberalisation Action Plan of Moldova, from your point of view, are the most effective for further visa liberalisation? Why?
- If you were a member of the Moldovan-EU negotiation team on visa liberalisation, what measures would you suggest in order to support Moldovan progress in the visa liberalisation process? Why?

The participants should discuss these questions in small groups and present a short summary which shall commented on by the instructor.

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51 These questions are also included in the section i. **Additional Materials** in order to support trainer’s preparations.
The permission to enter a country for a temporary and specific purpose usually is called a visa. In many countries, the issuance of visas is a function of the Ministry of Foreign Affairs and diplomatic (consular) representations abroad. This function is also listed among other functions of consular offices according to Article 5 of the 1963 Vienna Convention on Consular Relations. However, there is no universally adopted international agreement that establishes rules on issuing visas.

Three approaches to issuing visas are internationally recognised: universality, reciprocity and practicality. The universality approach corresponds to the requirement that every foreigner who enters the country shall obtain a visa. The reciprocity approach means that the visa regime applies to citizens of those countries which also apply a visa regime with regard to the respective state. And, finally, according to the practicality approach states base their visa policy on practical considerations related to the economic or tourism needs of the country, bilateral relations and, volumes/flows of migration.

EU visa Acquis

A common EU visa policy is part of the EU’s policies related to Schengen, Borders and Visas. EU visa policy for short stays (up to three months) is harmonised and is applied through the delivery of so-called “Schengen visas”. In 2011, the current 26 Schengen States issued around 12.6 million Schengen visas.

There are three main elements of the EU visa acquis:

- EU MS have a common list of countries whose citizens must have a visa when crossing the EU’s external borders and a list of countries whose citizens are exempt from that requirement which is set out in Council Regulation from 2001 and its amendments. Third country nationals are allowed to travel throughout the 25 Schengen States for up to three months within a six-month period with a short-stay visa issued by one of the Schengen States. Visas for visits exceeding that period remain subject to national procedures.

- The EU Visa Code which lists the procedures and conditions for issuing visas for the purpose of short stays and airport transit. Additionally, the procedures and operational instructions for applying the EU Visa Code are specified in the “Handbook for the processing of visa applications and the

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53 Ibid
55 Council Regulation No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001R0539:20110111:EN:PDF
The EU common visa policy is implemented according to visa the reciprocity approach and it aims at achieving full visa reciprocity with non-EU countries whose nationals are exempt from the visa requirement. This approach is guaranteed by a visa reciprocity mechanism established by the Council Regulation of 2005. The Commission publishes annual reports as part of its visa reciprocity monitoring; the latest such report was published in November 2010.

One more instrument of the common EU visa policy is the conclusion of visa facilitation agreements. Such agreements provide a possibility for both EU and non-EU citizens to benefit from facilitated procedures for issuing visas. These kinds of agreements are linked to readmission agreements establishing the procedures for the return to the EU or to the non-EU partner country of persons (its own citizens, third country nationals or stateless persons) in an irregular situation. So far, the EU has concluded visa facilitation agreements with nine non-EU countries: Albania, Bosnia and Herzegovina, FYROM, Georgia, Moldova, Montenegro, Serbia, Russia and Ukraine.

**EU and Moldova visa facilitation agreement**

The visa facilitation agreement between the EU and the Republic of Moldova entered into force on January 1, 2008. The Agreement facilitates the issuance of visas to citizens of the Republic of Moldova for an intended stay of no more than 90 days per period of 180 days. According to the agreement the fee for processing the visa application amounts to 35 EUR. Some categories of Moldovan citizens are exempt from the visa fee (Article 6 of the Agreement):

- close relatives — spouse, children (including adopted) parents (including custodians), grandparents and grandchildren of citizens of the Republic of Moldova legally residing in the territory of the EU Member States;
- members of national/ regional Governments and Parliaments, Constitutional Court and Supreme Court if they are not exempted from the visa requirement by the Agreement;

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- members of official delegations who, following an official invitation addressed to the Republic of Moldova, are to participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;
- pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities;
- disabled persons and the person accompanying them, if necessary;
- persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such a person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;
- participants in international sports events and persons accompanying them in a professional capacity;
- persons participating in scientific, cultural and artistic activities including university and other exchange programmes;
- participants in official exchange programmes organised by twin cities or other localities;
- journalists;
- children under the age of 18 and dependent children under the age of 21;
- pensioners;
- drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in the Republic of Moldova;
- members of train, refrigerator and locomotive crews traveling to the territories of the Member States;
- members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States.

The decision on visa issuance shall be taken within 10 days of the date of the receipt of the application and supporting documents. This period can be extended to 30 days if additional examination of documents is needed.

This agreement, together with the EU-Moldova readmission agreement, is the basis for the EU-Moldova visa liberalisation dialogue which was launched on June 15, 2010. Consequently, the Visa Liberalisation Action Plan was presented by the Commission on January 24, 2011.

International agreements on visa-free regime of Moldova

The citizens of the following states, the holders of all types of passports, do not need visas for the entry on the territory of the Republic of Moldova for a period of stay until 90 days, during six months from the moment of the first entry:

- European Union MS;
- Canada, Georgia, Holy See, Iceland, Japan, Principality of Andorra, Principality of Monaco, Principality of Liechtenstein, Norway, San Marino, State of Israel, Swiss Confederation, USA;
- CIS member states: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan.

The holders of the UN Laissez-Passer passports issued by the UN and its specialised agencies do not need visas for the entry on and exit from the territory of the Republic of Moldova.

The holders of the diplomatic and service passports, who are citizens of the following states do not need visas for the entry on the territory of the Republic of Moldova for the period up to 90 days during 6 months:
- Albania, Bosnia and Herzegovina, Brazil, Croatia, South Korea, Macedonia, Montenegro, Peru, Serbia, Turkey, Vietnam.

The holders of diplomatic and service passports who are citizens of the following states do not need visas for the entry on the territory of the Republic of Moldova for the period up to 30 days:
- China, Iran, Turkmenistan. 66

In November 2012 the visa-free regime agreement with Turkey was signed.

Students of the Advanced Introductory Course (B)/Advanced Thematic Course (C1, C4) shall receive an overview on Moldova’s National legislative and institutional framework on its visa regime. The Advanced Thematic Course (C3) students have to receive a detailed presentation, including practical examples of the internal and inter-institutional consultation process on the issuance of visas. Some examples of exercises are included in section i. Additional Materials.

In 2010, the Republic of Moldova made significant efforts to harmonise the visa policy with the EU acquis. According to the Law on Legal Regime of Aliens in Moldova, the following types of visas are issued: “transit”, “airport transit”, “short stay” and “long stay” visas. In exceptional cases (cases specified in the legislation), a visa may be granted notwithstanding the general rules.

Except for visas in exceptional cases, all visas shall be granted exclusively by diplomatic representations and/ or consular representations of the Republic of Moldova abroad. The number of these representations is not high, therefore, their activities must be supported by modern information and communication systems in a manner which would facilitate the exchange of information with the relevant institutions in the country and further would facilitate access to the Community Information System on visas.

Additional materials for this Unit:
- Questions for group/partner/individual work on the EU-Moldova visa liberalisation process (Unit 2.1.);
- Practical exercises on visa issuance (Unit 2.2.)

## Unit 3. Migration procedures in Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1. Legal status of foreigners in Moldova according to the Law on the Legal Status of Aliens: 3.1.1. Entry; 3.1.2. Residence; 3.1.3. Departure.</td>
<td>45 min.</td>
<td>90 min.</td>
<td>Presentation, group/partner/individual work, facilitated discussion, practical exercises (Advanced Course C3)</td>
</tr>
<tr>
<td>3.2. Procedures related to the legal status of foreigners: 3.2.1. Responsible institutions; 3.2.2. Application examinations and decision making procedures; 3.2.3. Statistics.</td>
<td>45 min.</td>
<td>90 min.</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>90 min.</td>
<td>4 AH</td>
<td></td>
</tr>
</tbody>
</table>

The timeframe of this unit is different for the Advanced Introductory Course (B)/Advanced Thematic Courses (C1, C4) and Advanced Thematic Course (C3, for civil servants working within residence permits/visas). However, the instructor can apply the same lecturing methods for all courses and adapt the timeframe as needed.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the “Methodology” section. It is recommended to invite a practitioner(s) for this part of the training, as he/she can provide a practical approach to the issuance of residence permits and related inter-agency procedures.

The unit is designed for students of all courses that include Module 4; however, the students of the Advanced Thematic Course shall spend more time on practical exercises during the training in order to gain skills for the issuance of residence permits and inter-agency coordination. Examples of case-studies are included in section 1. Additional Materials.

The trainer shall combine lecturing with a discussion/instructional conversation in order to increase the attention of students during the lecture. The central Module questions could be used for this purpose.

A new **Law on Foreigners in the Republic of Moldova** was adopted on 16 July 2011. It is a framework law on the legal procedures for granting residence rights to foreigners in the Republic of Moldova. This law is of a comprehensive nature and covers all issues related to the legal status of foreigners in the country. A number of by-laws were consequently adopted in order to establish procedures on the implementation of the Law.

A ‘one-stop-shop’ was established within the Bureau for Migration and Asylum for more information, please refer to the Bureau for Migration and Asylum, [http://www.bma.gov.md/](http://www.bma.gov.md/)
(BMA) according to this Law. Moreover, provisions of this law make procedures for applying for visas, residence and work permits in the Republic of Moldova clearer and simpler.

The Law on Integration of Foreigners was adopted on 27 December 2011, published on 13 March 2012, and was foreseen to enter into force on 1 July 2012.

The Law on the Republic of Moldova’s Accession to the Convention on the Status of Stateless Persons was adopted on 27 December 2011. The Law on the Accession to the Convention on the Reduction of Statelessness was adopted on 8 December 2011.

The BMA is the main state institution responsible for managing migration flows on the territory of the Republic of Moldova.

The Strategy on Migration and Asylum was adopted on 6 July 2011. It is an important policy tool for managing migration flows. The Strategy identifies objectives for a sufficiently long period of time (2011-2020) and defines principles that will ensure comprehensive and consistent implementation of policies. It also assigns the role of coordination of activities regarding the migration process in the Republic of Moldova to the Governmental Migration Commission. The Strategy will be implemented through the Action Plan (2011-2015) that was adopted on November 2011.

**Residence permit** – the residence permit is an official document issued in accordance with the provisions of the legislation of the Republic of Moldova, in particular, with the Law on Legal Status of Aliens from 2011.

The validity of the temporary residence permit is limited to the period of time for which the right of residence in the Republic of Moldova was granted for, and where applicable, was extended. A temporary residence permit shall be renewed each time the temporary right of residence is extended.

According to the agreement on visa regime facilitation between the governments of the United States of America and the Republic of Moldova, US citizens who arrived to stay in Moldova shall be issued a residence permit valid for 60 months but not longer than the validity of their passport.

A temporary residence permit is issued to aliens who arrive to Moldova to reside temporarily for the following purposes:

- work;
- study;
- family reunification;
- humanitarian or religious activities;
- long-term medical treatment, recovery and rehabilitation;
- for other purposes, where the activity of the alien is not contrary to the laws of the Republic of Moldova or the alien’s presence in the territory of the Republic of Moldova is necessary for public interest or national security.

The term of validity of the temporary residence permit shall not exceed the period of validity of the document of the national identity.

A permanent residence permit can be issued to a foreigner who:

- legally resides at the territory of Moldova not less than 5 years (with a temporary residence permit). The mentioned period is shortened to three year if a foreigner is married to a citizen of Moldova;
- can confirm that he/she has enough financial resources for staying in Moldova (this requirement is not applied in the case of marriage to a citizen...
of Moldova);
- has a place of residence;
- speaks the state language on a sufficient level;
- there are no valid reasons listed in the law on which ground foreigners are not allowed to enter Moldova.

The instructor shall inform participants on procedures related to issue of documents, indicating:

- What main legal acts (law and by-laws regulate the procedure of issuance of documents);
- Where a foreigner could apply in order to submit application;
- What kind of additional documents should be submitted together with the application;
- How long the procedure takes;
- What taxes are established for issuance of ID documents.

Additional materials for this Unit:

- *Practical exercises* on residence permit issuance (Unit 3.1-3.2.)
Module 4. Regular Migration and Visa: Resources and further reading

h. Resources and further reading

- Peter van Krieken (eds.), *The Consolidated Asylum and Migration Acquis* (2004).
I. Additional Materials

Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to implement of tasks during the training or for further reference.

Additional materials for this Module:
- Central Module questions:
- Practical exercises on state power/responsibilities and migrants’ rights (Unit 1.1. – 1.2.);
- Questions for group/partner/individual work on the EU-Moldova visa liberalisation process (Unit 2.1.);
- Practical exercises on visa issuance (Unit 2.2.);
- Practical exercises on residence permit issuance (Unit 3.1-3.2.).
Central Module Questions – to be used for a discussion during the lecturing of the whole Module or for evaluation/feedback:

- What are the main principles regarding international migration and the protection of migrants rights?
- What are the main trends regarding in- and out- migration processes in Moldova?
- What is the relation between the sovereignty of the state regarding the issuance of visas/state visa policy and free movement of persons?
- What are the main features of Moldovan visa policy?
- What kinds of residence permits are issued in Moldova?
- What could/should be changed in Moldovan state migration policy in order to ensure a maximum of positive effects from in- and out- migration?
- Is the migration management system in Moldova sufficient for the regulation of migration flows? What could/should be changed?
The exercises below could be used by the trainer during the lecture on International and regional migration law (Unit 1.1 - 1.2) for group/partner/ individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainee’s needs and time available.

Please, copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion. For the second exercise, the group could be divided into two smaller groups: one representing the lawyer of a migrant and one another – the immigration officer. After groups have discussed their position, a short “court session” could be done in the form of a role playing exercise.

------------------------------------------------------------

Citizen of China L.P. arrived to Moldova on 15 June, 2012, invited by Moldovan citizen T.G. with a tourist visa issued for 30 days. On 3 July, 2012, he married T.G., whom he knew from their joint studies at Moscow State University (2008-2011). L.P. applied for a residence permit in Moldova and submitted all the necessary documents for that on 10 July, 2012. His visa was extended for the processing period of his residence permit.

However, in the beginning of August 2012 citizen of China L.P. was arrested in the central Chisinau market while trying to sell drugs (tablets and powder). The criminal persecution started according to the Law; the Bureau for Migration and Asylum was informed by the prosecutor office that Chinese citizen L.P. constitutes a danger for public safety and the prosecutor office does not recommend the issuance of the residence permit. Moldovan citizen T.G. also arrived at the Bureau for Migration and Asylum and informed them that she is pregnant and asked them to issue her husband – citizen of China L.P. – his residence permit as soon as possible.

Questions:

- What decision would be the most appropriate in this case?
- How should human rights and state/ public security interests be balanced?
- What is your personal opinion on such/similar situations?

------------------------------------------------------------

Citizen of Moldova K.P. arrived in 2005 to Austria to study at Graz University. He finished his studies in 2008 and was recommended for a job at a private company. K.P. decided to stay in Austria. He returned home to Moldova and sold his apartment and car. He received a temporary residence permit in Austria and in September 2008 started to work and live there. His residence permit was prolonged in 2009, 2010, and 2011 accordingly, as he continued to work. K.P. rented a small apartment in Vienna where he lived together with his girlfriend, a citizen of Ukraine, legally residing in Austria. They started to live together in summer 2011. In the meantime, K.P. also learned to speak German.

However, in spring 2012, the company where K.P. worked, went bankrupt and he lost his job. He tried to find another one, but did not succeed until the date he had to prolong his residence permit again. Accordingly, he did not receive a new residence permit and was obliged to leave the country in 30 days. K.P. has no close relatives in Moldova and no place to live, as he had lived in Austria since 2005.

Questions I: Imagine you are a lawyer of K.P. What arguments would you bring in favour of your client? How would you defend his case? What is your personal opinion on this situation?

Questions II: Imagine you are a senior official in the Foreigners Police and you know that quite a few Moldovan citizens asked for asylum in Austria in recent years. How would you argue this case in court? What is your personal opinion on this situation?
The questions below could be used by the trainer during the lecture on the **EU-Moldova visa liberalisation topic (Unit 2.1.)** for group/partner/individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainee’s needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If the exercise is done in group/partner/individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss and prepare to present the results of the discussion:

- Does visa liberalisation mean an automatic right of entry and stay of Moldovan citizens in the EU? Argue your opinion!

Please discuss and prepare to present the results of the discussion:

- From your point of view, what is the relation between visa liberalisation and readmission agreements?

Please discuss and prepare to present the results of the discussion:

- What is the local border traffic agreement? Does Moldova need such an agreement with some EU MS? Why?

Please discuss and prepare to present the results of the discussion:

- Which measures of the Visa Liberalisation Action Plan of Moldova, from your point of view, are the most effective for further visa liberalisation? Why?

Please discuss and prepare to present the results of the discussion:

- If you were a member of the Moldovan-EU negotiation team on visa liberalisation, what measures would you suggest in order to support Moldovan progress in the visa liberalisation process? Why?
The exercises below could be used by the trainer during the lecture on visa issue procedures, including inter-agency cooperation (Unit 2.2.) for group/partner/individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

Please, copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

You are working at the Moldovan Embassy in Lisbon. A citizen of Nigeria arrived at the embassy and asked for a Moldovan tourist visa. The applicant showed documents certifying that he had received assistance in preparing for his travel (booking of travel tickets, hotel reservation, etc.) from the travel agency “Welcome to Moldova” located in Balti.

Questions:

- Would you issue a visa without any consideration or would you first make some inquiries? Why?
- What information would you need to collect?
- What institutions in Moldova would you contact? Would you also contact some foreign institutions?

Please fill in the table below (use additional paper, if needed):

<table>
<thead>
<tr>
<th>Institutions and organisations involved in the visa consultation process</th>
<th>Type of information exchanged during the visa consultation process</th>
</tr>
</thead>
<tbody>
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</table>
The trainer can use the *practical exercises/situations* below to provide a more practical approach to *residence permit issuance procedures in Moldova* (Unit 3.1 – 3.2).

Please copy this sheet, cut along the line and distribute to the participants. The participants should try to provide a solution for the proposed situation and present their results.

-----------------------------------------------------------------------------------------------------------------------
**Citizen of India A.** is married to **citizen of Moldova B.** The marriage took place in 2009 in Kiev (Ukraine), where both A. and B. studied medicine at the National University of Kiev. After they graduated in 2010, they both moved to India, where A. got a job at the Delhi central hospital.

In 2012, B. became pregnant and wished to come back to Moldova. The family looked for possibilities to move there. After some communication with the Moldovan State University, citizen of India A. received a letter from the University that he could start his PhD in medicine at the University in September 2012 and work as a resident in one of the Chisinau hospitals.

In August 2012, the family arrived to Moldova. They came to the Bureau for Migration and Asylum, and asked what documents they should submit for the legal residence of citizen of India A. in Moldova At the moment, he had only a tourist visa issued in the consulate in Moscow for 1 month.

**Questions:**
- Could a resident permit be issued to citizen of India A.? If yes, on what ground?
- Can citizen of India A. stay in Moldova during the procedure of issuing the resident permit? How long will the procedure take?
- What documents should citizen of India A. provide to the Bureau of Migration and Asylum? In what language?
- Do you have any suggestions on how to improve the procedure in the situation described above?

-----------------------------------------------------------------------------------------------------------------------
**Citizen of the United States of America X.** arrived to **Moldova** in December 2011 for a private visit. At the end of March 2012, he arrived at the Bureau of Migration and Asylum and informed them that he would like to open a fast-food restaurant in the centre of Chisinau. He spent the last three months doing a market analysis and carrying out business consultations.

He planned to invest 100,000 USD in this business and the restaurant would employ about 15 persons: half of them – Moldovans.

**Questions:**
- What steps on legal status should USA citizen X. make?
- What kind of legal residence could he receive?
- What documents should USA citizen X submit to the Bureau of Migration and Asylum in order to receive a residence permit?
- How long will the procedure take? Can the person in question stay in the country during the procedure?
- Do you have any suggestions on how to improve the procedure in the situation described above?
Module 5. Irregular migration and Border Management

- **Short Module description**

This Module is designed for all officials dealing with irregular migration, including with irregular migration prevention measures, state policy aimed at strategies and border management development, and risk analysis.

The Module is designed to be lectured in the Advanced Introductory Course (B, 4 AH), Advanced Thematic Courses (C1, 2AH), (C3) and (C5, 4 AH) and the Advanced Thematic Course for civil servants working in the fields of irregular migration and border management (C4, 16 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainer’s profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum), Border Guard Service, Ministry of Information Technologies and Communication (the Directorate of Documentation of Population), Ministry of Foreign Affairs</td>
<td>Representatives of the Ministry of Internal Affairs, academia representatives involved in migration research</td>
</tr>
</tbody>
</table>

- **Learning Objectives**

At the end of this Module, the participants will:

- be familiar with international and EU law provisions related to irregular migration control and border management;
- be able to apply the main principles of the Integrated Border Management;
- appreciate the importance of inter-institutional and international cooperation in border management and the prevention of irregular migration, including common risk analysis and joint operations/ control;
- have improved knowledge on legislative and institutional frameworks regarding border management and the fight against irregular migration in Moldova;
- be able to apply practical knowledge on the procedures applicable in Moldova in the area of irregular migration such as return, detention, deportation and readmission;
- understand the importance of irregular migration statistics for preventing irregular migration and improving border management.

The learning objectives for this Module are *understanding* and *skills*. 
c. Outline of Module 5

Unit 1: International Migration Law and the EU acquis

1.1. Main principles of international law related to preventing irregular migration:
   1.1.1. Non-refoulement;
   1.1.2. Guarantees related to detention and expulsion;
   1.1.3. Extradition;
   1.1.4. Introduction to human trafficking and smuggling definitions;
1.2. EU acquis in the field of irregular migration:
   1.2.1. Common standards and procedures in the EU Member States;
   1.2.2. Return Directive;
   1.2.3. FRONTEX cooperation

Unit 2: Border Management

2.1. Principles of Integrated Border Management:
   2.1.1. IBM legal and regulatory framework;
   2.1.2. Forms and methods of cooperation and coordination of activities at the border;
   2.1.3. Common risk strategy and analysis;
   2.1.4. Joint operations and joint control;
   2.1.5. Communication and exchange of information methods;
   2.1.6. Prevention of irregular migration.
2.2. Border Management in Moldova:
   2.2.1. Institutional framework;
   2.2.2. Legislative framework;
   2.2.3. Procedures at the border: control procedures, information collection and communication

Unit 3. Procedures related to irregular migration in Moldova

3.1. Institutional and legislative framework according to the Law on Legal Status of Aliens and by-laws;
3.2. Procedures related to irregular migration:
   3.2.4. Voluntary return;
   3.2.5. Return;
   3.2.6. Readmission;
   3.2.7. Deportation;
   3.2.8. Special cases (unaccompanied minors, vulnerable persons, etc.);
   3.2.9. Appeal system;
   3.2.10. Inter-institutional and international cooperation and exchange;
3.3. Statistics on irregular migration: sources, estimations, research, importance of research for the prevention of irregular migration
d. Overview of the Module 5

This Module is designed for the following courses available in this Training Guide:

- Advanced Introductory Course (B) for civil servants in migration related institutions (4 AH);
- Advanced Thematic Courses (C1 (2 AH), C3 and C5 (4AH)) for civil servants working in different migration areas;
- Advanced Thematic Course (C4) for civil servants dealing with the fight against irregular migration and border management (16 AH).

The framework and lecturing methods are the same for the Courses (B), (C3) and (C5). The Course (C1) includes only a short introduction (for civil servants working in ID documents and statistics). The Course (C4) is designed as advanced training for future specialists dealing with the fight against irregular migration. The timeframe for each individual unit is described in details in the instructional part of this Module. Depending on the proposed course and the time available, the lecturing methodology shall include presentation, group/partner/individual work on case studies and practical exercises. Depending on the available time, the training part that focuses on border management issues could take place at the border crossing point (for example, at the international airport of Chisinau (for Course (C4)).

<table>
<thead>
<tr>
<th>Advanced Introductory and Thematic Courses (B, C3, C5)</th>
<th>Advanced Thematic Course (C1)</th>
<th>Units of the Module 5</th>
<th>Advanced Thematic Course (C4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>Unit 1. International Migration Law and the EU acquis</td>
<td>90 min.</td>
</tr>
<tr>
<td>90 min.</td>
<td>45 min.</td>
<td>Unit 2. Border Management</td>
<td>7 AH</td>
</tr>
<tr>
<td>90 min.</td>
<td>45 min.</td>
<td>Unit 3. Procedures related to irregular migration in Moldova</td>
<td>7 AH</td>
</tr>
</tbody>
</table>

| 4 AH | 2 AH | Total | 16 AH |
f. **Central Module questions**

- What are the main principles regarding irregular migration and safeguards of the human rights of the persons concerned? How could/should the situation in Moldova regarding the human rights of irregular migrants be improved?
- What are the main features of Integrated Border Management? How would you describe the common risk strategy and analysis? Is this approach applied in Moldova?
- What are the sources of information on irregular migration? How could estimations and forecasts be done?
- What is the difference between voluntary return, return, readmission and deportation?
- Why it is important to establish a fair and efficient appeal system for irregular migration cases?
- Is irregular migration an important issue for Moldova? Why?
- What are the main instruments for preventing irregular migration? Are they in place in Moldova? What could/should be changed in Moldova in order to improve the prevention of irregular migration?
- What is the nexus between efficient legal migration procedures, including an asylum system, and irregular migration?
### Module Instruction

**Unit 1. International Migration Law and the EU acquis**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Introductory (B) and Advanced Thematic (C1, C3, C5) Courses</td>
<td>-</td>
<td>45 min.</td>
<td>Presentation, facilitated discussion, instructional conversation, group/partner/individual work</td>
</tr>
<tr>
<td>Advanced Thematic Course (C4)</td>
<td>-</td>
<td>-</td>
<td>Laptop, projector, screen, flipchart, paper, markers</td>
</tr>
</tbody>
</table>

1.1. Main principles of international law related to preventing control over irregular migration:
- **1.1.1. Non-refoulement:**
- **1.1.2. Guarantees related to detention and expulsion:**
- **1.1.3. Extradition:**
- **1.1.4. Introduction to human trafficking and smuggling.**

1.2. EU acquis in the field of irregular migration:
- **1.2.1. Common standards and procedures in EU Member States:**
- **1.2.2. Return Directive:**
- **1.2.3. FRONTEX cooperation.**

**Total** | - | 90 min. |

This unit of Module 5 is designed only for the Advanced Thematic Course (C4), as students of the other courses receive an introduction/overview of International Migration Law and the EU acquis in the field of migration in Module 1 of this training guide. The students of the Course (C4) shall receive more detailed information on the subject, including basic knowledge on international regulations in the field of trafficking.\(^{68}\)

The trainer can use the UNHCR prepared Self-Study Module 5 “Human Rights and International Protection”\(^ {69}\) (Chapter 3, 4, 5, and 8) in preparation of this Unit.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this guide.

The instructor shall prepare a presentation on international and EU legal frameworks for preventing irregular migration. During the lecture, the instructor should try to involve participants in a discussion on these important issues by asking for their opinion on them. The instructor can use the Central Module questions to facilitate the discussion.\(^ {70}\)

Section i. Additional Materials also contain questions for group/partner/individual work, which the instructor can use depending on the available time and background knowledge of the students.

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68 For more information on trafficking and smuggling issues, please, refer to the Module 7 of this Training Manual.

69 http://www.unhcr.org/45a7acb72.html, also available in Russian language.

70 In order to support trainer’s preparations to the training, Central Module questions are also included in the section i. Additional Materials
To present the Schengen Acquis and FRONTEX cooperation/activities, the instructor could show a short movie prepared by the FRONTEX agency (http://www.frontex.europa.eu/media-centre/video-gallery/). The movie is in the English language, therefore the instructor should take short breaks and explain the content of the movie to participants who do not speak English.

With regard to international legal frameworks, the following most important treaties have to be explained by the instructor:

**Main international law instruments** (in chronological order):
- 1954 Convention relating to the Status of Stateless Persons;
- 1961 Convention on the Reduction of Statelessness;
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- 1966 International Covenant on Civil and Political Rights (ICCPR);
- 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR);
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women;
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- 1989 Convention on the Rights of the Child (CRC);
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

**Main regional international law instruments:**
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963), and Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1984);
- 1969 American Convention on Human Rights (ACHR);

The instructor shall also analyse and present the 1957 European Extradition Convention and international agreements of Moldova on extradition and their implementation practice.

With regard to the prevention of trafficking and smuggling crimes in international law, the instructor should mention the main criteria to enable participants to distinguish between these two criminal activities.

**Trafficking in human beings means** “the recruitment, transportation, transfer, harbouring or receipt of persons, either by the threat or use of abduction, force, fraud, deception or coercion, or by the giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another person, with
the aim of submitting them to any form of exploitation.”

**Smuggling of migrants** means “the procurement of the illegal entry into or illegal residence of a person in (a) (any) State Party of which the person is not a national or a permanent resident in order to obtain, directly or indirectly, a financial or other material benefit.”

According to the UNODC, there are three basic differences between smuggling of migrants and trafficking in persons:

- "**Source of profit**": Trafficking is committed primarily for the exploitation of persons; the main profit of smuggling is facilitation of illegal entry or stay.
- "**Transnationality**": Smuggling of migrants always is related to international border crossing; trafficking in persons may also involve the illegal entry or stay of a person, but it could also occur within a country.
- "**Victimisation**": Smuggling of migrants does not necessarily involve the victimisation of the migrant, as smuggled migrants generally consent to be smuggled. Victims of trafficking have either never consented—e.g. if they have been abducted or sold or if they gave initial consent but their consent became meaningless because of the means the traffickers used to gain control over them, such as through deception or violence.

With regard to main definitions, the instructor should point out that irregular migration mainly occurs in the following forms:

- Illegal international Borders Crossing;
- Overstaying visa or residence permit or legal arrival, but later irregular stay in the country;
- Illegal Work;
- Illegal Stay due to Changes of Laws and Regulations.

Furthermore, special attention shall be paid to the protection of the human rights of migrants, particularly in cases of detention and deportation/return.

With the regard to **EU policy in the fight against irregular migration**, this policy aims to reinforce the efforts of the EU MS in tackling human trafficking and smuggling, protecting victims and managing the EU’s external borders. The main instruments in this area are:


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73 The United Nations Office on Drugs and Crime (UNODC) is a United Nations office that was established in 1997; UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism.

- European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX75);  
- Schengen Acquis;  
- An Integrated Border Management (IBM) Strategy.

EU policy in the return and readmission area includes common rules for the return of irregular migrants, operational cooperation between EU MS, as well as cooperation with non-EU countries on readmission. The main EU instruments in this area are:

- Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more EU Member States, of third-country nationals who are subjects of individual removal orders;  
- European Return Fund, providing support for actions assisting returnees' reintegration processes and for activities enhancing the quality of information on voluntary return assistance and on the risks related to irregular migration.

Particular attention shall be paid to an analysis of the readmission agreements of the Republic of Moldova (with the EU and other countries).

Additional materials (see section i.) for this Unit:

- Questions for a discussion in groups/ pairs or individual work on international frameworks for fighting against irregular migration (Unit 1.1.).

75 http://www.frontex.europa.eu/
### Unit 2. Border Management

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
</table>
| **2.1. Principles of Integrated Border Management:**  
2.1.1. IBM legal and regulatory framework;  
2.2.2. Forms and methods of cooperation and coordination of activities at the border;  
2.2.3. Common risk strategy and analysis;  
2.2.4. Joint operations and joint control;  
2.2.5. Communication and information exchange methods;  
2.2.6. Prevention of irregular migration. | 45 min. | 45 min. 7 AH | Laptop, projector, screen, flipchart, paper, markers |
| **2.2. Border Management in Moldova:**  
2.2. Institutional framework;  
2.3. Legislative framework;  
2.4. Procedures at the border: control procedures, information collection and communication | 45 min. | | |

| Total | 90 min. | 45 min. 7 AH |

This unit of Module 4 is designed for the Advanced Introductory Course (B, 2 AH), the Advanced Thematic Course (C1, 1 AH), the Advanced Thematic Courses (C3 and C5, 2 AH) and the Advanced Thematic Course (C4, 6 AH). Students of the Courses (B), (C1), (C3) and (C5) should receive only an overview of the Border Management concept in Moldova; however, students of the Course (C4) should receive more detailed training, including practical case studies.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the "Methodology" section of this guide.

It is recommended to hold this part of the training at the border crossing point (for course C4 which takes longer, and particularly for new comers to the civil service): for example, at the Chisinau international airport. In this case students would first receive a short guided tour and get familiar with procedures at the border (1 AH – 2 AH). Furthermore, they would listen to the instructor’s presentation and finally, would participate in case-study exercises which could be also provided/commented on by
practitioners working at the border crossing point.

Section i. Additional Materials at the end of this Module contain some practical exercises/case studies which could be used during the lecturing of the Unit.

It is recommended to invite border service specialists to lecture this unit, as they are most informed about practical procedures at the border.

It is also recommended to use the following training material in preparation of and teaching this unit: Training Manual on Integrated Border management in EC External Cooperation\(^7\)\(^6\). The training Manual contains presentations on IBM and practical exercises.

The main objective of the Integrated Border Management (IBM) concept is to ensure the right balance between open (for trade, tourism and other legitimate crossings), and secure controlled borders (in relation to the threats posed by irregular migration, trafficking and smuggling, and other illegal and criminal activities).

Integrated Border Management requires that all competent authorities work together in an effective and efficient manner. Cooperation should not be established exclusively within each country, but also across its borders with the relevant agencies of neighbouring States.\(^7\)\(^7\)

The three pillars of the IBM concept are:

- Intra-service cooperation: efficient management of processes, information and resources within one ministry or agency;
- Inter-agency cooperation: close cooperation between all agencies involved in border issues both at the border and at the central level;
- International cooperation: establishment of communication and coordination channels and procedures at the local, bilateral and multilateral levels.

IBM may be regarded as a preventive mechanism of trafficking due to the fact that the proper implementation of domestic and especially international IBM programmes can reduce the number of irregular migrants and smuggling of migrants, and that by itself decreases the risk of trafficking.

Taking into account the limited resources at the border and the fact that the waiting times at borders should not become excessive; a policy of checking 100% of the cross-border traffic is both impracticable and inefficient, especially if there is heavy traffic. Therefore, the purpose of a risk analysis system is to facilitate the application of selective but effective controls based on an identification of the areas where the greatest risks are located.

A risk analysis needs to be based upon systematically gathered and centrally co-ordinated intelligence. Professional border management systems should be able to gather intelligence, analyse it and utilise the results in field work. The staff working at the border, should be acquainted with risk indicators, risk profiles and typical modus operandi of individuals involved in cross-border crime.


The criterion for the evaluation of the effectiveness of a risk analysis system is the correlation of the number of checks and the number of detected cases: the aim is to keep the difference between these figures as small as possible\textsuperscript{78}.

Based on a risk analysis, for example after receiving intelligence about a suspected smuggling of illegal substances, customs and border guard services might decide to execute specific high-impact \textbf{joint operations} – at the border, in the border zone or inland through mobile units – to check groups of people, such as passengers on planes from certain destinations, buses from specific countries or transport vehicles/cargo from a particular operator. Depending on the topic, other agencies could be invited to participate in joint operations carried out by mobile units, for example, agencies responsible for market inspections and labour standards for detecting the illegal employment of foreigners\textsuperscript{79}.

Additional materials (see section i.) for this Unit:

- Case-studies on integrated Border Management (Unit 2.1. – 2.2.).


Unit 3. Procedures related to irregular migration to Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
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<tbody>
<tr>
<td>3.1. Institutional and legislative frameworks according to the Law on Legal Status of Aliens and by-laws</td>
<td>25 min.</td>
<td>Presentation, group/partner/individual work, case-studies, facilitated discussion</td>
<td>Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape</td>
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<tr>
<td>3.2. Procedures related to irregular migration:</td>
<td>1 AH</td>
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<tr>
<td>3.2.1. Voluntary return;</td>
<td>45 min.</td>
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<td>3.2.2. Return;</td>
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<tr>
<td>3.3.1. Readmission;</td>
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<tr>
<td>3.3.4. Deportation;</td>
<td>4 AH</td>
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<tr>
<td>3.3.5. Special cases (unaccompanied minors, vulnerable persons, etc.);</td>
<td>45 min.</td>
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<td>3.3.6. Appeal system;</td>
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<tr>
<td>3.3.7. Inter-institutional and international cooperation and exchange</td>
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<tr>
<td>3.3. Statistics on irregular migration: sources, estimations, research, importance of preventing irregular migration</td>
<td>20 min.</td>
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<tr>
<td>Total</td>
<td>90 min.</td>
<td>45 min.</td>
<td>7 AH</td>
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</table>

This unit of Module 4 is designed for the Advanced Introductory Course (B, 2 AH), Advanced Thematic Course (C1, 1 AH), Advanced Thematic Courses (C3 and C5, 2 AH) and Advanced Thematic Course (C4, 6 AH). Students of the Courses (B), (C1), (C3) and (C5) should receive only an overview of the legal and institutional framework as well as procedures related to irregular migration in Moldova; however, students of the Course (C4) should get more detailed training, including practical case studies.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this guide.

The training on this unit should start with a presentation on the legal and institutional framework for the fight against irregular migration. the instructor should hold a discussion and instructional conversation during this part of the training. The central Module questions could be used as a basis.

Furthermore, the procedures related to the fight against irregular migration and regulation of migration shall be presented and accompanied by case studies. Section i. Additional Materials at the end of this Module contains some practical exercises/case studies which could be used during the lecturing of the Unit.

It is recommended to invite specialists employed in the field to lecture this unit, as they are most informed about practical procedures related to irregular migration.
Finally, statistics related to irregular migration should be presented, as well as status quo in the research area which would increase awareness of the students on the topic. Academia representatives involved in research activities could be involved in presenting this part of the training.

One of the strategic objectives of the Republic of Moldova is the development of comprehensive policies for the prevention of massive uncontrolled immigration into the country or the transit to the European Union. Moreover, the state migration policy aims at increasing the level of state actions to fight illegal migration by improving mechanisms of return and readmission, by promoting voluntary return policies and by facilitating the return of aliens to their country of origin under the readmission agreements concluded with these states.

In the fight against irregular migration the following legal acts are the most important and should be analysed and presented by the instructor:

- **Law on Foreigners Regime in the Republic of Moldova, No. 200-XVI, July 16, 2010**, regulating foreigners’ entry into, stay and departure from the territory of the Republic of Moldova; granting and prolonging residency permits; the repatriation and documentation thereof; specifying enforcement measures in case of violation of the residence status and special immigration registration measures in compliance with the obligations assumed by the Republic of Moldova by ratifying international treaties;

- **Law on Labour Migration, No. 180-XVI, July 10, 2008**, regulating the employment of foreign citizens and stateless persons on the territory of the Republic of Moldova; the requirements for conferring them the right to work and temporarily stay for labour purposes, as well as dealing with temporary employment abroad for Moldovan citizens, whose permanent residence is in the Republic of Moldova;

- **Law on State Border, Nr.215, November 11, 2011**, regulating the legal, organisational, administrative and institutional structures for the management and protection of state borders;

- Procedures on Return, Expulsion and Readmission of Foreigners from Moldovan Territory/2011;

- Regulation of the Centre for Temporary Detention of Foreigners/2011


Additional materials (see section i.) for this Unit:

- Case-studies on irregular migration (Unit 3.2.).
Module 5. Irregular Migration and Border Management: Resources and further reading

h. Resources and further reading:

- Law on State Border, Nr.215, November 11, 2011.
- Procedures on Return, Expulsion and Readmission of Foreigners from Moldovan Territory/2011.
- Regulation of the Centre for Temporary Detention of Foreigners/2011.
Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet listing the materials needed and use it to facilitate a *discussion* or to make copies and distribute them to the participants to carry out tasks during the training or for further reference.

Additional materials for this Module:
- Central Module Questions;
- Questions for a *discussion* in groups/ pairs or *individual work* on the international framework for the fight against irregular migration (Unit 1.1.);
- *Case-studies* on integrated Border Management (Unit 2.1. – 2.2.);
- *Case-studies* on irregular migration (Unit 3.2.).
Central Module Questions – to be used for a discussion during the lecturing of the whole Module or for evaluation/feedback:

- What are the main principles regarding irregular migration and safeguarding the human rights of the persons concerned? How could/should the situation in Moldova regarding the human rights of irregular migrants be improved?
- What are the main features of Integrated Border Management? How would you describe the common risk strategy and analysis? Is this approach applied in Moldova?
- What are the sources for information on irregular migration? How could estimations and forecasts be done?
- What is the difference between voluntary return, return, readmission and deportation?
- Why it is important to establish a fair and efficient appeal system for irregular migration cases?
- Is irregular migration an important issue for Moldova? Why?
- What are the main instruments in preventing irregular migration? Are they in place in Moldova? What could/should be changed in Moldova in order to improve preventing irregular migration?
- What is the nexus between efficient legal migration procedures, including an asylum system, and irregular migration?
The questions below could be used by the trainer during the lecture on the International Framework for fighting against irregular migration (Unit 1.1.) for group/partner or individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flip chart and later discuss them.

If an exercise will be done in group/partner/individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please describe the differences between trafficking in human beings and the smuggling of migrants

Please describe the similarities between trafficking in human beings and the smuggling of migrants

Please describe situations in which “irregular migration” might occur

Is “border crossing” a human right or does its regulation belong to the rights of the state? Argue your opinion!

From your point of view, what forms of protection are available for irregular migrants under international law?

With regard to the functions and activities of FRONTEX, do you think there is a need of other, non-EU, inter-regional border protection agencies? Argue your opinion!

What are the advantages and disadvantages for Moldova in terms of the EU-Moldova readmission agreement?
The exercises below could be used by the trainer during the lecture on Integrated Border Management, including inter-agency cooperation (Unit 2.1.-2.2) for group/partner/individual work and/ or for a facilitated joint discussion/instructional conversation, depending on trainees’ needs and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.


---------------------------------------------------------------------------------------------------------------

An airplane from Lisbon is approaching the Chisinau international airport. You – an official of the Border Guard service – received information that two of the passengers are seriously ill: they have breathing problems and a fever. The plane is about to land in 20 – 25 minutes.

Question:
Please, describe your next steps. Keep in mind the institutions (national, international) you should contact.

---------------------------------------------------------------------------------------------------------------

A traveller – a foreign citizen – is entering Moldova via a road border crossing point. The documents check shows that his passport has signs of falsification. You are the Border Guards shift leader today.

Questions:
Please describe your next steps according to the existing legal and administrative provisions. Present the work flow by drawing the procedure on the flipchart paper.

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Please divide your group into two smaller groups. The first group represents “smugglers” and the second group – “border guards”.

Task for “smugglers”: please find a way to smuggle 3 irregular migrants via road crossing point to Moldova.

Task for “border guards”: please think of possible measures to prevent smuggling through the state border.

Both groups should present and compare their results.
The exercises below could be used by the trainer during the lecture on procedures related to Irregular migration (Unit 3.2.) for group/partner/ individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

A person without any personal documents was apprehended at the central Chisinau bus station. He was not able to communicate either in the Moldovan language or in English. He could understand some Russian, but responded in one of the South Slavic languages, presumably Macedonian.

You work at the police station where the person was brought after apprehension.

**Question:**
Please, describe your next steps according to the existing legal and institutional framework in Moldova.

A foreign citizen who is legally residing in Moldova (with a permit on work grounds) arrived at the Bureau of Migration and Asylum and informed them that he would like to go home, as his salary is too low, he has to rent a flat and he cannot afford living in Moldova anymore. However, the person does not have the financial means to leave the country on his own and asks if it would be possible to deport him.

You are working at the Bureau for Migration and Asylum.

**Questions:**
What would be your answer to the applicant? Would you try to help him? How would you solve this specific situation? What organisations/institutions would you contact?

Please fill in the table below (use additional paper, if needed):

<table>
<thead>
<tr>
<th>Institutions and organisations in Moldova which should cooperate in preventing irregular migration</th>
<th>Type of information exchanged</th>
</tr>
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<tbody>
<tr>
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Module 6. International Protection and IDPs

a. Short Module description

This Module is designed for all civil servants and other officials working in the area of International Protection and Internally Displaced persons (IDPs). However, this Module can be also lectured to other civil servants in order to introduce them to this topic. The Module deals with all issues related to the provision of international protection/IDPs, in general, and in Moldova, specifically, including country of origin information. The training also provides general understanding of the internally displaced persons notion and situation.

There are many training manuals and other training materials dealing with International protection/IDPs issues prepared and published by the United Nations High Commissioner for Refugees (UNHCR) which could be used as a basis for preparing and lecturing this Module. During the development of this Module due attention was paid to the aforementioned training guides as well as to the European Asylum Curriculum. With regard to training on country of origin information, the training manual developed by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) is recommended.

According to the structure of this curriculum, the whole Module or its parts could be lectured in the Advanced Introductory Course (B, 4 AH), Advanced Thematic Course (C1, 1 AH), Advanced Thematic Courses (C3-C4), (C6-C7, 4 AH), and Advanced Thematic Course for civil servants working in the asylum/IDPs area (C5, 16 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainer’s profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum), Border Guard Service, Ministry of Foreign Affairs, Ministry of Labour, Family and Social Protection</td>
<td>Representatives of the Department for Citizenship, Migration and Asylum, academia representatives</td>
</tr>
</tbody>
</table>

b. Learning Objectives

At the end of this Module, the participants will:

- be familiar with international and EU law provisions related to international protection;
- understand the main features of the single asylum procedures and its benefits for the state and asylum seekers;
- have improved knowledge on the definition of refugee and its elements;

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82 ACCORD, Researching Country of Origin Information, A Training Manual, http://www.unhcr.org/refworld/publisher,ACCORD,HANDBOOK,,4ecf86c32,0.html, http://www.coi-training.net/content/, also available in Russian, French, Romanian, German, Spanish and Italian
- understand the difference between refugee status, subsidiary (complementary) protection and other forms of protection;
- improved knowledge on asylum procedure implementation in Moldova;
- be able to apply the necessary skills for implementing the asylum procedure in everyday work, such as interview techniques, skills in searching for, collecting and analysing COI, as well as skills for assessing evidence and decision-making;
- improve knowledge on legislative and institutional framework in the area of protection of IDPs.

The Module includes learning objectives aimed at understanding and improving or gaining skills in certain areas on international protection/IDPs.

c. Outline of Module 6

Unit 1: International Refugee Law and the EU acquis

1.1. International Refugee Law and related principles of Human rights law:
   1.1.1. Development of the International Refugee Law and its relation to International Human Rights Law;
   1.1.2. Main international instruments regulating international protection issues;
   1.1.3. Role of UNHCR;
   1.1.4. Refugee definition according to International Refugee Law.

1.2. EU asylum acquis:
   1.2.1. Reception Directives;
   1.2.2. Procedural Directive;
   1.2.3. Qualification Directive;
   1.2.4. Dublin II Regulation and EURODAC

Unit 2: Asylum Status Determination Procedure

2.1. Asylum terminology;
2.2. Single asylum procedure;
2.3. Elements of the definition of Refugee and Refugee status determination:
   2.3.1. Inclusion clauses;
   2.3.2. Exclusion clauses;
   2.3.3. Cessation clauses

2.4. Principle of non-refoulement (subsidiary protection);
2.5. Asylum procedure in Moldova:
   2.5.1. Institutional framework and legislative framework;
   2.5.2. Reception of asylum seekers;
   2.5.3. Interviews and decision making;
   2.5.4. Appeal procedure;
   2.5.5. Asylum statistics

Unit 3. Skills related to implementation of asylum procedure

3.1. Interview techniques:
   3.1.1. First interview;
   3.1.2. Asylum interview;
   3.1.3. Special cases (Unaccompanied asylum seekers, vulnerable persons, persons suffering from post-trauma syndrome);

3.2. Country of Origin Information;
3.3. Evidence assessment and decision making

Unit 4. Situation of IDPs

4.1. Legal and institutional framework, including international and regional law;
4.2. Statistics
d. Overview of the Module

<table>
<thead>
<tr>
<th>What?</th>
<th>How?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learning Objectives - Understanding</td>
<td>Learning Objectives - Skills</td>
</tr>
</tbody>
</table>

- **Unit 1. International Refugee Law**
- **Unit 2. Asylum Procedure**
- **Unit 4. IDPs**
- **Unit 3. Skills related to asylum procedure**

**Course C1 (1 AH)**
- 1.1. – 1.2. Sub-units
- 2.5. Sub-unit
- 4.1. – 4.2. Sub-units

**Course B, C3, C4, C6, C7 (4 AH)**
- 1.1. – 1.2. Sub-units
- 2.4. – 2.5. Sub-units
- 4.1. – 4.2. Sub-units

**Course C5 (16 AH)**
- 1.1. – 1.2. Sub-units
- 2.2. – 2.5. Sub-units
- 4.1. – 4.2. Sub-units
- 3.1. – 3.3. Sub-units

**e. Timeframe and lecturing method**

This Module is designed for the following courses in this Training Guide:

- Advanced Introductory Course (B) for civil servants in migration related institutions (4 AH);
- Advanced Thematic Courses (C1, 1 AH), (C3, C4, C6) and (C7, 4AH) for civil servants working in different migration areas;
- Advanced Thematic Course (C5) for civil servants working in the field of international protection and IDPs (16 AH).

The framework and lecturing methods are the same for courses (B, C3, C4, C6) and (C7). The Course (C1) provides only a short introduction on national procedures related to asylum and IDPs (for civil servants working with ID documents and statistics). The Course (C5) is designed for advanced training for future specialists in the field of international protection and IDPs. In any case, the Module – as all other Modules included in this Training Manual – could be split to separate units or topics and lectured according to the specific needs of the trainees, i.e. the whole course could be only dedicated to the specific skills needed for implementation of the asylum procedure.

The timeframe for each individual unit is described in detail in the instructional part of this Module. Depending on the proposed course and the time available, the lecturing methodology shall include presentation, group/partner/individual work on case studies, practical exercises and role playing games (in particular for the part of the training related to skills).
Module 6. International Protection and IDPs: Curriculum

<table>
<thead>
<tr>
<th>Advanced Introductory and Thematic Courses (B, C3, C4, C6, C7)</th>
<th>Advanced Thematic Course (C1)</th>
<th>Units of the Module 6</th>
<th>Advanced Thematic Course (C5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 min.</td>
<td>-</td>
<td>Unit 1. International Refugee Law and the EU acquis</td>
<td>90 min.</td>
</tr>
<tr>
<td>45 min.</td>
<td>25 min.</td>
<td>Unit 2. Asylum Status determination Procedure</td>
<td>4 AH</td>
</tr>
<tr>
<td>45 min.</td>
<td>20 min.</td>
<td>Unit 3. Skills related to the implementation of the asylum procedure</td>
<td>8 AH</td>
</tr>
<tr>
<td>4 AH</td>
<td>1 AH</td>
<td>Unit 4. Situation of IDPs</td>
<td>90 min.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16 AH</strong></td>
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<td><strong>16 AH</strong></td>
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</table>

**f. Central Module questions**

- What are the main international instruments on asylum?
- What does the principle of non-refoulement mean? What is its relation to exclusion clauses?
- What forms of international protection exist in Moldova?
- What is the difference between refugee protection and subsidiary protection?
- What kind of special procedures on refugee status determination exist in Moldova? Is it important to introduce an accelerated asylum procedure? Why?
- Is it necessary to collect Country of origin information in order to make an asylum decision? Why?
- What is a safe third country and safe country of origin? Why are these terms important for the asylum procedure?
- Who is responsible for evidence in asylum cases? How could the evidence be collected, proven and assessed?
- What are the main differences between a usual asylum interview and an interview of an unaccompanied minor who is an asylum seeker?
- How an IDP could be defined?
- Why is it important to identify IDPs groups at risk?
- What types of protection could be provided to IDPs?
- What are the main guiding principles on Internal Displacement?
Module 6. International Protection and IDPs: Instruction
Unit 1. International Refugee Law and the EU Acquis

### g. Module Instruction

#### Unit 1. International Refugee Law and the EU acquis

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
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<tbody>
<tr>
<td></td>
<td>Advanced Introductory Course (B) and Advanced Thematic Courses (C3, C4, C6, C7)</td>
<td>45 min.</td>
<td>Advanced Thematic Course (C1)</td>
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<tr>
<td></td>
<td>Advanced Thematic Courses (C5)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1.2. EU asylum acquis: 1.2.1. Reception Directives; 1.2.2. Procedural Directive; 1.2.3. Qualification Directive; 1.2.4. Dublin II Regulation and EURODAC</td>
<td>45 min.</td>
<td>-</td>
<td>45 min.</td>
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<tr>
<td>Total</td>
<td>90 min.</td>
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<td>90 min.</td>
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</table>

Unit 1 of Module 6 is designed for students of all courses for which this Module should be lectured with the exception of the Course (C1) and (C8). It is recommended to use Self-study Module 1 “An Introduction to International Protection. Protecting persons of concern to UNHCR” developed by UNHCR during the preparation and lecturing of this Unit. Module 1 of the UNHCR Reach Out training project (“What is refugee Protection?”) provides a comprehensive training guide on international standards on refugee protection, including slides for the trainer’s presentation. The Refugee Law Reader provides a comprehensive on-line model curriculum for the study of the complex and rapidly evolving field of international asylum and refugee law.

This part of training introduces international public law, including an overview of main international human rights instruments, their features and impact on the concept of international protection. The method for lecturing this unit shall include frontal lecturing, which should be enriched by a discussion and instructional conversation. The Central Module questions could be used for the discussion; additionally, section i.

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83 UNHCR, Self-Study Module 1, An Introduction to International Protection. Protecting persons of concern to UNHCR, [http://www.unhcr.org/refworld/docid/4214cb4f2.html](http://www.unhcr.org/refworld/docid/4214cb4f2.html); also available in Arabic, French, Russian and Spanish languages

84 Available at [http://www.unhcr.org/437205fd2.html](http://www.unhcr.org/437205fd2.html)

Development of the International Refugee Law and related principles of Human Rights Law

People move from their country either by choice (voluntary migration), or because they are compelled to do so (forced migration). Such compelling reasons may include human rights violations, an armed conflict, general violence or insecurity, extreme economic deprivation, ecological disasters, epidemics, etc. However, not all such compelling reasons raise grounds for protection under international law. The international community recognises only certain circumstances under which persons are not expected to stay in their country of origin or to return to it and can therefore be recognised as refugees.

Article 14 of the Universal Declaration on Human Rights states that “Everyone has the right to seek and to enjoy in other countries asylum from persecution”.


The European Court of Human Rights has mainly pronounced on articles 3 (prohibition of expulsion in case of torture), 5 (freedom from detention) and 8 (right to family life) of the European Convention of Human Rights in the specific context of asylum procedures.

Human rights are therefore relevant to the asylum process because people seek protection from human rights violations in their countries. War situations on the other hand are also generating refugee flows. International humanitarian law aims at limiting human suffering, and protecting the victims of war, including prisoners of war and civilians, as well as those who take part in military fighting.

Human rights law, international humanitarian law and refugee law are all part of public international law. Both human rights law and international humanitarian law exist to protect fundamental individual rights. They both complement and sometimes overlap each other.

**Main international law instruments** with the specific relevance to International refugee law (in the chronological order):

86 [http://www.unhcr.org/pages/4ac9fdae6.html](http://www.unhcr.org/pages/4ac9fdae6.html); [http://www.youtube.com/user/unhcr](http://www.youtube.com/user/unhcr)

- 1948 Universal Declaration on human rights (not an international treaty, however is part of international customary law);
- 1949 four Geneva Conventions and additional Protocols (the core elements of International humanitarian law));
- 1954 Convention relating to the Status of Stateless Persons;
- 1961 Convention on the Reduction of Statelessness;
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- 1966 International Covenant on Civil and Political Rights (ICCPR);
- 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR);
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women;
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- 1989 Convention on the Rights of the Child (CRC);
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

Main regional international law instruments:
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963), and Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1984);
- 1969 American Convention on Human Rights (ACHR);
- 2009 European Charter of Fundamental Rights of the European Union.

Key notions on international human rights law:

The Universal Declaration of Human Rights (UDHR) is the first universal international instrument on Human Rights (although is not a treaty, this instrument is a part of international customary law):

“All human beings are born free and equal in dignity and rights... Everyone is entitled to all the rights and freedoms set forth in [the UDHR], without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The specific rights to be found in the UDHR can be divided into several categories:

- personal security rights
- due process rights

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- liberty rights
- political rights
- equality rights
- social or “welfare” rights

The following fundamental human rights are important to mention:

- right to life
- right to non-discrimination
- prohibition of torture and other cruel, inhuman or degrading treatment
- right to freedom
- right to family and personal life
- right to equality before the law
- right to nationality
- right to leave any country and return to one’s country
- right to asylum

It is important to mention that Human Rights are indivisible and interdependent and are legally binding international rules.

International public law regulates what states may and may not do towards each other and towards individuals. International law is the legal system for states. The term refers among others to a number of principles that states must respect in their relations with each other and with individuals in many different areas. It is the system of law that governs relations between states and it has developed because states have found a need for such laws and principles.

Human Rights and freedoms are often expressed and guaranteed by national law, international treaties, customary international law, general principles and other sources of international law.

States that have ratified particular conventions must comply with their human rights obligations for all individuals who are in their territory or under their jurisdiction, regardless of their nationality, including asylum seekers.

Rights and freedoms might be enforced. For example, the European Court of Human Rights is responsible for ensuring adherence to the ECHR. The court’s decisions are binding for the countries concerned. They have led governments to alter their legislation and administrative practices in a wide range of areas. Governments could also be forced to pay damages. Individuals, groups of individuals, NGO’s and member states can apply to the court directly.

Violations of human rights could lead to armed conflicts and wars. In those situations, International Humanitarian law, also called the rules of war, applies in order to protect people in war situations. The main source of law are the so called Geneva Conventions (1949, 4 Conventions and Protocols).

**Main international instruments regulating international protection issues**

After World War II, the United Nations General Assembly adopted a general refugee definition. The international community recognised that refugees have specific needs because they cannot enjoy the protection of their own state and, thus, must be protected by another state. In order to distinguish refugees as a distinct category of people from other migrants, the United Nations adopted on 28 July 1951 the **Convention relating to the Status of Refugees** giving them special rights. It was later amended by the 1967 New York Protocol.

**Role of UNHCR**

The states (members) of the United Nations Organisation need to co-operate with the office of the United Nations High Commissioner for Refugees (UNHCR), or any
other agency of the United Nations which may succeed it, in the exercise of its functions, and shall, in particular, facilitate its duty of supervising the application of the provisions of the Convention.

In order to enable UNHCR to prepare reports for the competent organs of the United Nations, the contracting states provide it with the requested information and statistics (in the appropriate form) concerning:

- the condition of refugees;
- the implementation of the Convention;
- laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

UNHCR has a mandate to provide legal guidance to the competent national authorities. For example, it provides the Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, as well as guidelines.

UNHCR is mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems. UNHCR's primary purpose is to safeguard the rights and well-being of refugees. In its efforts to achieve this objective, it strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, and to return home voluntarily. By assisting refugees to return to their own country or to settle permanently in another country, UNHCR also seeks lasting solutions to their plight.

UNHCR's Executive Committee and the UN General Assembly have authorised involvement with other groups. These include former refugees who have returned to their homeland; internally displaced persons; and people who are stateless or whose nationality is disputed.

UNHCR seeks to reduce situations of forced displacement by encouraging states and other institutions to create conditions which are conducive to the protection of human rights and the peaceful resolution of disputes. In all of its activities, it pays particular attention to the needs of children and seeks to promote the equal rights of women and girls. Moreover, it works in partnership with governments, regional organisations, international organisations and non-governmental organisations. It is committed to the principle of participation, believing that refugees and others who benefit from the organisation's activities should be consulted over decisions which affect their lives.

**Refugee definition according to international Law**

*Article 1 A of the 1951 Convention:*

The term "refugee" shall apply to any person who:

"(2) [...] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizenship or former habitual residence and is unable or unwilling to enjoy the protection or return to it."

A very similar refugee definition is presented in the EU Qualification Directive.

Determining who is a refugee requires looking at three types of provisions regulating the granting of refugee status under the 1951 Convention:

- refugee status inclusion clauses
- exclusion clauses
- cessation clauses.
EU Asylum Acquis 89
EU policy in the area of asylum aims to ensure that the right to seek and enjoy asylum is respected in the EU. It aims to guarantee high standards of international protection and fair and effective asylum procedures and to ensure financial and other solidarity between the EU Member States.

The EU aims to develop and implement a Common European Asylum System (CEAS).

The main instruments in place are:


“Dublin Regulation”: Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

EURODAC: a biometric database for comparing fingerprints, which helps EU States to verify whether an asylum applicant has previously claimed asylum in another EU State, or has been previously apprehended when entering EU territory irregularly, and the “EURODAC regulation” (Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention);


These instruments form the EU acquis regarding asylum. With the exception of the Dublin II Regulation, all these instruments are more or less “minimum standards”. The Member States therefore apply more favourable provisions at the national level. This avoids a harmonisation process downwards often feared by NGOs.

In addition to the legislative instruments, a European Refugee Fund was created in 2000 to financially support the development of the European Asylum Policy. Furthermore the European Asylum Support Office was created (its headquarters is in Valetta, Malta).

Reception Directive
The Reception Directive aims to harmonise reception standards with a view of avoiding asylum seekers’ movement to those Member States that grant better reception conditions. MS had to bring their legislation in line with the directive by February 2005. The reception directive lays down minimum standards for the

89 For more information and further reading, as well as for the access to all policy documents: European Commission, Home Affairs, Asylum policy, http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm
reception of asylum seekers while their claim is being decided.

The directive aims to:
- establish minimum standards necessary to ensure a dignified standard of living and comparable living conditions for asylum seekers in the EU MS;
- limit secondary movements of asylum seekers due to still varying reception standards in the EU MS. The 1951 Geneva Convention does not cover reception conditions.

The minimum standards under the directive cover:
- access to information and documentation
- employment
- material reception conditions
- education
- healthcare
- requirements to staff dealing with reception conditions

The directive attaches particular attention to persons with special needs, for instance unaccompanied minors, pregnant women, torture victims and others. There are additional requirements for these individuals, including rehabilitation services, mental health care, guardianship, etc.

The behaviour of asylum seekers during the asylum procedure may have a direct influence on reception conditions (e.g. abandoning the reception place without permission from or informing authorities, not complying with reporting duties, etc.). However, all decisions on the reduction and withdrawal of reception conditions should be individual and well founded. A possibility of appeal before a judge must be granted at least in last instance. Asylum seekers must therefore have access to legal assistance under the conditions foreseen by national law.

Asylum seekers are free to move within the territory of the Member State or an area assigned to them. But the directive allows limitations to this freedom for legal reasons, public order and/or swift processing and monitoring of the asylum claim.

Asylum Procedures Directive

The Asylum Procedures Directive was adopted on 1 December 2005. MS had to bring their legislation in line with the directive by 1 December 2007. The Geneva Convention does not cover asylum procedures. The minimum standards under the directive cover:
- decision-making requirements;
- procedural guarantees;
- harmonised approach to certain concepts and practices.

The directive establishes minimum requirements in the necessary knowledge that the staff of asylum institutions must possess in working with refugees and refugee law. They should be properly trained to apply the procedure applicable under national law. There are also requirements for institutions other than asylum institutions.

According to the directive, asylum seekers are entitled to:
- remain in the territory;
- obtain information about the procedure;
- have the services of an interpreter;
- communicate with UNHCR;
- receive notice about the decision;
- have a personal interview;
Examination of applications under the directive is based on distinctions between regular, accelerated and inadmissible procedures and also the unfounded character of the application.

According to the directive, a regular examination of an asylum claim should not take more than 6 months. Member states may prioritise the procedure if an asylum seeker has special needs or the application is likely to be well-founded. They are also allowed to accelerate the procedure for people whose claims are deemed “inadmissible” or “unfounded”:

**Inadmissible claim** means that a Member State will do a preliminary examination without looking at the substance of the application. Inadmissible claims concern those cases where the Dublin procedure, first country of asylum or safe third country notion apply; when an identical application after the final decision was submitted; as well as other situations listed in the directive.

**Unfounded claim** means a claim that does not merit full examination and thus could be considered in a shorter time and with less procedural guarantees. The directive includes a list of 15 situations in which claims may be considered unfounded.

**Qualification Directive**

The Qualification Directive has a close link to the 1951 Geneva Convention, as it provides for a European interpretation of its provisions. The directive was adopted to respond to the need for the harmonisation of the interpretation of the criteria for recognition of persons as refugees, which varied among the EU Member States. The directive also establishes the criteria for granting subsidiary protection to those not covered by the refugee definition but nevertheless need protection. Finally, the directive defines the minimum rights that persons with this status are entitled to.

The qualification directive also uses three concepts:

- exclusion
- cessation
- revocation

The two first concepts are linked to the 1951 Geneva Convention, while revocation is a new concept.

The 1951 Geneva Convention does not cover all situations faced by asylum seekers. Thus the qualification directive covers situations of persons whose need of international protection can only be met by the granting of subsidiary protection. This protection should be implemented in such a manner as not to undermine but rather complement the existing refugee protection regime. For the first time in Europe this directive establishes a legal obligation to also grant protection to persons not covered by the refugee definition, and facing serious harm, consisting of (Article 15) (1):

- death penalty or execution;
- torture or inhuman or degrading treatment or punishment (when it is not related to 1951 Geneva Convention reasons);
- serious and individual threat to life or person due to indiscriminate violence in an armed conflict.

These grounds are based largely on the international obligations under human rights instruments (Article 3 of the European Convention on Human Rights and Fundamental Freedoms, Article 3 of the UN Convention against Torture and Article 7
Asylum procedures under the directive are accompanied by procedural guarantees. However, the directive allows a number of exceptions to these guarantees in the following cases:

- border procedure;
- when the European safe third country notion is applied;
- when the subsequent application will not be examined;
- appeal procedure.

According to Article 39 of the directive, the applicant must have the possibility to appeal against a negative decision. The directive refers to an effective remedy but it does not explain what it requires. The directive instead makes a reference to international obligations dealing with remedy, in particular whether there should be a suspense effect.

In Europe, the ECHR may be of help in determining an effective remedy. The following considerations are important in this respect:

- The appeals institution shall be independent from the body involved in violation and shall have the competence to remedy the violation;
- The applicant’s claim shall be examined on merits (in substance);
- A real rather than theoretical possibility to use the remedy shall be available while in the territory of state (suspense effect of appeal).

Dublin Regulation

The so-called Dublin System is a set of "criteria and mechanisms for determining which Member State is responsible for considering an application for asylum". It was first established under the 1990 Schengen and Dublin Conventions, in connection with the creation of an area without internal frontiers between the Member States. Since the entry into force of the Amsterdam Treaty on 1 May 1999, asylum has become a Community matter.

The Dublin System has 31 Member States (27 EU MS and Iceland, Liechtenstein, Norway and Switzerland). For the EU MS, the Dublin System must be regarded as part of a comprehensive Common European Asylum System (CEAS), which also includes the EU Directives harmonising national asylum legislations, and the European Refugee Fund establishing financial solidarity between the Member States.

The Dublin System performs two basic functions:

- allocation of the responsibility for the examination of an asylum application to a Member State;
- after allocation of the responsibility, it provides for the readmission of the applicant in the responsible Member State.

The Dublin System pursues the following policy objectives:

- guaranteeing access to an asylum procedure;
- preventing the examination of multiple applications (so called one-chance-only principle).

The Dublin Regulation lays down objective responsibility criteria. These are based on the general principle that responsibility should lie with the state that has played the greatest role in the entry and stay of the applicant, subject to exceptions designed to protect family unity. Through the discretionary clauses, the Dublin system authorises MS to take fully into account the legitimate interests of asylum
seekers and to derogate from both the one-chance-only principle and the responsibility criteria.

A broad range of human rights may be at issue in the implementation of the Dublin Regulation, most notably the non-refoulement principle, the right to liberty, the right to family unity, and due process rights. The regulation must therefore at all times be interpreted and applied in compliance with human rights guarantees enshrined in international, European, and national law. The regulation establishes clear procedural rules on such issues as: take charge or take back, procedural guarantees, transfer procedures and time limits. The regulation is supported by some EU tools: Eurodac (fingerprints database), Dublinnet (encrypted data transmission between Member States) and the Visa Information System (information on short stay visas).

Additional materials (see section i.) for this Unit:

- Questions for a facilitated discussion and/or instructional conversation (Unit 1.1.);
- Questions for a facilitated discussion and/or instructional conversation (Unit 1.2.).
**Unit 2. Asylum Status Determination Procedure**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Asylum Terminology</td>
<td>20 min.</td>
<td>Presentation, group/partner/individual work, practical exercises, movies, instructional conversation</td>
<td>Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape</td>
</tr>
<tr>
<td>2.2. Single Asylum Procedure</td>
<td>25 min.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3. Elements of the refugee status determination:</td>
<td>45 min.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3.1. Inclusion clauses</td>
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<td></td>
<td></td>
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<tr>
<td>2.3.3. Exclusion clauses</td>
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<td></td>
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<tr>
<td>2.3.4. Cessation clauses</td>
<td></td>
<td></td>
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<tr>
<td>2.4. Principle of non-refoulement (subsidiary protection)</td>
<td>20 min.</td>
<td>45 min.</td>
<td></td>
</tr>
<tr>
<td>2.5. Asylum procedure in Moldova:</td>
<td>25 min.</td>
<td>25 min.</td>
<td>45 min.</td>
</tr>
<tr>
<td>2.5.1. Institutional framework and legislative framework;</td>
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<tr>
<td>2.5.2. Reception of asylum seekers;</td>
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<td>2.5.3. Interviews and decision making;</td>
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<tr>
<td>2.5.4. Appeal procedure;</td>
<td></td>
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<td>2.5.5. Asylum statistics</td>
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<tr>
<td>Total</td>
<td>45 min.</td>
<td>25 min.</td>
<td>4 AH</td>
</tr>
</tbody>
</table>

Unit 2 of Module 6 is designed for students of all courses for which this Module should be lectured (B), (C1) and (C3 – C7). It is recommended to use the Self-study Module 2 “Refugee Status Determination. Identifying who is a refugee” developed by UNHCR for the preparation and lecturing of this Unit. Module 2 of the UNHCR Reach Out training project (“Refugees and Displacement”) provides elements of the training guide, including presentation slides, on identifying refugees and refugee status determination procedures. It is recommended to invite a practitioner working in the asylum field in Moldova to present this part of the training, and in particular, Topic 2.5 – Asylum procedure in Moldova, where practical examples and exercises are very important.

The main methodological tip for lecturing this unit is that the trainer shall complement **frontal lecturing** with inter-active **exercises** as much as possible (according to available time and background knowledge of the participants). Section i. Additional materials includes some exercises for Units 2.1 – 2.4. It is strongly recommended to invite a practicing expert from the respective Moldovan institutions/ organisations to support the trainer in presenting this Unit, as he/she could provide **practical cases**.

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90 UNHCR, Self-Study Module 2, Refugee Status Determination. Identifying who is a refugee, [http://www.unhcr.org/publ/PUBL/43144dc52.pdf](http://www.unhcr.org/publ/PUBL/43144dc52.pdf), also available in Arabic, French, Russian and Spanish languages

91 Available at [http://www.unhcr.org/437205fd2.html](http://www.unhcr.org/437205fd2.html)
related to the Moldovan asylum system. The Handout on Main terminology related to asylum is also included in the aforementioned section, and could be distributed to participants before, during or after the lecture depending on the trainees' needs.

Single Asylum Procedure

A single consolidated procedure which assesses whether an asylum-seeker qualifies for refugee status, or complementary/subsidiary protection, represents the clearest and swiftest means of identifying those in need of international protection. It could offer a more economical, effective and less fragmented approach. This could lead to the establishment of a more coherent interpretation of international protection needs.

The key to a credible asylum system that protects refugees and discourages people who do not have a legitimate asylum claim is quality decision-making, done promptly, and with the results enforced, including the return of those not in need of international protection.

In the EU, where there are no internal borders and countries share the same fundamental values, MS need to cooperate to find common solutions that guarantee high standards of protection for refugees. Procedures must at the same time be fair and effective throughout the EU and impervious to abuse. With this in mind, the EU Member States commenced the establishment of a Common European Asylum System (CEAS) in 2012.

The Single Asylum Procedure responds to the call of the Hague and Stockholm Programmes hoping to finalise CEAS in the near future. It aims to address the deficiencies in procedures for granting and withdrawing international protection and to ensure higher and more harmonised standards of protection, thus progressing towards a common asylum procedure and a uniform status.

The main objective of the Single Asylum Procedure is to ensure higher and more coherent standards on procedures for granting and withdrawing international protection that would guarantee an adequate examination of the protection needs of third country nationals or stateless persons in line with the international and Community obligations of Member States.

Ensuring higher standards on asylum procedures as well as their consistent application across the EU will have an overall positive impact for asylum seekers from a fundamental rights point of view. In particular, the proposal will reduce room for administrative error in asylum procedures thus ensuring better respect for the principle of non-refoulement and improving access to protection and justice. It will also enhance gender equality and promote the best interests of the child principle in national asylum procedures.

Elements of the Refugee Definition and Refugee Status Determination

Inclusion clauses define which conditions should be fulfilled in order meet the refugee definition. These conditions have to be fulfilled in order for a person to be recognised as refugee. Recognition of refugee status does not make a person a refugee, but declares him to be one. A person does not become a refugee because of recognition, but is recognised because he/she is a refugee. The 1951 Convention is based on the premise that in order to protect refugees we need to protect asylum seekers pending the assessment of their application.

Inclusion clauses cover five requirements/elements:

1. **Existence of a well-founded fear:**
   - subjective element and an objective element of fear;
   - not limited to future acts;
burden of proof is shared between the applicant and the authorities of the assessing state;
- it may be necessary to give the applicant the benefit of the doubt if he or she satisfies the demand for general credibility;
- a reasonable likelihood of persecution in case of return to country of origin is regarded as well-founded fear.

2. (a well-founded fear of) Persecution:
- violations of a serious nature such as threat to life or freedom whereby a return to country of origin becomes unbearable;
- cumulative and/or repetitive acts which may in totality constitute persecution;
- may be committed by both state and non-state actors.

3. Claim (fear of persecution) needs to be based on one or several of these grounds:
- race, religion, nationality, membership of a particular social group and political opinion (article 1(A)(2) of the Geneva Convention and Article 10(1) of the EU Qualification Directive);
- there is a connection (nexus) between the fear of persecution and one or several of these grounds.

4. Outside the country of origin:
- the refugee needs to be outside his or her country of nationality or, in case he/she is stateless, outside his/her former habitual residence;
- he or she has left the country of origin for fear of persecution and is not able to avail himself or herself of its protection;
- fear and availability of protection has to be assessed regarding the situation in this country of nationality or/and former habitual residence;
- refugees sur place are persons who are residing abroad and who face persecution because of a change in their country of origin or because of their own activities outside their country.

5. Cannot enjoy the protection of the country of origin and return to it:
- the State’s authorities are the main providers of internal protection;
- in circumstances where the applicant has been persecuted by the State, protection is generally presumed unavailable;

Exclusion
The Geneva Convention under Articles 1(D), (E) and (F), and the Qualification Directive under Articles 12 and 17 stipulate that persons shall be excluded from the benefit of international protection, but not from subsidiary protection (only the Qualification Directive). There are minor differences between both provisions.

There are three categories of exclusion clauses:
- 1(D): concerns persons in need of protection, but who are already benefiting from protection by an international organisation or by another state (e.g. Palestinians under UNWRA protection)
- 1(E): concerns people who are not in need of international protection by virtue of
their de facto nationality

- 1(F): concerns persons who do not deserve international protection since there are serious reasons to believe that they committed a crime against peace, war crimes, crimes against humanity, serious non-political crimes, or committed acts contrary to the purposes and principles of the UN.

Cessation

The first 4 cessation clauses in article 1(C) of the Geneva Convention and Article 11 in the Qualification Directive can only occur due to an individual’s voluntary, intentional and wilful actions or behaviour.

Return to the country of origin as such does not automatically imply the need for cessation, and thus has to be assessed with caution. It is always necessary to consider a refugee’s reasons as to why they have voluntarily behaved in such a way. As cessation clauses put an end to refugee status, subsidiary protection or temporary protection, they should therefore be interpreted restrictively and the individual circumstances should always be taken into account.

The “ceased circumstances” situation requires the establishment of fundamental, stable and durable changes in the country of origin, as well as availability of effective protection. In order to apply the “ceased circumstances” clauses, the following questions are of particular interest:

- Does the original threat for persecution continue to exist?
- If there is no previous persecution, are there new reasons to fear persecution?
- Is effective protection available?

Cessation is not an automatic decision, a procedure has to be followed and it involves several steps, while the authorities have the burden of proof. Cessation should only be undertaken where facts have been established that would bring the individual under the cessation clauses. Individuals who are notified of cessation procedures should be given a reasonable period of time to request an interview or to submit compelling reasons as to why the status should not be withdrawn.

In each case the cessation decision should be recorded in an individual cessation assessment that includes:

- a summary of the evidence that is relevant to the grounds for cessation, including an assessment of the reliability of the evidence and credibility of the individual concerned;
- a determination of whether the accepted facts support the finding that the individual is no longer in need of refugee protection;
- the individual should receive a cessation decision in writing. The reasons supporting this decision and information on the right of appeal and consequences should be included.

Principle of non-refoulement

The principle of non-refoulement is the cornerstone of refugee protection. It obliges states to refrain from returning people to situations of danger. The principle is embodied in the Geneva Convention under Article 33.

Article 33(1) Geneva Convention

“No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”

The benefit of its’ protection may be enjoyed not only by persons who face
persecution, but also by others, who as a result of torture, cruel and degrading treatment or punishment or other dangers are unable to avail themselves of the protection of their country.

Furthermore, it is important to stress that the principle of non-refoulement under the Geneva Convention is not absolute in its nature. Under the Geneva Convention, there are 2 exceptions when a refugee may be returned despite the risk of persecution:

**Article 33 (2) Geneva Convention**

“The benefit of the present provision may not, however, be claimed by a refugee:

- whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or
- who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country”

**Individual Application of non-refoulement**

The principle of non-refoulement applies not only to persons who are recognised officially as refugees, but also to asylum seekers, whose status is yet to be determined. This is based on the presumption that a person becomes a refugee when he leaves his/her country because of refugee-related problems and not at the moment of being recognised by an administrative act. Thus in order to protect refugees, persons seeking refugee status (asylum seekers) should be protected. The principle of non-refoulement applies both to individual refugees and also in situations of a mass-influx of refugees.

**Exterritorial application**

The principle applies equally to persons who are already in the territory of a state, as well as to those, who are seeking protection as refugees at the border (including at sea in territorial waters and in the contiguous zone). This is based on a state’s responsibility for its actions not only within its territory, but also within its authority (jurisdiction). The mere contact with the border guard, military or other state authorities or presence of an asylum seeker in an airport or sea port transit zone involves state responsibility for any action taken in respect of him/her. In this the obligations of the state extend beyond its borders.

**Prohibited actions**

Prohibited actions, in principle cover any act of a state, whereby the person is directly or indirectly (by sending to a third country, which does not provide protection from further return) forced to return to a country where he/she fears persecution. This is confirmed first of all by the phrase in Article 33(1) of the 1951 Convention “in any manner whatsoever”. This phrase includes, but is not limited to prohibition of forcible deportation to a country of origin; prohibition of preventing asylum seekers to come ashore if they arrive by sea, which would result in their return to a country of persecution; and prohibition of preventing the asylum seeker from entering the territory at the border. The principle of non-refoulement also forbids extradition.

**Absolute character of non-refoulement principle under Article 3 ECHR**

Under Article 3 of the European Convention of Human Rights, whenever substantial grounds have been shown for believing that an individual would face a real risk of being subjected to treatment contrary to Article 3 (if removed to another State), the responsibility of the contracting state to safeguard him/her against such treatment is engaged in the event of expulsion.

In these circumstances, the activities of the individual in question, however
undesirable or dangerous, cannot be a material consideration. The protection afforded by Article 3 is thus wider than that provided by Articles 32 and 33 of the Geneva Convention. It is considered that the principle of non-refoulement under other human rights instruments and customary international law does not allow for exceptions and is thus absolute.

It is recommended to invite representatives from the Bureau for Migration and Asylum to assist in the training on the implementation of the Asylum Procedure in Moldova, as this institution is responsible for asylum decision-making and the representatives could provide the participants with practical details as well as with examples of asylum cases.

The Law on Asylum in the Republic of Moldova was approved on 18 December, 2008 and entered into force on 13 March, 2009. This legal act not only establishes the status of the refugee in the country, but also different forms of asylum and protection.

According to this Law, the following forms of protection are granted on the territory of the Republic of Moldova:

a) refugee status;

b) humanitarian protection;

c) temporary protection;

d) political asylum.

According to the Law, the refugee status is recognised for “a foreigner who, having a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/ her nationality and is unable or, owing to such fear, is unwilling to avail himself/ herself of the protection of that country; or who, not having a nationality and being outside the country of his/ her former habitual residence, as a result of such events, is unable or, owing to such fear, unwilling to return to it”. Moreover, Article 19 of the Law is applied when aliens do not fall under the provisions of the Refugee Convention and the additional protocol, however “with regard to whom there are reasons to believe that, upon return to his/ her country of origin, he/ she will be subjected to a serious risk, owing to which he/ she is unable or unwilling to avail himself/ herself of the protection of that country”. In these cases a subsidiary protection status – humanitarian protection - will be granted to an alien in need of such protection.

Temporary protection is granted in Moldova by a Government decision, at the proposal of the Ministry of Internal Affairs, based on the report of the Bureau for Migration and Asylum on the need to grant temporary protection. The Government decision shall set measures and the period for which the temporary protection is granted. The temporary protection can be granted only in the case of mass influx of persons in need of protection into the territory of the Republic of Moldova.

In exceptional cases, persons, who have held political, diplomatic or public interest office in other states or international organisations, persons who have demonstrated a special attachment to, respect for and interest in the Republic of Moldova, other prominent persons who are persecuted in their country of origin may request political asylum from the President of the Republic of Moldova.

The competent authorities shall ensure access to the asylum procedure of every

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foreigner on the territory of the Republic of Moldova or at the border upon written or verbal expression of his/her will from which it follows that he/she requests protection from the Republic of Moldova.

When assessing applications for asylum, the competent authorities shall investigate ex-officio any factual and legal circumstances that may lead to the resolution of the case, even if such a circumstance was not expressly invoked or mentioned in the application for asylum or the appeal application.

When assessing an application for asylum, the competent authorities have the obligation to examine all the relevant aspects of the application for asylum, if need be, in collaboration with the applicant, or upon the applicant’s request. When assessing the application for asylum, accurate and updated information from various sources on the general situation in the asylum-seeker’s country of origin shall be taken into consideration for the purpose of evaluating the personal situation of the applicant.

Applications for asylum shall be assessed individually, objectively and impartially by qualified personnel who apply relevant standards applicable in the field of asylum law.

The Law also establishes a principle of benefit of the doubt, according to which whenever some reasons or all reasons presented in the application for asylum, which would justify the granting of some form of protection, are not substantiated with any documentation or other evidence, the benefit of the doubt shall be granted if the following conditions are cumulatively met:

a) the applicant has made all the efforts to substantiate his/her application for asylum;
b) all the relevant elements that the applicant holds have been presented and the absence of such elements has been justified in a reasonable manner;
c) the applicant’s statements are considered coherent, plausible and are not contradicted by the country of origin information relevant to his/her case;
d) the applicant submitted the application for asylum as soon as possible and the possible delay is justified by well-founded reasons;
e) the general credibility of the applicant has been established.

The Law defines the persecution as acts which are:

a) sufficiently serious by their nature or by repetition as to constitute a severe violation of basic human rights, in particular non-derogable rights under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
b) a multitude of measures, including violations of human rights, which are sufficiently severe as to affect an individual in a similar manner as set out in point a).

Acts of persecution may take form of acts of physical or mental violence, including acts of sexual violence, legal, administrative, police, and/or judicial measures which are discriminatory or which are applied in a discriminatory manner; disproportionate or discriminatory accusation or punishment; impossibility of retrial following a discriminatory or disproportionate punishment; accusation or punishment resulting from refusal to perform military service, in the case of a conflict, where performing military service would include commission of offences or acts that fall under the exclusion clauses of the refugee status; acts and abuses of gender-specific discrimination nature, as well as acts and abuses of child-specific discrimination nature.

A serious risk means according to the Law the presence of one of the following
situations:
   a) existence of a conviction to capital punishment or threat of execution;
   b) torture, inhuman or degrading treatment or punishment of the applicant in his/her
country of origin;
   c) serious and individual threat to the civilian's life for reasons of generalised
   violence in situations of international or internal armed conflict.

An application for asylum shall be submitted personally by a foreigner, immediately upon:
   a) arriving at a crossing point of the state border;
   b) entering the territory of the Republic of Moldova;
   c) occurrence of events in the country of origin of the foreigner with the right to
   sojourn in the Republic of Moldova and to seek protection.

The competent authorities cannot refuse to receive an application for asylum on the
ground that it was submitted with delay.

An asylum application can be submitted to the Refugees Directorate; authorities of
supervision and control of the state border; police bodies; structures of the
Department of Penitentiary Institutions of the Ministry of Justice or subdivisions of
temporary detention of the law enforcement bodies. Before taking a decision on the
application for asylum, the asylum seeker shall have the possibility to be interviewed
with regard to his/her application. The interview shall take place as soon as
possible, but not later than 21 days following the application date. According to the
ordinary procedure for the examination of the application for asylum the application
shall be examined within six months. The period may be extended for consecutive
periods of one month each, but shall not exceed three months. Following the
interview with the asylum seeker, on the basis of the information prepared by the
Refugee Directorate, its head shall take one of the following decisions:
   a) to recognise refugee status;
   b) to grant humanitarian protection;
   c) to reject the application for asylum;
   d) not to grant humanitarian protection.

Decisions of the Refugee Directorate on applications for asylum may be appealed in
an administrative procedure without complying with the requirement of a preliminary
procedure. An accelerated procedure as well as a procedure for persons with special
needs is also established by the Law.

Additional materials (see section i.) for this Unit:
   - Handout "Main Asylum terminology" (Unit 2.1.);
   - Examples of practical exercises (Unit 2.1. – 2.4).
### Unit 3. Skills Related to Implementation of the Asylum Procedure

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1. Interview techniques:</td>
<td>Advanced Introductory (B) and Advanced Thematic Courses (C1, C3, C4, C6, C7)</td>
<td>4 AH</td>
<td>Presentation, group/partner/individual work, facilitated discussion, practical exercises, role playing game</td>
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<tr>
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<td>Advanced Thematic Course C5</td>
<td></td>
<td>Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape, computers for practical exercises on COI</td>
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<tr>
<td>3.1.1. First interview;</td>
<td>-</td>
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<td>3.1.2. Asylum interview;</td>
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<tr>
<td>3.1.3. Special cases (Unaccompanied asylum seekers, vulnerable persons, persons suffering from post-trauma syndrome, etc.)</td>
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<td>3.2. Country of Origin Information</td>
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<tr>
<td>3.3. Evidence assessment and decision making</td>
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<td>Total</td>
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</table>

Unit 3 of Module 6 is designed only for the students of the Advanced Thematic Course (C5) – (future) specialists working in the field of international protection. Although the topics of the unit are specific to asylum seekers, this unit is also of upmost importance for civil servants and other officials working in the field of IDPs.

It is recommended to use Self-study Module 4 “Interviewing applicants for Refugee Status” and Module 3 “Interpreting in a Refugee Context”[^93]. With regard to the training and practical exercises in researching country of origin information, it is recommended to use a training manual prepared by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)[^94].

It is also recommended to invite a practitioner working in the asylum field in Moldova to present this part of the training, as practical examples and exercises are very important in this unit.

This Unit of Module 6 aims providing state servants directly involved in the asylum procedure with certain skills (or improving their skills). It could also be lectured for some other categories of state servants (e.g. social workers). Therefore, it must include practical exercises and role playing games in order to support improvement of skills.

[^93]: UNHCR, Self-Study Module 3, Interpreting in a Refugee Context, [http://www.unhcr.org/refworld/docid/49b6314d2.html](http://www.unhcr.org/refworld/docid/49b6314d2.html), also available in Arabic, French, Russian and Spanish languages; Self-Study Module 4, Interviewing Applicants for Refugee Status, [http://www.unhcr.org/refworld/pdfid/3ccea3304.pdf](http://www.unhcr.org/refworld/pdfid/3ccea3304.pdf) (ATTENTION: the Module can be reviewed by UNGCR in the nearest future, please, follow the UNHCR training references, [http://www.unhcr.org/refworld/training.html](http://www.unhcr.org/refworld/training.html)).

[^94]: ACCORD, Researching Country of Origin Information, A Training Manual, [http://www.unhcr.org/refworld/publisher,ACCORD,HANDBOOK,,4ecf86c32,0.html](http://www.unhcr.org/refworld/publisher,ACCORD,HANDBOOK,,4ecf86c32,0.html), [http://www.coi-training.net/content/](http://www.coi-training.net/content/), also available in Russian, French, Romanian, German, Spanish and Italian
Asylum Interview techniques:

When conducting an asylum interview it is always important to keep in mind the aim and purpose of the interview:

- to obtain details about why the applicant has made an application for asylum;
- to provide an opportunity for the applicant to explain or provide additional information related to the claim that he/she is in fear for persecution;
- to provide an opportunity for the interviewer to test or probe the information provided, and where necessary, ask the applicant to explain any apparent problems or inconsistencies in the evidence given in support of the claim;
- to enable the decisionmaker to make a well-supported decision on the application for asylum.

An asylum interview is not an interrogation: it is above all a fact-finding exercise that should be conducted with sensitivity and respect.

Interviewing children:

Interviewing children to examine their claim for international protection demands specific personal skills. Children are often extremely vulnerable because of their immaturity, dependency and developmental needs and should therefore be treated with special consideration. When interviewing a child, special attention needs to be paid to the age and level of maturity of the child. The interviewing of children should therefore only be carried out by personnel who already have considerable experience in interviewing applicants i.e. a more senior or advanced caseworker.

Interviewing vulnerable persons:

When dealing with vulnerable persons it is crucial to make clear whom we understand to be a vulnerable person. This definition can either be taken from legal documents, be it national or international legislation or jurisdiction, or can be developed by looking at cases of applicants where we feel the need to provide more help, understanding and support than in "ordinary cases".

The aim is to raise consciousness about the different backgrounds and consequences of vulnerability.

The asylum interview is non-adversarial and the questioning should be effective but fair. The interviewer should not cross-examine the applicant, the officer is a neutral decision-maker. Applicants, regardless of the merits of their case, must at all times be treated with respect.

Conducting an asylum interview is not only about asking the right questions. The asylum seeker is not a criminal. It is a person exercising his right to apply for protection. The officer’s duty is to uphold that right. The officer needs to establish the facts to do so.

Asylum seekers, like all people, may not be capable of remembering everything. In the interview it is the officer who has the power over the applicant. It is thus perfectly normal that an applicant is nervous at the beginning of the interview. An applicant who has a genuine claim has every reason to be afraid of the consequences if he is not able to convince the interviewer. An applicant with a legitimate claim may choose to lie to avoid deportation. Therefore, it is important for the officer to establish why
the applicant has omitted facts or tried to conceal circumstances. An officer shall never be judgemental towards the applicant and disregard the merits of the case.

*Maintaining a professional approach means to:*
- treat the applicant with respect;
- be non-judgemental and non-moralistic;
- establish an environment where the applicant can freely state his claim of protection;
- treat all applicants as individuals;
- recognise and control your own biases and prejudices;
- probe all material facts;
- give the applicant opportunity to clarify any inconsistencies;
- keep an impartial atmosphere throughout the interview.

In short, the officer shall be:
- unbiased
- friendly
- impartial
- service minded
- reliable

**Country of origin information (COI)** is information which is used in procedures to assess claims of individuals to refugee status or other forms of international protection.

It should help to answer questions by decision makers and legal advisers about
- the human rights and security situation,
- the political, societal and legal situation,
- the humanitarian, economic, cultural and geographical conditions in countries of origin.

It is an essential element of COI that the author/publisher of the information has no vested interest in the outcome of the individual claim.

COI usually consists of country reports, fact sheets, academic and news articles, query responses and reports of fact-finding missions, among others. It is not limited to referring to the country of origin of an applicant but may also refer to a country or countries of transit and, in some cases, to a country of former habitual residence.

**Procedural COI Standards**

Apart from the substantive standards which refer to the quality of a COI product, there are some criteria that are related to the context and the setting in which COI products are created. The following procedural COI standards derive from the EU Procedures Directive, the EU Qualification Directive and UNHCR's positions. Standards are formulated in the Common EU Guidelines for processing Country of Origin Information, the Training Manual on Researching COI, and the IARLJ checklist on judicial criteria for assessing COI.

**Protection of the personal data of the applicant**

COI researchers, as do legal advisers and decision-making bodies, have a legal obligation to protect the personal data of the applicant. Personal data should not be shared with anyone without explicit and unambiguous consent by the applicant, unless there is an overriding interest at stake, either of the individual concerned, or of another individual or of society at large. Circumstances in which consent is not required are an exception, in which case disclosure must be necessary, in accordance with law, and proportionate to the legitimate aim pursued. Personal data
should never be shared directly with the alleged persecutor. Furthermore, great care must be taken for information that seems anonymous but might indirectly point to the applicant. Even where state institutions no longer function societies in countries of origin often employ very efficient informal information networks that can be quite far reaching.

**Neutrality**

Using the term “Neutrality” includes the terms neutrality and impartiality, objectivity and independence as they are closely related to each other. They all characterise the setting in which a COI unit or an individual researcher works and intend to ensure the production of high-quality COI products.

**Neutrality and Impartiality**

Neutrality is defined as being unrelated to or without any possible stake in the subject matter. The COI product should be factual and objective. This means that all the facts should be presented in a neutral way, without bias, on the basis of balanced and validated information and within the correct context. Country of origin information can only be reliable and accurate if the research is conducted in a manner impartial with regard to the requester and neutral with regard to the outcome of the research. The role of the requesting institution in the asylum procedure must not impact the comprehensiveness of the research or the selection of sources and/or information.

**Objectivity**

Objectivity is defined as not being influenced by emotions, personal prejudices, interests or biases. An objective COI system is central to the assessment of whether a person should benefit from international protection.

**Independence**

The need to meet the criteria of objectivity and impartiality implies that, whenever possible, the processing and the production of COI should be kept independent from the decision making process and policy making.

**Evidence assessment**

The actual assessment of evidence will often rely solely on the statement of the applicant. Making an assessment about the risk for future persecution or ill-treatment and establishing when the standard of proof is met is a further challenge.

**What is evidence?**

**Material Facts:**

From all information relating to an application for asylum the facts that are material (relevant) to the claim – known as the “material facts” – have to be identified.

Asylum institutions have to determine if they can accept or not accept the alleged facts. In doing so, the findings are based on the interview as well as different kinds of documents (e.g. statements, medical reports and certificates relating to the civil status of the applicant).

All evidence having a bearing on the existence or non existence of an alleged fact must be taken into account. How much one should put to the evidence depends to its “quality”.

**Burden and standard of proof:**

- The burden of proof is usually understood as the task of proving the relevant facts of a case, or more concretely as the task of presenting evidence to the decision
maker. In the context of asylum the burden of proof is a concept that encompasses, on the one hand, the responsibility of the applicant to substantiate his/her application and on the other hand the burden of investigation placed on the asylum authority. What is to be proven, when, and by whom, can vary and change as the burden of proof shifts.

- The standard of proof shows the level of proof required in a legal action to convince the decision-maker (e.g. judge) that a given proposition or statement is true. In criminal matters, the standard of proof is usually very high (the judge should be convinced beyond any reasonable doubt), while in other procedures (e.g. civil) this requirement can be less strict. In the asylum context, the standard of proof varies regarding what is to be proven (e.g. inclusion, exclusion from refugee status, application of Article 15 (c) of the Qualification Directive and internal protection alternative).

Evidence provided by the applicant:

The intention is not to draft a catalogue of each piece of evidence that could be provided by the applicant to sustain his/her application but to concentrate on the most common ones. This will be done by reference to Article 4 of the Qualification Directive, the provisions of the Asylum Procedure Directive and paragraph 196 of the UNHCR Handbook.

Evidence used by the decision-maker

How does the decision maker decide? He/she needs the results of the research, using relevant information in order to assess and corroborate material facts and evidence produced by the applicant. It is a blend of Country of Origin Information (COI), operational national guidelines, internal sources of information and family members' files. The decision-maker respects the principle of confidentiality that could be attached to information contained in these files or even to information disclosed by fact-finding mission reports, internet-based sources or other sources of information and case law.

What is credibility?

A clear understanding of the definition of the term “credibility” and a proper credibility assessment is vital when assessing evidence in refugee status determinations.

Decision-making

Which steps are to be followed when writing a decision, taking into account the formal and procedural constraints in the drafting of a decision?

- the elements needed:

When making a decision, the very first step is for the decision-maker to consider whether he/she has all the necessary elements to make the decision.

Relying on practical examples, demonstrate a methodical approach to ensure that all the elements required are in place, that all the relevant facts are taken into consideration and that the decision relies on all the relevant information.

- general considerations

Emphasise the need to use appropriate language, tailored to the recipient of the decision. The possible use of standard wording and templates needs to be considered.

- applicant’s details:

Explain what personal details need to be recorded and how they should be recorded in the document.
- **basis of claim / material facts:**

This part will focus on how to write a detailed basis of claim which records the applicant’s details, his/her account and his/her claimed fear upon return.

It aims at giving a method to write a fair and well-reasoned decision, taking into account all the relevant elements of the applicant’s claim.

Additional materials (see section i.) for this Unit:

- *Practical exercises* and *Role Playing Game* on interview techniques (Unit 3.1.);
- *Practical exercises* on COI and evidence assessment (Unit 3.2. – 3.3.).
## Unit 4. Situation of IDPs

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1. Legal and institutional framework including international and regional law</td>
<td>30 min.</td>
<td>20 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>4.2. Statistics</td>
<td>15 min.</td>
<td>30 min.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>45 min.</td>
<td>20 min.</td>
<td>2 AH</td>
</tr>
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</table>

Unit 2 of Module 6 is designed for students of all courses for which this Module shall be lectured (B, C1, C3 – C7). However, the timeframe and accordingly the lecturing methods are different for these courses.

It is recommended to use the following training materials in preparation for this course:

- Training Course, developed by the Internal Displacement Monitoring Centre (IDMC);[95]
- Reach Out Training Project (a comprehensive training manual with slides for presentations), Optional Module on Internally Displaced Persons, [http://www.unhcr.org/437205fd2.html];
- Some materials related to the training organisation on IDPs persons is included in Self-study Module 1 “An Introduction to International Protection: Protecting Persons of concern to UNHCR”[96] prepared by UNHCR (Chapter 4.3. Internally Displaced Persons), etc.

The instructor can choose different methods for lecturing this unit. However, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the “Methodology” section of this guide. The instructor shall prepare a presentation on the international framework with the relation of protection of IDPs. During the lecture, the instructor shall try to involve the participants in the discussion on these important issues, by asking their opinion on one or another question. The instructor can use the Central Module questions for the facilitation of the discussion,[97] as well as questions for discussion and/ or practical exercises included in the section i. Additional Materials.

Section i. Additional Materials also provides a hand-out for participants illustrating the differences between refugees and IDPs.

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[95] The course is developed for timeframe of 0.5 – 3 days. The description of the course and training materials (hand-outs and presentations in English, French and Spanish) can be found here: [http://www.internal-displacement.org/training/material](http://www.internal-displacement.org/training/material)

[96] [http://www.unhcr.org/refworld/publisher,UNHCR,TRAININGMANUAL,,4214cb4f2,0.html](http://www.unhcr.org/refworld/publisher,UNHCR,TRAININGMANUAL,,4214cb4f2,0.html), also available in Russian language.

[97] In order to support trainer’s preparations to the training, Central Module questions are also included in the section i. Additional Materials.
Like refugees, **internally displaced persons** have been forced to flee their homes. But rather than crossing into another country, they seek protection elsewhere within their country of origin or residence.

The main reasons for internal displacement are usually a poor humanitarian (human rights, man-made or natural disaster, etc.) situation or a conflict in a particular part of the country. The number of internally displaced persons around the world has risen sharply in the last decade. It is estimated to be more than 25 million.

There is no universal international treaty that provides a definition of an internally displaced person or a framework of protection which should be provided to IDPs. However, UNHCR has been authorised by the UN General Assembly to give assistance to a specific group of internally displaced persons on an exceptional basis.

In recent years, the growing recognition of the situation of IDPs taken together with a changing attitude towards the concept of state sovereignty has led to an acknowledgment of the need for greater international action on behalf of internally displaced persons. In 1992, a Special Representative of the United Nations Secretary-General on Internally Displaced Persons was appointed. The main functions of this institutions are:

- the development of a normative framework;
- the promotion of effective institutional frameworks at the international, regional and national levels;
- country missions;
- on-going research into specific issues of concern.

The **Guiding Principles on Internal Displacement** were approved in 1998. According to this document, internally displaced persons are defined as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border."

The Guiding Principles are not legally binding. However, many of the principles reflect the states' obligations under international treaties and customary law.

**The IDP definition above contains two main elements:**

1) The coercive or otherwise involuntary character of movement

2) The fact that such movement takes place within national borders.

Analysis of the definition:

**Persons or groups of persons:** Internal displacement can affect persons in particular or an entire group.

**Forced or obliged:** Covers a range of possibilities of being expelled by force, or intimidated to leave by threat or necessity. The most important fact is that displacement is coerced or involuntary.

**To flee or to leave:** Displacement does not only include movements of people running away from an immediate danger but can also take the form of more prepared and organised departures in anticipation of dangers, evictions, etc.

**As a result of or in order to avoid the effects:** The definition is flexible in terms of proximity to the causes of displacement (conflicts, disasters) or whether they have
taken place or not. The phrase “as a result of” implies effects that have already taken place while “in order to avoid” implies fear that these effects are expected to take place.

*Their homes or places of habitual residence:* Habitual residence is not necessarily a house or a building, but can be land on which groups traditionally live, as in the case of pastoralists.

*Causes of displacement mentioned in the definition:*

- Armed conflicts: International armed conflicts and non-international conflicts;
- Situations of violence, falling short of armed conflicts;
- Violations of human rights;
- Disasters: These have natural or human-made origins.

The list provided in the definition is not exhaustive: other possible causes of internal displacement can for instance include large-scale development projects such as dams built without any government attempt to resettle or compensate those displaced.

With regard on the *World map on internal displacement*, please refer to the Internal Displacement Monitoring Centre homepage ([http://www.internal-displacement.org/](http://www.internal-displacement.org/)), UNHCR homepage ([www.unhcr.org](http://www.unhcr.org)), where the comprehensive data on IDPs and its analysis is provided and continuously updated.

**Differences between IDPs and refugees:**

- A refugee is a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (1951 Refugee Convention, Art. 1A(2), 1967 Protocol). The requirements to become a refugee according to the 1951 Refugee Convention are precise and limited. The IDP definition is much broader and includes, for instance, natural and man-made disaster;
- A person becomes a refugee only when he/she crosses an international border, whereas an internally displaced person remains within his/her country;
- The legal status of refugees is conferred in accordance with international legally binding documents (Refugee Convention). No similar binding document defines internally displaced persons;
- The status of refugee entitles the individual to certain rights. Being internally displaced does not confer any additional rights; instead, internally displaced persons have all the same rights as other citizens within the country.

**Roles and responsibilities in the IDPs protection process include the following:**

- *Primary responsibility of the state*

Primary responsibility for protecting and assisting civilians in internal displacement crises lies with the national authorities of the affected countries. However, the capacity and/or willingness of the authorities to fulfill their responsibilities is often insufficient or lacking. In such circumstances, the international community needs to support and supplement the efforts of the government and local authorities.
- **Humanitarian and/or resident coordinator (HC and/or RC)**
  The HC and/or RC (one or two persons, depending on the country) is responsible for the strategic coordination of protection and assistance to IDPs and for negotiating unimpeded humanitarian access.

- **Office for the Coordination of Humanitarian Affairs (OCHA)**
  To support the HC and/or RC and the country team, an OCHA field presence is usually deployed. The function includes provision of support for humanitarian diplomacy or other negotiations, the collection, analysis, and dissemination of IDP-relevant information, etc.

- **Country team**
  The country team brings together a broad range of UN and non-UN humanitarian partners, including UN humanitarian agencies, the International Organisation for Migration, relevant international NGOs, etc.

- **International Red Cross and Red Crescent movement**
  The International Committee of the Red Cross (ICRC) is a neutral, impartial, and independent organisation that has a specific mandate to provide protection and assistance to persons affected by armed conflicts, internal disturbances, and tensions, including IDPs.

- **Non-governmental organisations (NGOs)**
  NGOs respond to the protection and assistance needs of IDPs and other vulnerable people, based on their mandate and expertise.

Additional materials (see section i.) for this Unit:

- Questions for a **discussion and/or practical exercises** (Unit 4.1.);
- Hand-out for participants illustrating the differences between refugees and IDPs (Unit 4.1.)

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98 Prepared by Training Course, developed by the Internal Displacement Monitoring Centre (IDMC); Reach Out Training Project (a comprehensive training manual with slides for presentations), Optional Module on Internally Displaced Persons, [http://www.unhcr.org/437205fd2.html](http://www.unhcr.org/437205fd2.html); Self-study Module 1 “An Introduction to International Protection: Protecting Persons of concern to UNHCR” prepared by UNHCR (Chapter 4.3. Internally Displaced Persons).
h. Resources and further reading:

- UNHCR, Guidelines on international protection and other legal publications, [http://www.unhcr.org/cgi-bin/texis/vtx/search?%page=&comid=4a291c7c6&cid=49aa93ae2&scid=49aa93a6](http://www.unhcr.org/cgi-bin/texis/vtx/search?%page=&comid=4a291c7c6&cid=49aa93ae2&scid=49aa93a6).
- Reach Out Training Project (a comprehensive training manual with slides for presentations), [http://www.unhcr.org/437205fd2.html](http://www.unhcr.org/437205fd2.html).
http://www.coi-training.net/content/, also available in Russian, French, Romanian, German, Spanish and Italian.
- Related selected judgments of the European Court of Human Rights (http://www.echr.coe.int/):
  - Chahal v. United Kingdom Judgment of 15 November 1996 Appl. No. 22414/93;
  - Mamutkulo and Abdurasulovic v. Turkey, Judgment of 6 Feb 2003 Appl. nos. 46827/99 and 46951/99;
- Single asylum procedure:
- Training Course, developed by the Internal Displacement Monitoring Centre (IDMC); the description of the course and training materials (hand-outs and presentations in English, French and Spanish) can be found here: http://www.internal-displacement.org/training/material.
- Self-study Module 1 “An Introduction to International Protection: Protecting Persons of concern to UNHCR” prepared by UNHCR (Chapter 4.3. Internally Displaced Persons), http://www.unhcr.org/refworld/publisher,UNHCR,TRAININGMANUAL,,4214cb4f2,0.html, also available in Russian language.
Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to implement tasks during the training or for further reference.

Additional materials for this Module:
- Central Module Questions;
- Questions for a facilitated *discussion and/or instructional conversation* (Unit 1.1.);
- Questions for a facilitated *discussion and/or instructional conversation* (Unit 1.2.);
- Handout “Main Asylum terminology” (Unit 2.1.);
- Examples of *practical exercises* (Unit 2.1. – 2.4);
- Practical exercises and *role playing game* on interview techniques (Unit 3.1.);
- *Practical exercises* on COI and evidence assessment (Unit 3.2. – 3.3.);
- Questions for *discussion and/ or practical exercises* (Unit 4.1.);
- Hand-out for participants illustrating the differences between refugees and IDPs (Unit 4.1.).
Central Module Questions – to be used for a discussion during the lecturing of the whole Module or for evaluation/feedback:

- What are the main international instruments on asylum?
- What does the principle of non-refoulement mean? What is its relation to exclusion clauses?
- What forms of international protection exist in Moldova?
- What is the difference between refugee protection and subsidiary protection?
- What kind of special procedures on refugee status determination exist in Moldova? Is it important to introduce an accelerated asylum procedure? Why?
- Is it necessary to collect country of origin information in order to make an asylum decision? Why?
- What is the safe third country and safe country of origin? Why are these terms important for the asylum procedure?
- Who is responsible for evidence in an asylum case? How could the evidence be collected, proved and assessed?
- What are the main differences between a usual asylum interview and an interview of unaccompanied minor-asylum seeker?
- How an IDP could be defined?
- Why is it important to identify IDPs groups at risk?
- What types of protection could be provided to IDPs?
- What are the main guiding principles on Internal Displacement?
The questions below could be used by the trainer during the lecture on International Refugee Law (Unit 1.1.) for group/partner/ individual work and/or for facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If an exercise is done in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

Which groups of people fall within the UNHCR mandate? Are they all relevant for Moldova? Explain, why?

Please discuss in your group and prepare to present the results of your discussion:

Why it is important to know where international human rights law complements international refugee law? From your point of view, in which areas does this occur? Are the provisions of international human law and international refugee law overlapping?

Please discuss in your group and prepare to present the results of your discussion:

What are the instruments of international refugee law?

Please discuss in your group and prepare to present the results of your discussion:

What are the elements of the refugee definition under international refugee law?
The questions below could be used by trainer during the lecture on EU asylum acquis (Unit 1.2.) for group/partner/ individual work and/ or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If an exercise is done in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

What are the main instruments of the EU asylum acquis? Please describe them briefly!

Please discuss in your group and prepare to present the results of your discussion:

Given the fact that all EU MS are parties to the 1951 Geneva Convention, ECHR and other relevant human rights instruments, what is the main aim of the creation of the Common European Asylum System?

Please discuss in your group and prepare to present the results of your discussion:

What are the main differences between the 1951 Geneva Convention and the EU Qualification Directive?

Please discuss in your group and prepare to present the results of your discussion:

What are the objectives of the Dublin System? From your point of view, does such a system facilitate examination of asylum applications in the EU? Argue your opinion!
### Module 6: International Protection and IDPs: Additional Materials

#### Main Asylum Terminology (Unit 2.1.)

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>Asylum (application for)</strong></td>
<td>The application made by a foreign national or a stateless person which can be understood as a request for international protection under the Geneva Convention. Within the EU: any application for international protection is presumed to be an application for asylum unless a third-country national or a stateless person explicitly requests another kind of protection that can be applied for separately.</td>
</tr>
<tr>
<td><strong>Asylum (right of)</strong></td>
<td>The right of the State, in virtue of its territorial sovereignty and in the exercise of its discretion, to allow a non-national to enter and reside, and to resist the exercise of jurisdiction by any State over that individual.</td>
</tr>
<tr>
<td><strong>Asylum application (withdrawal of)</strong></td>
<td>Means the actions by which the applicant for asylum terminates the procedures initiated by the submission of his application for asylum, in accordance with national law, either explicitly or tacitly.</td>
</tr>
<tr>
<td><strong>Asylum application (examination of an)</strong></td>
<td>Means any examination of, or decision or ruling concerning, an application for asylum by the competent authorities in accordance with national law (within the EU: except for procedures for determining the Member State responsible in accordance with Council Regulation (EC) 343/2003).</td>
</tr>
<tr>
<td><strong>Asylum</strong></td>
<td>A form of protection given by a State on its territory based on the principle of non-refoulement and internationally or nationally recognised refugee rights. It is granted to a person who is unable to seek protection in his or her country of citizenship and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.</td>
</tr>
<tr>
<td><strong>Asylum seeker</strong></td>
<td>An alien (&quot;A third-country national or a stateless person&quot; in the EU context) who has made an application for asylum in respect of which a final decision has not yet been taken.</td>
</tr>
<tr>
<td><strong>Burden of proof</strong></td>
<td>In the migration context, an alien seeking entry into a foreign State generally bears the burden of proof; that is, the alien must prove that s/he is entitled to enter and not inadmissible under the laws of the State. In refugee status procedures the applicant must establish his or her case, i.e. show based on the evidence that he or she has a well-founded fear of persecution.</td>
</tr>
<tr>
<td><strong>Burden sharing</strong></td>
<td>Sharing between States of the burden linked to the reception of asylum seekers or of persons having the status of refugee or subsidiary protection. States can share either physical persons or the financial costs linked to the reception of those persons.</td>
</tr>
<tr>
<td><strong>Cessation</strong></td>
<td>Legal provision putting an end to the refugee status which had been given to a person for one of the reasons enumerated by Article 1, C of the Geneva Convention or other instruments.</td>
</tr>
<tr>
<td><strong>Common European Asylum System</strong></td>
<td>Relates to the establishment of a common asylum procedure and a uniform status for those who are granted asylum or subsidiary protection in the EU, as well as strengthening practical cooperation between national asylum administrations and the external dimension of asylum.</td>
</tr>
<tr>
<td><strong>Subsidiary (Complementary) protection</strong></td>
<td>The protection given to an alien (&quot;third-country national or a stateless person&quot; in the EU context) who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm (...), and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.</td>
</tr>
<tr>
<td><strong>Country of origin</strong></td>
<td>Country where an asylum seeker originates from, the country he/she is fleeing from (in general the country he/she is national of, sometimes his/her country of residence)</td>
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<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>International protection</td>
<td>(and, where necessary, in countries through which they have transited) in the assessment, which is carried out on an individual basis. All relevant facts as they relate to the country of origin at the time of taking a decision on the application are used. The relevant facts are obtained from various sources, including the laws and regulations of the country of origin and the manner in which they are applied.</td>
</tr>
<tr>
<td>Deportation</td>
<td>The act of a State using its sovereignty to remove an alien from its territory to a certain place after refusal of admission or termination of permission to remain.</td>
</tr>
<tr>
<td>Determining asylum authority</td>
<td>In the asylum context, means any quasi-judicial or administrative body in a state responsible for examining applications for asylum and competent to make decisions at first instance in such cases.</td>
</tr>
<tr>
<td>Diaspora</td>
<td>People or populations who leave their traditional homelands, are dispersed throughout other parts of the world and who feel a strong connection to their origins.</td>
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<tr>
<td>Discrimination (direct)</td>
<td>Occurs when one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin.</td>
</tr>
<tr>
<td>Discrimination (indirect)</td>
<td>Occurs when an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.</td>
</tr>
<tr>
<td>Displacement</td>
<td>In a global context, the forced removal of a person from his or her home or country, often due to armed conflict or natural disaster.</td>
</tr>
<tr>
<td>Displaced person</td>
<td>In the EU context, a third-country national or stateless person who has had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and are unable to return in safe and durable conditions because of the situation prevailing in that country, who may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments giving international protection, in particular:</td>
</tr>
<tr>
<td>Displaced person (internally)</td>
<td>Refers to a person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the result of armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognised State border.</td>
</tr>
<tr>
<td>Dublin II</td>
<td>Name used frequently to designate EC Regulation 343/2003 determining the Member States responsible for examining an asylum application. This name is used because this regulation has replaced a Convention on the same object which was signed in Dublin in 1990.</td>
</tr>
<tr>
<td>Dublinnet</td>
<td>Electronic network regulated by a Commission regulation 1560/2003 and used to exchange information between the Member States for the implementation of the regulation called Dublin II.</td>
</tr>
<tr>
<td>Dublin Regulation</td>
<td>Regulation which lays down the criteria and mechanisms for determining the Member State responsible for examining an application for asylum lodged in one of the Member States by a third-country national.</td>
</tr>
<tr>
<td>Eurodac</td>
<td>This is the name given to an information (IT) system, the purpose of which, via the collection, transmission and comparison of fingerprints, is to assist in determining which Member State is responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State, and otherwise to facilitate the application of the Dublin Convention under the</td>
</tr>
</tbody>
</table>
| **European Asylum Support Office** | This is an Agency established in order to help to improve the implementation of the Common European Asylum System, to strengthen practical co-operation among Member States on asylum and to provide and/or coordinate the provision of operational support to Member States subject to particular pressure on their asylum and reception systems. Its tasks shall be to:  
| a) facilitate, coordinate and strengthen practical cooperation among Member States on the many aspects of asylum and help to improve the implementation of the Common European Asylum System;  
| b) provide effective operational support to Member States subject to particular pressure on their asylum and reception systems;  
| c) provide scientific and technical assistance for Community policymaking and legislation in all areas having a direct or indirect impact on asylum so that it is in a position to lend its full support to practical cooperation on asylum and best carry out its tasks;  
| d) carry out its tasks in conditions which enable it to serve as a reference point by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it disseminates, the transparency of its operating procedures and methods, its diligence in performing the tasks assigned to it, and the information technology support needed to fulfill its remit.  
<p>| e) work closely with the competent authorities of the Member States responsible for asylum, with national immigration and asylum services and other national services and with the Commission. The office shall carry out its tasks without prejudice to those assigned to other relevant Community bodies and shall work closely with these bodies and with UNHCR. The Office does not have any powers in relation to the making of decisions by Member State authorities on individual applications for international protection. |
| <strong>European Convention on Human Rights</strong> | Signed in Rome under the aegis of the Council of Europe on 4 November 1950 and established an unprecedented system of international protection for human rights, offering individuals the possibility of applying to the courts for the enforcement of their rights. More formally referred to the European Convention for the Protection of Human Rights and Fundamental Freedoms. |
| <strong>Exclusion clauses</strong> | Specifically, those provisions of the 1951 Convention, such as article 1D, 1E and 1F, which mandatorily deny the benefits of refugee status to persons who already receive United Nations or national protection, or to persons about whom there are good reasons to believe that they have committed a war crime, a crime against humanity, a serious non-political crime, or acts contrary to the purposes and principles of the United Nations. The latter category may include, for example, those who are responsible for the persecution of others. The EU asylum provisions have incorporated these Geneva Convention clauses whilst additionally stipulating exclusion clauses in relation to subsidiary protection. |
| <strong>Forced migration</strong> | General term used to describe a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects). |
| <strong>Gender</strong> | Gender refers to the socially constructed attributes, roles, activities, responsibilities and needs predominantly connected to being male or female in given societies or communities at a given time. |
| <strong>Harassment</strong> | Harassment is unwanted conduct related to racial or ethnic origin with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment is prohibited. |
| <strong>Internally Displaced Persons</strong> | A person or a group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognised State border. |</p>
<table>
<thead>
<tr>
<th><strong>Internal flight alternative</strong></th>
<th>Concept of refugee law that describes the possibility for an asylum seeker to find asylum in one safe part of his/her country of origin.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International migration</strong></td>
<td>In a global context, the movement of a person or a group of persons, either across an international border (international migration), or within a State (internal migration). It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants and persons moving for other purposes, including family reunification.</td>
</tr>
<tr>
<td><strong>Irregular migrant</strong></td>
<td>In the EU context, a third-country national who does not fulfill, or no longer fulfills the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State; In a global context, someone who, owing to illegal entry or the expiry of his or her legal basis for entering and residing, lacks a legal status in a transit or host country.</td>
</tr>
<tr>
<td><strong>Irregular migration</strong></td>
<td>Movement that takes place outside the regulatory norms of the sending, transit and receiving countries.</td>
</tr>
<tr>
<td><strong>Mass influx</strong></td>
<td>Means arrival in the Community of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme.</td>
</tr>
<tr>
<td><strong>Migrant</strong></td>
<td>A broader-term of an immigrant and emigrant that refers to a person who leaves from one country or region to settle in another, often in search of a better life.</td>
</tr>
<tr>
<td><strong>Migration</strong></td>
<td>In the EU context, a broader-term of immigration and emigration, i.e. the action by which a person either: (iii) Establishes his or her residence in the territory of a Member State for a period that is, or is expected to be, of at least twelve months, having previously been usually resident in another Member State or a third country; or (iv) Having previously been a resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least twelve months. In a global context, the movement of a person or a group of persons, either across an international border (international migration), or within a State (internal migration). It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants and persons moving for other purposes, including family reunification.</td>
</tr>
<tr>
<td><strong>Non-refoulement</strong></td>
<td>A core principle of international Refugee Law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened.</td>
</tr>
<tr>
<td><strong>Persecution</strong></td>
<td>Understood to comprise human rights abuses or other serious harm, often, but not always, with a systematic or repetitive element. The core concept of persecution was deliberately not defined in the 1951 Convention, suggesting that the drafters intended it to be interpreted in a sufficiently flexible manner so as to encompass ever-changing forms of persecution.</td>
</tr>
<tr>
<td><strong>Persecution (actors of)</strong></td>
<td>Actors of persecution or serious harm include: (a) the State; (b) parties or organisations controlling the State or a substantial part of the territory of the State; (c) non-State actors, if it can be demonstrated that the actors mentioned in (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7 of Council Directive 2004/83/EC.</td>
</tr>
<tr>
<td><strong>Persecution (acts of)</strong></td>
<td>In EU context, Acts of persecution within the meaning of article 1 A of the Geneva Convention must: (a) be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention on Human Rights (ECHR); or</td>
</tr>
</tbody>
</table>
(b) be an accumulation of various measures, including violations of human rights which are sufficiently severe as to affect an individual in a similar manner as mentioned in (a).

Acts of persecution as qualified in the paragraph above, can, inter alia, take the form of:

(a) acts of physical or mental violence, including acts of sexual violence;
(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
(c) prosecution or punishment, which is disproportionate or discriminatory;
(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;
(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Article 12(2);
(f) acts of a gender-specific or child-specific nature.

In the global context, understood to comprise acts of human rights abuses or other serious harm, often, but not always, with a systematic or repetitive element.

### Protection (actors of)

Protection is generally provided when the following actors:

(a) the State or
(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.

### Protection (international)

In the EU context, this means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2004/83/EC (Qualification Directive), that can be applied for separately.

In an EU context, this encompasses the refugee and subsidiary protection status as defined in Article 2 (d) and (f) of Council Directive 2004/83/EC.

In a global context, this means the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries.

### Protection (temporary)

A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons.

### Qualification directive

Abbreviation used for EC Directive 2004/83 or 2011/95/EU of 13 December 2011 which defines the persons qualifying for international protection in the EU.

### Readmission

An act on acceptation of re-entry (readmission) "at the request of the other Contracting Party and without any formality persons who do not, or who no longer, fulfill the conditions in force for entry or residence on the territory of the requesting Contracting Party provided that it is proved or may be validly assumed that they possess the nationality of the requested Contracting Party. The same shall apply to persons who have been deprived of the nationality of the requested Contracting Party since entering the territory of the requesting Party".

<table>
<thead>
<tr>
<th>Protection (actors of)</th>
<th>Protection (international)</th>
<th>Protection (temporary)</th>
<th>Qualification directive</th>
<th>Readmission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection is generally provided when the following actors:</td>
<td>In the EU context, this means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2004/83/EC (Qualification Directive), that can be applied for separately.</td>
<td>A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons.</td>
<td>Abbreviation used for EC Directive 2004/83 or 2011/95/EU of 13 December 2011 which defines the persons qualifying for international protection in the EU.</td>
<td>An act on acceptation of re-entry (readmission) &quot;at the request of the other Contracting Party and without any formality persons who do not, or who no longer, fulfill the conditions in force for entry or residence on the territory of the requesting Contracting Party provided that it is proved or may be validly assumed that they possess the nationality of the requested Contracting Party. The same shall apply to persons who have been deprived of the nationality of the requested Contracting Party since entering the territory of the requesting Party&quot;.</td>
</tr>
<tr>
<td>Reception Centre</td>
<td>A location with facilities for receiving, processing and attending to the immediate needs of refugees or asylum-seekers as they arrive in a country of asylum.</td>
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<tr>
<td>Reception conditions</td>
<td>Material and legal conditions applicable for the reception of asylum seekers before a final decision is taken about their application.</td>
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<tr>
<td>Refoulement</td>
<td>The return by a State, in any manner whatsoever, of an individual to the territory of another State in which he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or would run the risk of torture. Refoulement includes any action having the effect of returning the individual to a State, including expulsion, deportation, extradition, rejection at the frontier, extra-territorial interception and physical return.</td>
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</tr>
<tr>
<td>Refoulement (non-)</td>
<td>A core principle of international Refugee Law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of non-refoulement is a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Geneva Convention.</td>
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<tr>
<td>Refugee</td>
<td>According to the Geneva Convention, a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, a third-country national or stateless person within the meaning of Article 1A of the Geneva Convention and authorised to reside as such on the territory of a Member State and to whom Article 12 (Exclusion) of directive 2004/83/EC does not apply.</td>
<td></td>
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</tr>
<tr>
<td>Refugee Law</td>
<td>The body of customary international law and international instruments that establishes standards for refugee protection. The cornerstone of refugee law is the 1951 Convention and its 1967 Protocol relating to the Status of Refugees.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Refugee status</td>
<td>Means the recognition by a Member State of a third-country national or stateless person as a refugee.</td>
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</tr>
<tr>
<td>Refugee sur place</td>
<td>In the EU context, it means persons granted refugee status based on international protection needs which arose sur place, i.e. on account of events which took place since they left their country of origin. In the global context, these are persons who are not refugees when they leave their country of origin, but who become refugees, that is, acquire a well-founded fear of persecution, at a later date. “Refugees sur place” may owe their fear of persecution to a coup d’état in their home country, or to the introduction or intensification of repressive or persecutory policies after their departure. A claim in this category may also be based on bona fide political activities, undertaken in the country of residence or refuge.</td>
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<tr>
<td>Revocation</td>
<td>Withdrawal and/ or refusal to renew refugee status after it was established that the applicant has never been a refugee, should have been excluded or obtained refugee status by fraud (misrepresentation or omission of facts, including the use of false documents which were decisive for granting the refugee status).</td>
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</tbody>
</table>
| Safe country of origin | In EU context, a country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2004/83/EC, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account is taken, *inter alia*, of the extent to which protection is provided against persecution or mistreatment by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention on Human Rights (ECHR) and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be
made under Article 15(2) of the said European Convention;
(c) respect of the non-refoulement principle according to the Geneva Convention;
(d) provision for a system of effective remedies against violations of these rights and freedoms.

In the global context, a country of origin of asylum applicants is considered safe if it does not, or not generally, produce refugees. Receiving countries may use the concept of safe country of origin as a basis for rejecting summarily (without examination of the merits) particular groups or categories of asylum applicants.

**Safe country**

Qualification used to designate a country where a refugee should not face persecution and can therefore be sent back. It can be his/her country of origin or a third country (safe third-country).

**Schengen information system**

A joint (EU plus Member States) information system that enables the relevant authorities in each Member State, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law and, for some specific categories of alerts, for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen Convention relating to the movement of persons.

**Smuggling**

Organising the irregular entry of someone into a (EU) country of which he or she is neither a national nor a permanent resident so as to obtain directly or indirectly a financial or other material benefit.

**Stateless person**

Person who is not considered as a national by any State under the operation of its law.

**Subsidiary protection (persons eligible for)**

Refers to the protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of 2004/83/EC, and to whom Article 17(1) and (2) of 2004/83/EC do not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

Means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of Directive 2004/83/EC, and to whom Article 17(1) and (2) of said directive do not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

**Temporary protection**

Abbreviation used for EC Directive 2004/83 which defines the persons that qualify for international protection in the EU.

**Third country**

A country or territory other than one within the European Union.

**Third safe country**

A safe third country is considered by a receiving state to be any other country, not being the country of origin, in which an asylum seeker has found or might have found protection. The notion of a safe third country (protection elsewhere/first asylum principle) is often used as a criterion of admissibility to the refugee determination procedure.

**Trafficking in persons**

Trafficking in human beings is a serious crime and a gross violation of human rights; some people call it a modern form of slavery. Traffickers deceive and exploit people for financial profit by forcing them into prostitution or sexual exploitation; forcing them to work domestically with no or little pay often in inhuman condition; forcing them to beg, or forcing them to removing and selling their organs. The causes of, and contributing factors to, trafficking in human beings are manifold and complex and often linked to other forms of exploitation.

**Unaccompanied**

A third-country national or stateless person below the age of eighteen, who arrives on the territory of the (Member) State
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>minors</td>
<td>Unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the (Member) State.</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations organisation created in 1950, based in Geneva and mandated to lead and coordinate international protection for refugees.</td>
</tr>
<tr>
<td>Voluntary return</td>
<td>Assisted or independent return to the country of origin, transit or another (non-EU) country based on the free will of the returnee.</td>
</tr>
<tr>
<td>Vulnerable person</td>
<td>Refers to minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.</td>
</tr>
</tbody>
</table>
The practical exercises described below could be used by the trainer during the lecture on Asylum terminology (Unit 2.1.) for group/partner/individual work, depending on the trainees' needs, the group size and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please define the following terms focusing particularly on the differences between them:

Asylum seeker - …

Refugee - …

Internally displaced person - …

Safe country of origin - …

Safe third country - …

Internal flight alternative - …

Internal displacement - …
The practical exercises described below could be used by the trainer during the lecture on Elements of the Refugee Definition and Refugee Status Determination (Unit 2.3.) for group/partner/individual work, depending on the trainees' needs, the group size and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please read the case below and discuss in your group the questions below. Argue and prepare to present the results of your discussion!

B. is a young widow living in country X. Her husband died from AIDS, but the reasons for his death were not disclosed, as the legal procedures in country X provide for at least 2 years imprisonment in case of this disease, moreover, B. was afraid she would be condemned by her family, relatives and local society. According to local traditions, widows don’t remain alone, so her family told her to remarry and has been putting more and more pressure on her to do so. A recent medical examination revealed that she is HIV-positive. B doesn’t want to remarry because of her disease, but she can’t share this concern with her family, as it would expose her to an even harsher reaction. She doesn’t know how to solve this dilemma. One day, an old friend from school who has been living for some time in a foreign country in Europe invites her to visit. B travels without her family’s approval and knowledge. Once there, she wonders if she should try to start a new life in this country, far from family pressure, and maybe with the possibility to get medical treatment.

Questions: Can you identify the elements of the refugee definition in this case-study? Is B. a refugee from your point of view? Justify your answer!

Please read the case below and discuss in your group the questions below. Argue and prepare to present the results of your discussion!

F. worked as a technician at a car-assembly plant in country Y. and is a sympathiser of an illegal trade union. Trade unions are generally considered to regroup outlawed opposition groups. Some of his friends from school are members of an opposition party, and they would sometimes discuss politics together. F. has also delivered some pamphlets for them. Since his wife had become increasingly worried, he ended these activities three years ago. He did not renew his membership of the trade union thereafter. Last year, one of his friends who continued to participate in the trade union activities was arrested and never seen again. F. was never called in for questioning; however, he and his family were worried about his former political activities. He decided to leave when his great-aunt sent him information on employment opportunities in Europe. His wife and two children remained whilst awaiting further developments. Two months after F. arrived to Europe, his wife told him on the phone that another two members of the trade union – one active and one former – were also arrested and transferred to the prison in the capital. The families have no news about their situation.

Questions: Can you identify the elements of the refugee definition in this case-study? Is F. a refugee from your point of view? Justify your answer!

100 Prepared by “Reach Out Training Project (a comprehensive training manual with slides for presentations), Module 2. Refugees and Displacement, http://www.unhcr.org/437205fd2.html
The practical exercises described below could be used by the trainer during the lecture on the Principle of Non-Refoulement\textsuperscript{101} (Unit 2.4.) for group/partner/ individual work, depending on the trainees' needs, the group size and time available.

Please, copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please, discuss in your group and prepare to present the result of your discussion:

Please, analyse the differences between the principle of non-refoulement under the 1951 Geneva Convention and the 1950 ECHR.

Please, discuss in your group and answer the questions at the end. Prepare to present the results of your discussion:

Citizen India C. arrived irregularly to country X., which is a party to the 1950 ECHR. After some time he received permission to stay in the country according to the regularization procedure (amnesty to irregular migrants). His wife joined him and two children were born in country X. Living in country X., C. became a Sikh movement activist and was accused and sentenced by the authorities in country X. of his involvement in conspiracy to assassinate the Indian Prime Minister during his official visit to X. three years later, country X. decided the C. constituted a threat to the national security and prepared a decision on the deportation of C. to India. C. applied for asylum claiming that he had a well-founded fear of persecution for his political activities. However, the authorities of X. rejected his application in all instances.

Questions: From your point of view, what decision shall be taken in this case? Please, analyse the refugee status determination, non-refoulement under 1951 Geneva Convention and under 1950 ECHR.

Please discuss in your group and answer the questions at the end. Prepare to present the results of your discussion:

Citizen of Iran J. was arrested in Iran on suspicion of having intimate relations with a married man. After her family had secured her release a few days later, she fled to Turkey and in February 1998 sought to travel to Canada, through France, on a false Canadian passport.

She was intercepted in France and returned to Turkey.

On her return to Turkey she was arrested for entering with a forged passport and lodged an application for asylum because she feared persecution if removed to Iran as she risked being subjected to inhuman punishment, such as death by stoning or being whipped or flogged. The asylum application, however, was declared inadmissible because she had applied after the five-day deadline within which applications had to be made. Her claim against the deportation order before the Ankara Administrative Court was dismissed as well.

Question: From your point of view, what decision shall be taken in this case? Please, analyse the refugee status determination, non-refoulement under 1951 Geneva Convention and under 1950 ECHR.

\textsuperscript{101} Two cases below are adopted from the ECHR case law: Chahal v. United Kingdom, Judgement of 15 November 1996, Appl. No. 22414/93, and Jabari v. Turkey, Judgement of 11 July 2000, Appl. No. 40035/98
The practical exercises described below could be used by the trainer during the lecture on interview techniques\textsuperscript{102} (Unit 3.1.) for group/partner/ individual work, depending on the trainees' needs, the group size and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

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Please discuss the questions in your group and provide answers:

You are interviewing Mr. E, a refugee claimant who is accompanied by his wife. Mr. E claims he had been detained for four years because of his opposition to the government. After his release from detention he left his country and has sought asylum. He approaches your agency and you are requested to conduct an interview.

Questions:

1. What questions will you put to him in order to evaluate the credibility of his statements concerning his detention?

2. Suggest some interviewing techniques which could be of help to you in evaluating the credibility of the applicant.

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Please discuss the questions in your group and provide answers:

You are going to interview an asylum-seeker who has contacted your organisation.

The applicant alleges that he has recently left his country illegally because he had deserted the army. He claims that he decided to desert as he was “fed up” with the war which had been going on for several years between his country and that of a neighbouring one.

Questions

1. What questions can you ask the applicant in order to evaluate the credibility of the allegations concerning his desertion?

2. What information will you try to seek from the applicant and/or other sources in order to assess the credibility of the claimant, and to determine his eligibility for refugee status under the 1951 Convention?

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The case studies are adopted from UNHCR, Self-Study Module 4, Interviewing Applicants for Refugee Status, http://www.unhcr.org/refworld/pdfid/3ccea3304.pdf (ATTENTION: the Module can be reviewed by UNHCR in the nearest future, please, follow the UNHCR training references, http://www.unhcr.org/refworld/training.html). The instructor can also follow the instructions on case studies from the above source.
The role playing game described below could be used by the trainer during the lecture on Interview Techniques (Unit 3.1)\textsuperscript{103}. However, the case scenario can be also used for group/partner/individual work in Unit 3.1., depending on the trainees’ needs, the group size and time available.

Hand-out for the trainer:

Objectives of the exercise are:

- to allow participants to try interviewing skills in practice;
- to discuss interactively which interview with asylum seeker technique should be applied;
- to help participants to understand and treat asylum seekers sensitively, etc.

Implementation:

1. Prior the exercise, choose one person from the group to be an asylum seeker (this person might be also another trainer or assistant) and one participant to be a representative of the asylum authority. Explain to these persons their tasks and give them the respective handouts. The asylum authority representative should not know the story of the asylum seeker in advance.

2. Inside the classroom, leave one table and a couple of chairs free: the interviewing person shall arrange the sitting himself/herself. Ask him to think where he would sit the interpreter if one is needed.

3. It is important that the group observe carefully the situation and is quiet. They should register and note whatever is important for them and discuss it later – not during the exercise.

4. After the interview is completed, the whole group, facilitated by the instructor shall discuss what have they observed. The trainer should give instructions/explanations on interview techniques during discussions when needed. The following questions could help organise the discussion:

- What were the asylum authority representative feelings when he/she found out the story of asylum seeker? After the exercise was completed, would he/she like to note what would be done differently in reality?
- What did the group observe? What would they do differently if they were the asylum authority?
- Which questions to the asylum seeker were appropriate, which not?
- What did the asylum seeker (if one of the participants) experience? Which questions were appropriate/which not?

\textsuperscript{103} The case studies are adopted from UNHCR, Self-Study Module 4, Interviewing Applicants for Refugee Status, \url{http://www.unhcr.org/refworld/pdfid/3ccea3304.pdf} (ATTENTION: the Module can be reviewed by UNHCR in the nearest future, please, follow the UNHCR training references, \url{http://www.unhcr.org/refworld/training.html}). The instructor can also follow the instructions on case studies from the above source.
Hand-out for the asylum seeker

Your name is ___________________, you are ______ years old. You left your country of origin X. with your 10 year old daughter. Your wife/husband is still in your country of origin.

You are a member of an ethnic minority group in your country of origin. You are a teacher by profession and your wife/husband is unemployed and has never worked at all. You used to live in a region in your country which was populated mainly by members of your own ethnic group. While you were growing up you spoke your own language which is different from the one spoken by the majority ethnic group in your country. You speak your language at home, at school, in the street and in church. You have carried out all your schooling and studies, including university, in your own language. You used to be a member of a choir in which you sang in your own language.

You left your country for the following reasons:

In as much as you have never had any particular problems with the authorities (e.g. you have never been dismissed from your job, you have never had any problems with the police), the atmosphere in your country has changed. Although you were always able to speak the language of the ethnic majority and you did so since you travelled to other parts of your country, the government has now forced you to use this language in your home region.

You are very attached to your ethnic identity. You left your country because you think that the government will try to assimilate your ethnic group into the majority ethnic group of the country through the following means:

- the closing of schools, publishing houses, theatres; the suppression of place names as well as shop names in your language; the prohibition of your language in the work place;
- the impossibility of registering the birth of your children with their original ethnic names;
- secondary education is now only allowed in your language if all the students belong to your ethnic group. Even if there is only one student in the class belonging to the majority ethnic group, then the teaching is carried out in that language;
- the places at university for students of your ethnic group are becoming increasingly limited.
- Although you represent 10% of the population in your country, persons from your ethnic group are not able to obtain more than 6% of the places available at the university;
- the government is consistently carrying out a policy to move people of the majority ethnic group into your region and is forcing members of your ethnic group to leave their traditional communities.

Hand-out for the asylum authority

You are going to carry out the asylum interview. You know that the application is from country X, and used to work as a teacher there. Please think about how you should prepare for the interview, how to think of organize the place of the interview and how to carry out the interview of the asylum seeker.
Some of the practical exercises below on search and analysis of country of origin information (Unit 3.2.) and evidence assessment and decision making (Unit 3.3.) are only possible if there are enough computers with internet access available. Therefore, students could be divided into smaller groups, pairs, or implement tasks individually according to the number of available working places. Some of the tasks could be also implemented without computers.

The instructor can also give students the case indicated below and task them: to both research relevant COI and draft a possible decision. Such a task should take about 2-2.5 hours; therefore it is only possible if there is enough time available.

Note: the instructor shall implement the proposed tasks shortly before the lecture in order to have the latest information and be able to comment on the results of the students' research. Please, copy this sheet, cut along to the line and distribute to the participants. They should be given enough time to implement the task and then present the results. The instructor should also explain possible methodological or other issues related to the information search or analysis, as well as provide an evidence assessment.

Internet/computer is needed!

Please read the case study and answer the questions. Document the results of your research!

Mister G, citizen of Afghanistan, arrived to your country and asked for asylum. He explained that he was employed as a driver at the US military base in Bagram. He is afraid that he will be persecuted in Afghanistan because of his associations with the US military after the protests against the US in February 2012. A few Korans were burned at the military base at that time.

Questions: Try to find information which proves or contradicts the statements. Try to assess if the person could have a well-founded fear of persecution in this case. Which grounds of persecution (1951 Geneva Convention) apply? Document your answer.

Internet/computer is not needed!

Please imagine you are the case-worker. You received the asylum claim with the below information. Please formulate questions for the COI researcher.

Mister G, citizen of Afghanistan arrived to your country and asked for asylum. He explained that he was employed as a driver at the US military base in Bagram. He is afraid that he will be persecuted in Afghanistan because of his association with the US military after the protests against the US in February 2012. A few Korans were burned at the military base at that time.
Internet/computer is needed!

Please read the case study and answer the questions. Document the results of your research!

A 17-years female citizen of Somalia (from Mogadishu) arrived to your country and asked for asylum. She claimed that al-Shabaab (al-Qaeda linked Islamist group) wanted her to marry one of the fighters. She says she could not get protection from anybody and she was afraid that she would be forced to marry or otherwise she would be killed. She arrived with her mother (her father was killed in a bombing a couple of years ago), as her mother was also at risk of being killed if they refused the marriage.

Questions: Try to find information that proves or contradicts the statements. Try to assess if the person could have a well-founded fear of persecution in this case. Which grounds of persecution (1951 Geneva Convention) apply? Document your answer.

Internet/computer not needed!

Please imagine you are the case-worker. You received the asylum claim with the below information. Please, formulate questions for the COI researcher.

A 17-years female citizen of Somalia (from Mogadishu) arrived to your country and asked for asylum. She claimed that al-Shabaab (al-Qaeda linked Islamist group) wanted her to marry one of the fighters. She says she could not get protection from anybody and she was afraid that she would be forced to marry or otherwise she would be killed. She arrived with her mother (her father was killed in a bombing a couple of years ago), as her mother was also at risk of being killed if they refused the marriage.

Internet/computer is needed!

Please read the case study and answer the questions. Document the results of your research!

Citizen of Syria G. arrived to your country and asked for asylum. She explained that her husband R. was killed in May 2012 in Taldou – the largest town of the Houla region. The husband belonged to the opposition movement in Syria. On 25 May, there were mass protests organised by the opposition in Taldou. Suddenly, soldiers from a checkpoint opened fire and her husband was killed. Later, many civil residents were killed throughout the Houla region – many women and children were killed as well. G. was afraid of further killings and persecution and left the country with her 3 children.

Questions: Try to find information that proves or contradicts the statements. Try to assess if the person could have a well-founded fear of persecution in this case. What grounds of persecution (1951 Geneva Convention) apply? Document your answer.

Internet/computer is not needed!

Please imagine you are the case-worker. You received the asylum claim with the below information. Please, formulate questions for the COI researcher.

Citizen of Syria G. arrived to your country and asked for asylum. She explained that her husband R. was killed in May 2012 in Taldou – the largest town of the Houla region. The husband belonged to the opposition movement in Syria. On 25 May, there were mass protests organised by the opposition in Taldou. Suddenly, soldiers at a checkpoint opened the fire and her husband was killed. Later, many civil residents were killed throughout the whole Houla region – many women and children were killed as well. G. was afraid of further killings and persecution and left the country with her 3 children.
Below questions and exercises\(^\text{104}\) could be used by a trainer during the lecture on International Framework on IDPs (Unit 4.1.) for group/pair/individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If the exercise is completed in group/partner/individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

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Please discuss in your group and prepare to present the results of your discussion:

What is a special vulnerability of IDPs? Why do they need assistance in protection?

---

Please discuss in your group and prepare to present the results of your discussion:

What could be the situations which cause internal displacement? Is the situation of IDPs different to other displacement causes?

---

Please read the statement below, discuss and answer: Is the person internally displaced or not? Justify your answer:

*The foreign military forces evacuated our village and the whole region a few months ago. Intense fighting was going on in the entire area. Many of us – my friends and relatives, neighbours left the region. We were given shelter in evacuation centres run by the Government and humanitarian organisations, but my brother who lives in a capital, offered me a place where I live now with my children.*

---

Please read the statement below, discuss and answer: Is the person internally displaced or not? Justify your answer:

*My husband who works in the law-enforcement had information that the armed conflict which took place about 100 km from our town, sooner or later will also take place here. My family and I managed to leave our town just two weeks before it started. My husband had a bad feeling, and we preferred to move our family to a safer place. When the fighting started we were already away with my family, in the safer region, sharing a small apartment with my parents in law.*

---

\(^{104}\) Some of questions/exercises are adapted from Reach Out Training Project (a comprehensive training manual with slides for presentations), Optional Module on Internally Displaced Persons, [http://www.unhcr.org/437205f0d4.html](http://www.unhcr.org/437205f0d4.html)
The differences between IDPs and refugees (Unit 4.1.)

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Internally Displaced Persons</th>
<th>Refugees</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition</strong></td>
<td>“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border” (Guiding Principles on Internal Displacement, 1998)</td>
<td>“A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (1951 Refugee Convention, Art. 1A(2), 1967 Protocol).</td>
</tr>
<tr>
<td><strong>Reasons for fleeing</strong></td>
<td>Broader than refugee definition: armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters. The list is not exclusive and may include other situations.</td>
<td>Strictly limited and precise: well-founded fear of persecution due to specific reasons: race, religion, nationality, membership of a particular social group or political opinion.</td>
</tr>
<tr>
<td><strong>State territory/ Transnationality</strong></td>
<td>IDPs are persons who “have not crossed an internationally recognised State border”.</td>
<td>Refugees have to be “outside the country of his nationality” or “outside the country of his former habitual residence”.</td>
</tr>
<tr>
<td><strong>Legal status</strong></td>
<td>There is no internationally recognised legally binding document which would establish the legal status of Internally Displaced Persons.</td>
<td>Legal status of refugees is internationally recognised and legally binding (1951 Geneva Convention Relating the Status of Refugees)</td>
</tr>
<tr>
<td><strong>Content of a legal status</strong></td>
<td>Internally Displaced Persons have the same rights and obligations as other citizens of their country. They need assistance, protection and help due to a specific vulnerability of their situation.</td>
<td>The status of refugees entitles the individual to certain rights under international and national law.</td>
</tr>
</tbody>
</table>

105 Under “Refugees” meant definition under the 1951 Geneva Convention regarding the Status of Refugees.
Module 7. Trafficking in Human Beings and Smuggling of Migrants

a. Short Module description

This Module is designed for all civil servants working in the area of the fight against Trafficking in Human beings (THB) and Smuggling of migrants. However, this Module can be also lectured to other civil servants in order to introduce them to this field of work. This Module consists of two inter-related but different topics: Trafficking in Human Beings and Smuggling of Migrants. The Module covers the international framework and national measures created to establish a comprehensive mechanism for combating and preventing THB and Smuggling of Migrants.

It is recommended to use existing Training Guides, for example:

- Anti-Trafficking Training for Frontline Law Enforcement Officers: Training Guide and Background reader106;
- International Labour Organisation, Training Manual to fight trafficking in children for labour, sexual and other forms of exploitation, 2009108;
- Polaris Project “For a World without Slavery”, online Training project109, etc.

According to the structure of this training manual, Module 7 could be lectured in the Advanced Introductory Course (B, 4 AH), Advanced Thematic Courses (C3) and (C7, 4 AH), and Advanced Thematic Course for officials working in the area of THB and Smuggling of migrants (C6, 16 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainer's profile</th>
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<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum, Centre for Combating THB), Border Guard Service, Ministry of Labour, Family and Social Protection</td>
<td>Representatives of the Ministry of Internal Affairs, academia representatives</td>
</tr>
</tbody>
</table>

b. Learning Objectives

At the end of this Module, the participants will:

- be familiar with international and regional provisions related to THB and Smuggling;
- understand the difference between THB and Smuggling and the importance of this differentiation;
- be familiar with the main features of trafficking process and its stages;
- be able to apply in everyday work the skills which are necessary for the identification of victims of THB, traffickers and smugglers, as well as practical skills in investigation, persecution and prevention of THB and Smuggling;
- will be able to apply national legislation in the field of THB and Smuggling;
- be familiar with the national system of protection of victims of THB.

The learning objectives for this Module are understanding and the improvement of skills of officials working in different migration areas.

106 http://www.icmpd.org/Anti-Trafficking-Training-for-Frontline-Law-Enforcement-Officers-Training-Guide-and-Background-Rea.1853.0.html, also available in Romanian and Russian languages
107 http://www.unodc.org/unodc/human-trafficking/publications.html#DTM_SOM;
c. **Outline of Module 7**

**Unit 1: International and National Framework**

1.1. International Framework:
   - 1.1.1. Legal international and regional instruments in the field of THB and Smuggling;
   - 1.1.2. Definitions of and distinction between Trafficking and Smuggling;
   - 1.1.3. International cooperation in the area of combating THB and Smuggling;

1.2. National legal and institutional framework on THB and Smuggling in Moldova

1.3. Statistics on Trafficking and Smuggling

**Unit 2: Trafficking in Human Beings**

2.1. Trafficking Process:
   - 2.1.1. Recruitment;
   - 2.1.2. Transit;
   - 2.1.3. Exploitation

2.2. Anti-trafficking measures:
   - 2.2.1. Prevention;
   - 2.2.2. Investigation and Persecution;
   - 2.2.3. Protection and Prevention

2.3. Multi-agency approach to THB;

2.4. Victims Identification process:
   - 2.4.1. Main indicators;
   - 2.4.2. Interview techniques;
   - 2.4.3. Victims still in a trafficking situation

2.5. Traffickers identification

**Unit 3. Smuggling of Migrants**

3.1. Elements of migrant smuggling:
   - 3.1.1. Procurement
   - 3.1.2. Illegal Entry;
   - 3.1.3. Fraudulent ID documents;
   - 3.1.4. Profit

3.2. Organisation of migrant smuggling;

3.3. Protection and assistance issues.

d. **Overview of the Module**

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<thead>
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<th>Unit 1. Inter- and National Framework</th>
<th>Unit 2. Trafficking in Human Beings</th>
<th>Unit 3. Smuggling of Migrants</th>
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<tbody>
<tr>
<td>1.1. – 1.3. Sub-units</td>
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<tr>
<th>Course B, C, C7 (4 AH)</th>
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<tr>
<td>1.1. – 1.3. Sub-units</td>
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<tr>
<th>Course C6 (16 AH)</th>
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<td>1.1. – 1.3. Sub-units</td>
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<tr>
<td>2.1. – 2.5. Sub-units</td>
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<td>3.1. – 3.2. Sub-units</td>
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<tr>
<td>2.4. – 2.5. Sub-units</td>
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<tr>
<td>3.1. Sub-unit</td>
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</table>

**What?**
Learning Objectives - Understandings

**How?**
Learning Objectives - Skills
Module 7. Trafficking in Human Beings and Smuggling of Migrants: Curriculum

e. Timeframe and lecturing method

This Module is designed for the following courses available in this training manual:

- Advanced Introductory Course (B) for civil servants in migration related institutions (4 AH);
- Advanced Thematic Courses (C3 and C7, 4 AH) for civil servants working in different migration areas;
- Advanced Thematic Course (C 6) for civil servants working in the fight against/prevention of Trafficking in Human Beings and smuggling of migrants (16 AH).

The framework and lecturing methods are the same for the Courses (B), (C3), and (C7). The students of this course shall receive only the introductory part of the training related to the international, national, legal and institutional frameworks for combating THB and smuggling of migrants (Unit 1). They shall receive presentations on related issues, as well as participate in discussions and group/partner/ individual work. The Course (C6) is designed as an advanced training for future specialists in the fight against/prevention of THB and trafficking. Besides the understanding learning objectives, the course aims at improving skills; therefore, during the training group/partner/ individual work, role playing games and other inter-active methodological exercises will be carried out. In any case, the Module – as all other Modules included in this Training Manual – could be split to separate units or topics and lectured according into the specific needs of the trainees, i.e. the whole course could only be dedicated to the specific skills needed for the implementation of anti-trafficking measures.

The timeframe for each individual unit is described in detail in the instructional part of this Module. Depending on the proposed course and time available, the lecturing methodology shall include presentation, group/partner/individual work on case studies, practical exercises and role playing games (in particular for the part of the training related to skills).

<table>
<thead>
<tr>
<th>Advanced Introductory and Thematic courses (B, C3, C7)</th>
<th>Units of the Module 2</th>
<th>Advanced Thematic Course C6</th>
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<tbody>
<tr>
<td>4 AH</td>
<td>Unit 1. International and national Frameworks</td>
<td>4 AH</td>
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<td>-</td>
<td>Unit 2. Trafficking in Human Beings</td>
<td>8 AH</td>
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<tr>
<td>-</td>
<td>Unit 3. Smuggling of migrants</td>
<td>4 AH</td>
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<td>4 AH</td>
<td>Total</td>
<td>16 AH</td>
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f. Central Module questions

- What are the main international instruments on THB and Smuggling?
- What are the main differences between THB and Smuggling? Why is it important to differentiate these definitions?
- What are the most common stages of the trafficking process?
- What anti-trafficking measures are in place in Moldova? What could/should be still improved?
- In your opinion what is the most effective preventive measure in general and in Moldova specifically? Why?
- Why should a multi-agency approach applied in THB and Smuggling cases?
- What is the nexus between the identification of victims and the prevention of THB?
- What, to your opinion, are the challenges in identification and persecution of traffickers/smugglers?
- Why is it important to collect and analyse statistics on smuggling and trafficking?
- Should the multi-agency and international approaches also be applied in collecting and analysing statistics on THB and Smuggling?
g. Module instruction

Unit 1. International and National Frameworks

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
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<tbody>
<tr>
<td></td>
<td>90 min.</td>
<td>Presentation, group/partner/individual</td>
<td>Laptop, projector, screen,</td>
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<tr>
<td></td>
<td></td>
<td>work, facilitated discussion, movie</td>
<td>flipchart, paper, markers</td>
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<tr>
<td>1.1. International Frameworks:</td>
<td>90 min.</td>
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<tr>
<td>1.1.1. Legal international and regional instruments in the field of</td>
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<tr>
<td>THB and Smuggling;</td>
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<tr>
<td>1.1.2. Definitions of and distinction between Trafficking and</td>
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<td>Smuggling;</td>
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<tr>
<td>1.1.3. International cooperation in the area of combating THB and</td>
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<td>Smuggling</td>
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<td>1.2. National legal and institutional frameworks on THB and</td>
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<td>Smuggling in Moldova</td>
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<td>1.3. Statistics on Trafficking and Smuggling</td>
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<td>Total</td>
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This unit is designed for students of all courses participating in Module 7: Course (B), (C3), (C6) and (C7). The timeframe (4 AH) and lecturing method proposed for this unit is also the same for all mentioned courses.

In preparation for this course, it is recommended to use training manuals already developed and used for training in the field, in particular, the Anti-Trafficking Training for Frontline Law Enforcement Officers: Training Guide and Background reader[^10^], Unit 1 (“Trafficking in Human Beings”) and Unit 2 (differences between THB and Smuggling) and the In-Depth Training Manual on Investigating and Prosecuting the Smuggling of Migrants[^11^], Module 1, 2 and 7.

The instructor can choose different methods for lecturing this unit; however, it is recommended to combine frontal lecturing with a discussion or instructional conversation at least for a short time as described below and in the Methodology section of this guide. The instructor shall make a presentation on international framework for combating THB and Smuggling. During the lecture, the instructor should try to involve participants in a discussion on these important issues, by asking their opinion on one or more questions. The instructor can use the Central Module questions to facilitate the discussion[^12^]. During or after the presentation, the instructor could also show a short movie on awareness raising on THB. The movie can be

[^10^]: [http://www.icmpd.org/Anti-Trafficking-Training-for-Frontline-Law-Enforcement-Officers-Training-Guide-and-Background-Rea.1853.0.html](http://www.icmpd.org/Anti-Trafficking-Training-for-Frontline-Law-Enforcement-Officers-Training-Guide-and-Background-Rea.1853.0.html), also available in Romanian and Russian languages


[^12^]: In order to support trainer’s preparations to the training, Central Module questions are also included in the section i. Additional Materials
downloaded from http://www.unodc.org/unodc/en/human-trafficking/video-and-audio-on-human-trafficking-and-migrant-smuggling.html. There are a few videos available; the instructor can choose between very short videos (30 – 60 seconds) and longer ones (13 or 23 minutes) which also explain elements and different forms of trafficking. Most of videos are in the English language. Therefore, the instructor should take short breaks and explain the content of the movie to the participants who do not speak English. Section i. Additional Materials contains questions for group/partner/individual work, which the instructor can use during the presentation on international frameworks on trafficking and smuggling, as well as hand-outs on THB and Smuggling terminology and differences between THB and Smuggling (to be divided among the participants).

**Trafficking in human beings** has been called the slavery of the 21st century. Up to 4 million people are reportedly trafficked annually, the majority of whom are women and children, although increasing numbers of men and boys are targeted by traffickers for forced labour exploitation and other practices. The latest ILO report on forced labour indicates that an estimated 2.5 million persons are trafficked at any point in time. The root causes for this growing business are unemployment, discrimination often targeting women and minority groups, and the general lack of perspectives affecting increasing numbers of people throughout the world, thus generating a supply of trafficking victims. Other factors include the increasing demand for cheap, exploitable labour, the expansion of the sex industry, and the new possibilities generated by globalisation and technology to circulate information, people and money easily from one country to another.113

**Migrant smuggling** is a complex crime which may involve several stages, countries and actors. The Smuggling of migrants is usually explained in the context of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime114 (the Smuggling of Migrants Protocol). A number of international conventions and treaties deal with human trafficking, requiring States to criminalise it and take the necessary steps within their legislative systems to address the crime effectively. The following conventions are the most important in this context:

- UN Convention on the Rights of the Child (1989);
- Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000);

According to the Palermo protocol115,

(a) “**Trafficking in persons**” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the

purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons for the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

The following aspects of the definition shall be discussed:

- It recognises all forms of trafficking and includes sexual exploitation, forced labour, servitude, slavery-like practices and slavery, each of which are defined in international law;
- It does not require that the victim cross an internationally recognised border, taking into account that persons are also being trafficked internally from one region to another within the borders of one country;
- Except in cases of persons under the age of eighteen years, it requires some form of distortion of the victim's free and informed will, be it by means of force, deception or abuse of power. At the same time the definition correctly protects individuals whose free will has been abused and recognises that children cannot give their valid consent.

The definition of THB can be analysed in detail by breaking it down to its three components, such as:

1) **Act:**
   - Recruitment or offering work abroad or in the country;
   - Transfer or transportation of trafficked persons within the country or across the country borders and/or facilitation of illegal border crossing and organisation of illegal stay in the country of destination.
   - Harbouring, receipt of persons in form of restricting freedom of movement, seizing documents, organising accommodation for trafficked persons, etc.

2) **Means**, for instance, a threat or use of force, deception, coercion, abduction, abuse of power.

3) **Purpose of trafficking** such as sexual exploitation, other labour exploitation, slavery, begging, servitude, removal of organs.

**The European frameworks for THB**

The Council of Europe Convention on Action Against Trafficking in Human Beings\(^\text{116}\) is among the most recent international instruments, adopted by the Council of Europe in May 2005. The Convention introduces in an international legal framework a comprehensive human rights approach to combating the crime of trafficking.

The Convention takes into account all forms of trafficking, national and transnational, linked or not linked with organised crime. It also introduces a chapter on investigations, prosecutions and procedural law.

It introduces the principle of obligatory criminalisation of the crime of trafficking and of de-criminalisation of trafficked persons (so called non-punishment clause) providing for the possibility of not imposing penalties on victims, on the grounds that victims were compelled to be involved in unlawful activities. Special needs of minors

are also addressed by the Convention.

For EU Member States the EU Council Framework Decision on Trafficking in Human Beings from 2002\(^{117}\) is legally binding. The decision addresses legal harmonisation in the field of trafficking in human beings, stipulating that each Member State is obliged to develop new legislation on anti-trafficking and to interpret existing laws in line with internationally agreed principles and norms established by the main international conventions on trafficking in human beings.

One more important instrument for EU Member States is the Council Directive 2004/81/EC on the residence permit for victims of trafficking\(^{118}\). The procedure for issuing the residence permit consists of two main stages:

- **The first stage** is to grant the victim a reflection period: according to Art. 6 of the directive, a reflection period must be granted to the victims allowing them to recover and escape the influence of the perpetrators and to consider whether they want to co-operate with the competent authorities. The duration of the reflection period is to be determined by national law, during this time the victim may not be deported. During the reflection period the victim has to be granted basic means of subsistence, medical treatment, safety and protection, and where applicable under national law, free legal aid.

- **In a second stage**, after the expiry of this reflection period a residence permit shall be issued if the victim has shown a clear intention to co-operate with competent authorities. The issued residence permit shall be valid for at least six months and is renewable.

According to the **Smuggling of Migrants** Protocol Article 3, (a) "**Smuggling of migrants**" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident. (b) "**Illegal entry**" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State\(^{119}\).

A person who is involved directly or indirectly in the smuggling of migrants is referred to as a smuggler. A person who is being assisted by smugglers to enter the country illegally is referred to as a migrant. The offence of migrant smuggling occurs when a smuggler has procured or facilitated the illegal entry of a migrant into a State of which the migrant is not a national or permanent resident, in exchange for a financial or other material benefit.

**Differences between THB and Smuggling of Migrants**

Migrant smuggling is not to be confused with trafficking in persons. Although the offences may overlap and approaches to investigating and prosecuting the two crimes may have some commonalities, they are distinct crimes with distinct elements to prove.

There are three main differences between migrant smuggling and trafficking in persons:

- **Exploitation and source of profit**: The primary source of profit and thus also the primary purpose of **trafficking in persons** is to generate income through the

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\(^{118}\) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0081:EN:HTML

exploitation of the victims. In cases of *smuggling* the main source of profit comes though organising illegal entry into another State or an unlawful stay in another State. The relationship between the smuggler and the migrant generally ends once the illegal entry or stay in the destination country is achieved.

- **Transnationality**: The core objective of *smuggling* is to illegally enter or remain in the destination country; therefore it always combined with border crossing. *Trafficking* in persons may involve the illegal entry or stay of a person, but this is not a necessary element of the offence.

- **Victimization and consent of the person**: The crime of migrant *smuggling* does not require the victimisation of the smuggled migrant, migrants usually give their consent to be smuggled. Therefore they are generally not referred to as victims. However, often crimes are committed against smuggled migrants during the smuggling process, too (dangerous transportation, etc.). In such cases a migrant becomes a victim of crime and needs to be treated as a victim during criminal investigation. *Trafficking* in persons is always a crime against a person, who has never consented to be trafficked.\textsuperscript{120}

For the presentation of sub-units 1.2. and 1.3. it is recommended to invite a specialist(s) employed in the field of combating trafficking and smuggling who could provide the best overview of the framework in Moldova, as well as statistical and other practical information in the field. The trainer should also present how international frameworks are incorporated into national legislation and provide international statistics on trafficking and smuggling.\textsuperscript{121}

Additional materials (see section i.) for this Unit:

- Questions for *group/partner/individual work* (Unit 1.1.);  
- Hand-out “Main terminology related to trafficking and smuggling” (Unit 1.1.);  
- Hand-out “Differences between trafficking and smuggling” (Unit 1.1.)

### Unit 2. Trafficking in Human Beings

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<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
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| 2.1. Trafficking Process:  
2.1.1. Recruitment;  
2.1.2. Transit;  
2.1.3. Exploitation | 90 min. | Presentation, group/partner/individual work, facilitated discussion, practical exercises, role playing game, video movie (optional). | Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape |
| 2.2. Anti-trafficking measures:  
2.2.1. Prevention;  
2.2.2. Investigation and Persecution;  
2.2.3. Protection and Prevention | 60 min. | | |
| 2.3. Multi-agency approach to THB | 30 min. | | |
| 2.4. Victims Identification process:  
2.4.1. Main indicators;  
2.4.2. Interview techniques;  
2.4.3. Victims still in a trafficking situation | 120 min. | | |
| 2.5. Trafficker identification | 60 min. | | |
| **Total** | **8 AH** | | |

This unit of Module 7 is designed only for the Advanced Thematic Course (C6), as it provides the practical information related to identification, persecution and prevention of trafficking in human beings. The course (fully or partially) could be also lectured to specialists working in the Victims of Trafficking in Human Beings (VoT) protection field and other interested civil servants.

It is recommended to use the Anti-Trafficking Training for Frontline Law Enforcement Officers: Training Guide and Background reader[^122] (Unit 2 “The Trafficking Process”, Unit 3 “The multi-agency Approach” and Unit 4 “Identification Process”) or other training guides in preparation for this course.

As the unit aims at the development and improvement of specific skills, from the methodological part of view, it is important to include practical exercises and role playing games in order to increase the participants’ attention and their ability to gain the needed skills. The instructor shall combine presentations with practical exercises. It is advisable to invite a practical specialist in the field of combating THB to this course. He/she could implement this course alone or in cooperation with the professional trainer who can support the practical exercises and role playing games. Handout No. 3 included in the section i. Additional Materials provides a chart visualising the trafficking process. The instructor can make copies of this chart and distribute to the participants during or after his/her presentation of the trafficking process. Section i. Additional Materials at the end of this Module contains some examples of practical exercises for students which could be used during this course. Depending on the time available and if there is a need to increase the attention of the students or change methodology, the trainer could show 1 – 2 anti-trafficking videos, available through [http://www.unodc.org/unodc/en/human-trafficking/video-and-audio-on-human-trafficking-and-migrant-smuggling.html](http://www.unodc.org/unodc/en/human-trafficking/video-and-audio-on-human-trafficking-and-migrant-smuggling.html) or [http://mtvexit.org/videos/](http://mtvexit.org/videos/). Suggested videos could be also used as a start for a discussion with students on trafficking modus operandi, the globalisation of trafficking activities, anti-trafficking campaigns, etc.

Trafficking is often described as a process with three main stages:

1. **Recruitment**

The recruitment process may differ from case to case and can be done by the following methods:

- Coercion – A person is physically taken against her/his will, or compliance is gained through violence (abduction, threat or use of force, sale etc.);
- Fully or partially deceptive recruitment – A person is given false information as to what s/he will be doing once at the destination or a person is made aware of the fact that s/he will have to work in e.g. illegal conditions, but not about the badly exploitative conditions.

2. **Transit** (transport and transfer) and **arrival at destination** (in another country or within one country)

It often happens that the aforementioned phases overlap. In particular, some trafficking cases may have several transit and destination phases: from country to country or from one region to another region within one country. In general, transit or transportation in cases of trafficking is needed to remove victims from their community, family, friends or to isolate them. It also happens that exploitation starts already during the transit phase.

3. **Exploitation**

The generation of profit by the criminal organisation starts with the exploitation of victims at the destination place as the objective of trafficking is realised. It is essential for traffickers to keep victims controlled at this stages and they use different methods for that, such as:

- debt-bondage (requests to victims to repay exaggerated costs occurred for transporting them to the place of destination, accommodation, food, etc., including interest);
- Threats or use of violence against the victim's family/friends, physical violence against victims;
- Forced imprisonment or isolation;
- Taking away victim's ID documents;
- Enforced drug addiction;
- Control of contacts in order to prevent victims from finding help, obtaining information on personal rights in destination countries, etc. Traffickers can continuously change locations for this purpose;
- Deprivation of food, warmth or sleep;
- Blackmail in order to make victims afraid of being condemned by their families/friends, etc.

In cases of children only the child's lack of possibility to move is enough in order to enable the trafficker to control them.

There are different forms of exploitation, from which the most commonly discussed are sexual exploitation, labour exploitation (in particular in the agricultural sector, in the food processing industry, for contract cleaning, in the construction industry, for domestic services, in the entertainment industry, in hotels, in the restaurant and catering business, etc.) and domestic servitude (private work at home where abuse is not visible).

According to the UN Trafficking Protocol, *exploitation shall include, at a minimum*:

- the exploitation of the prostitution of others or other forms of sexual exploitation;
- forced labour or services;
- slavery or practices similar to slavery, servitude and the removal of organs.

**Anti-trafficking measures** may include education and media campaigns (informing victims about the risks associated with trafficking, recruitment and exploitation forms), hotlines for victims of trafficking, pre-border control and identification procedures at state borders, active and permanent monitoring of possible exploitation sites (bars, restaurants, fairs, small factories and food industry, etc.), effective prosecution and prosecution of offenders, effective protection and assistance to victims, risk assessment prior to repatriation of victims back to the country of origin or region of permanent residence, international and multi-agency investigations and cooperation, reintegration measures in the country/region of origin, etc.

**A multi-agency approach** means cooperation of different agencies, institutions and organisations (including national, international and non-governmental) in order to provide the victims the necessary minimum assistance and protection, create a basis for successful and effective investigations of the trafficking crime and prosecution of guilty persons. That means that counter-trafficking efforts have to be multi-disciplinary. This approach has to be applied in all anti-trafficking activities: prevention, protection, investigation and prosecution. Law enforcement agencies play a vital role in all these fields. They shall ensure protection to the victims involved during the whole process after their identification and that protection is provided according to the individual needs of the victims, including the specific needs of children. Moreover, co-operation between agencies should not take place on an ad-hoc basis, but rather should take place regularly.

A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons and co-ordinate their efforts in a strategic partnership with civil society. An NRM acting in conformance with approved anti-trafficking plans is a best example of the multi-agency approach. An NRM helps to ensure a comprehensive and inclusive protection and support system for all trafficked persons, including the protection of their human rights, the improvement of national policy and procedures in relation to anti-trafficking measures and the implementation of investigations and prosecution of traffickers, including witnesses’ protection and the successful repatriation and reintegration of victims.

**Victims identification process**

The identification of a presumed victim can happen in many different contexts of public and social life and it also can be initiated by different actors in the course of their duties, including foreigners’ police, traffic police, border guards, customs officials, labour inspectors, NGOs representatives, etc.

There is no precise or general profile of a potential trafficked person because of a variety of exploitation methods and forms, because of the traumatic experience of victims (they can be threatened, etc.) and because of the different methods applied by criminal organisations to control victims.

Victims may behave strange at different stages of trafficking (recruitment, transit or exploitation), but may also look completely normal. This also may be caused by the instructions traffickers have given their victims. Traffickers employ various techniques to instil fear and keep victims tightly controlled.

There are some indicators to understand that help to undermine the victim is still in a trafficking situation. These indicators were collected from the experience of different actors:

- persons feel trapped with no safe way out;
- limited knowledge of their rights and legal options;
- limited personal freedom;
- Worries about deportation as they have had their papers taken from them;
- Lie about their age, especially if they are minors (or vice-versa);
- self-protective reactions;
- symptoms of trauma and stress that are reflected in an impaired sense of time or space, memory loss of certain events, risky behaviour, or an underestimation of risk, etc.

Persons who have left the trafficking situation however often show some of the same signs. They still feel vulnerable to retaliation against themselves and/or their families, or may fear imminent deportation.

Some other more specific indications to identify victims of trafficking, particularly evidence of control of movements, may be the following:

- inability to move freely or leave the workplace;
- Bruises or other signs of battering and violence;
- inability to communicate in the local language and other languages;
- Transferred from another region/country/part of the country;
- Lack of ID documents;
- No cash nor access to money;
- Suspicion of a fake passport;
- Signs of fear;
- Signs of depression, insecurity.

If the generic indicators above are present, officers should look for more specific indicators connected with different possible kinds of exploitation (e.g. sexual, labour, street begging, etc.).

It is often difficult for law enforcement institutions to implement the victim identification process as they lack time for that and have to carry out usual procedures, for example, border control, etc. These issues shall be also discussed and presented during the lecture.

There are some indicators that could be used by border or immigration authorities in order to identify victims of trafficking, which may be misleading or irrelevant when taken in isolation, but could be useful for the the victim identification under some circumstances. Such indicators may include the lack of credibility of situations observed and information provided by travellers, the quantity and type of luggage compared with the statements of travellers, items carried in luggage, different nationalities of people in groups travelling together, a driver or one person answering questions for all travellers, etc.

In any case, the essential part of the victim identification process is an interview of the potential victim and here good questioning techniques skills are very important. It is important to keep in mind that the interviewed person should talk: the official should be a good listener and control the interview, but not dominate it. The official shall try to get the confidence of the person and should also apply body language techniques.

The World Health Organisation has developed recommendations for how to interview victims which are particularly important in case of first contact with trafficked persons. They should be presented to the participants\(^\text{123}\).

Specific procedures for interviews, as well as specific treatment, should be applied to potential victims of trafficking who are minors.

**The identification of traffickers**

The criminal structure involved in human trafficking usually represents an integrated criminal system which often involves also other criminal activities, such as drug and

weapon trafficking, money laundering, counterfeiting documents, etc. Usually, it is possible to identify traffickers by looking at the people involved in the recruitment, transfer, harbour or receipt of persons or after the victims of trafficking are identified.

The following indicators may be helpful in identifying traffickers:

- Persons with specific criminal records like the smuggling of migrants, the falsification of documents and the illegal possession of weapons;
- Persons sharing a hotel room or an apartment with a potential victim of trafficking or persons making the payment for the hotel room or for the rent of the apartment where a potential victim has been identified;
- Persons with specific criminal records linked to trafficking in persons, found in unjustified possession of receipts of payments via money transfer through business companies or banks;
- Persons advertising escort services, saunas or brothels;
- Persons that during a police raid or a search are found in possession of somebody else’s documents without a good reason, etc.\(^{124}\)

Additional materials (see section i.) for this Unit:

- Hand-out “Visualisation of the trafficking process” (Unit 2.1.);
- *Practical exercises* (Unit 2.1. – 2.5.)

\(^{124}\) For references and more information in preparation to the course, please refer to training manuals mentioned in this Unit, for instance, Anti-Trafficking Training for Frontline Law Enforcement Officers: Training Guide and Background reader, [http://www.icmpd.org/Anti-Trafficking-Training-for-Frontline-Law-Enforcement-Officers-Training-Guide-and-Background-Rea.1853.0.html](http://www.icmpd.org/Anti-Trafficking-Training-for-Frontline-Law-Enforcement-Officers-Training-Guide-and-Background-Rea.1853.0.html)
### Unit 3. Smuggling of Migrants

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| 3.1. Elements of migrant smuggling:  
3.1.1. Procurement;  
3.1.2. Illegal Entry;  
3.1.3. Fraudulent ID documents;  
3.1.4. Profit | 25 min. | Presentation, group/ partner/ individual work, facilitated discussion, instructional conversation | Laptop, projector, screen, flipchart, paper, markers |
| 3.2. Organisation of migrant smuggling | 15 min. | | |
| 3.3. Protection and assistance issues | 20 min. | | |
| **Total** | **60 min.** | | |

This unit of Module 7 is designed only for the Advanced Thematic Course (C6), as it provides the practical information related to the smuggling crime, the organisation of smuggling and specific groups of smuggled migrants. It is recommended to use the training guide prepared by UNODC\(^{125}\) (Module 1 “Understanding migrants smuggling and related conduct” and Module 6 “Protection and assistance issues”) or other training guides in preparation of this course.

The instructor shall combine presentations with practical discussions or practical exercises. It is advisable to invite to this course a specialist in the field of combating and preventing the smuggling of migrants. He/she could implement this course alone or in cooperation with the professional trainer who can support the practical exercises and role playing games. Section i. Additional Materials at the end of this Module contains some questions which could be used as leading questions for practical debates or group/partner/individual work depending on the trainees’ needs and time available.

The **main elements of migrant smuggling** are provided in the Smuggling of Migrants Protocol\(^{126}\):

- **Procurement**

This element includes such actions as smuggler organising/recruiting, and arranging the illegal entry of the migrant.

- **Illegal entry**

The Smuggling of Migrants Protocol defines illegal entry as “crossing borders without complying with the necessary requirements for the legal entry into the receiving State.”. This could also mean entering the country without required the documents, providing fraudulent information in order to receive permission to enter the country, etc.

Once the border is crossed illegally, it should be determined who was involved to assist, facilitate or procure the crossing of the border. In some situations, smugglers physically transport migrants, in others, they facilitate the illegal entry by providing them fraudulent documents. In some larger actions, the facilitation of illegal entry is organised by an (international) criminal group, where all actions are involved: organising, facilitating, transporting or harbouring migrants, falsifying documents,


accommodating migrants in safe houses, transportation of migrants, etc.

- **Fraudulent travel or identity documents**
  
  While entering a country illegally, a migrant may have no documents at all or have falsified documents provided by the smuggler.

- **Profit**
  
  Smugglers receive a profit from smuggling migrants. The element of financial or material benefit must be proven as it distinguishes criminal smugglers who are motivated by profit from persons who may have assisted migrants for completely altruistic purposes, who should not be charged with migrant smuggling. The aforementioned benefit can include any type of financial or non-financial inducement, payment, bribe, reward, advantage, privilege or service (including sexual or other services) received or intended to be received by smugglers from migrants according to the agreement between them.

**Organisation of migrant smuggling**

As with many other crimes, migrant smuggling can take several forms, including simple actions and complex well-organised activities.

**A simple form of smuggling** could involve only one smuggler and one migrant, and the profit in such an action also could be very small. Examples of such actions may be transportation of a migrant hidden in the car for a small amount of money or other benefit. Such smuggling also often takes place as an *ad-hoc action*: migrants organise most of their journey themselves but need the assistance of smugglers for obtaining travel documents, transportation across the border, etc. Ad-hoc smuggling often requires little planning and little financial cost to the migrant, but often comes with a greater risk to the migrants' life and safety, and a greater risk of being detected.

**Complex forms of smuggling** usually involve well-organised criminal smugglers which smuggle many migrants; such organisations often operate in different countries and charge a large amount of money. Complex smuggling always requires a high level of planning; therefore it is usually defined as a *pre-organised stage-to-stage action*. The criminal group usually has allocated roles within the organisations and often some chains of the organisation do not know each other and only have the information which is important for their part of the operation. In such cases, the detection of the smuggling organisation is very complicated.

The organised criminal group is defined by Article 2(a) of the United Nations Convention against Transnational Organized Crime (UNTOC). According to this article, “an organized criminal group shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”.

The following actors may be identified in the criminal group:

- Coordinator/organiser;
- Employees/subcontractors;
- Recruiters, transporters or guides;
- Spotters, drivers, messengers, enforcers;
- Service providers and suppliers;
- Corrupt public officials;
- Safe house operators;
- Forgers of travel and identity documents;
- Train conductors;
- "Taxi and bus drivers
- Airline staff;
- Boat owners or owners of other vehicles;
- People responsible for upkeep of vehicles (for instance, trucks, rubber dinghies) and supply of fuel;
- Financiers or cashiers, responsible for passing payments from migrants to smugglers upon successful completion of the smuggling venture.

Some actions that have some of the aforementioned elements should not be recognised as migrant smuggling. First of all, persons who assist migrants for altruistic or humanitarian reasons without receiving or agreeing to receive a financial or material benefit are not intended to be covered by the Smuggling of Migrants Protocol, but this does not exclude them from responsibility for other offences according to the national law. Employees, staff and volunteers associated with humanitarian groups, religious organisations, NGOs, and other charitable organisations, as well as close family members, are not considered migrant smugglers, for purposes of the Protocol, in circumstances where they assist in the transportation or enable the stay of migrants or refugees for humanitarian purposes and for no financial or material gain.

The Smuggling of Migrants Protocol does not intend to criminalise the migrants themselves. However, migrants may be charged with other offences, such as illegal entry according to the national law. The fact of having been smuggled into the territory should not be taken into consideration in assessing the asylum claim of smuggled migrants.

Some groups of migrants require specific protection and assistance from the origin, transit or destination state. In this case protection means safeguarding people from harm, without discrimination, and ensuring that migrants are treated according to internationally recognised standards.

Article 16 of the Smuggling of Migrants Protocol provides that States are obliged to “take all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of migrant smuggling and related conduct.

In particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment”, as well as “take measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of migrant smuggling and related conduct”.

With regard to assistance, according to the Article 16(3) of the Protocol, states are obliged “to afford appropriate assistance to migrants whose lives or safety is endangered by reason of being the objects of migrant smuggling and related conduct”. The types of assistance required may include food, shelter, clothing, and medical assistance.

An overall strategy for assistance and protection should include proactive prevention measures that aim to reduce or eliminate potential harm to smuggled migrants. With regard to prevention measures, they may include strengthening of information programmes to increase public awareness of the fact that migrant smuggling is a criminal activity, frequently perpetrated by organised crime groups for profit, and that it poses a serious risk to the migrants concerned. Public awareness-raising campaigns could involve awareness raising, distribution of flyers and transmitting of messages in the media, etc.

The following vulnerable persons require specific attention

- Persons with disabilities and other serious medical conditions;
- Women;
- Children;
Asylum seekers and refugees;
- Persons intercepted at sea.

The aforementioned categories are not only protected by the Smuggling of Migrants Protocol, but also by other international documents which shall be briefly analysed in this context. 

Additional materials (see section i.) for this Unit:
- Questions for discussion or group/partner/individual work (Units 3.1. – 3.3.)

For references and more information in preparation to the course, please refer to training manuals mentioned in this Unit, for instance, UNODC, In-Depth Training Manual on Investigating and Prosecuting the Smuggling of Migrants, [http://www.unodc.org/unodc/human-trafficking/publications.html#IDTM_SOM](http://www.unodc.org/unodc/human-trafficking/publications.html#IDTM_SOM)
Module 7. Trafficking in Human Beings and Smuggling of Migrants:
Resources and further reading

h. Resources and further reading

- 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and practices similar to Slavery.
- 2004 EU Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, http://europa.eu.int/scadplus/leg/en/lvb/l33187.htm.
Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to implement tasks during the training or for further reference.

Additional materials for this Module:
- Central Module Questions;
- Questions for group/partner/individual work (Unit 1.1.);
- Hand-out “Main terminology related to trafficking and smuggling” (Unit 1.1.);
- Hand-out “Differences between trafficking and smuggling” (Unit 1.1.);
- Hand-out “Visualization of the trafficking process” (Unit 2.1.);
- Practical exercises (Unit 2.1. – 2.5.);
- Questions for discussion or group/partner/individual work (Units 3.1. – 3.3.).
Central Module Questions – to be used for a *discussion* during the lecturing of the whole Module or for evaluation/feedback:

- What are the main international instruments on THB and Smuggling?
- What are the main differences between THB and Smuggling? Why is it important to differentiate these definitions?
- What are the most common stages of the trafficking process?
- What anti-trafficking measures are in place in Moldova? What could/should be still improved?
- In your opinion what is the most effective preventive measure in general and in Moldova specifically? Why?
- Why should a multi-agency approach be applied in THB and Smuggling cases?
- What is the nexus between victims’ identification and the prevention of THB?
- In your opinion, what are the challenges in the identification and persecution of traffickers/smugglers?
- Why is it important to collect and analyse statistics on smuggling and trafficking?
- Should the multi-agency and international approaches also be applied in collecting and analysing of statistics on THB and Smuggling?
The questions below could be used by the trainer during the lecture on International Framework for combating and preventing of Trafficking in Human Beings and Smuggling (Unit 1.1.) for group/partner/ individual work and/ or for a facilitated joint discussion/ instructional conversation, depending on the trainees’ needs and time available.

If joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write answers on the board or flipchart and later discuss them.

If an exercise will be done in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please, discuss in your group and suggest what are the reasons (social, economic, etc.) facilitating trafficking in human beings?

Please, discuss in your group and suggest what are the reasons (social, economic, etc.) facilitating the smuggling of migrants?

Please, analyse the situation below and determine if it is a trafficking or smuggling case? Justify your opinion!

Maryam is a Turkish woman who answers an advertisement to pursue strip-tease opportunities in Austria. She spoke to a man named Soleil who promised to organise a trip and documents.

Maryam does not have money on hand to travel, but she borrows the amount from her two brothers. She promises to repay them once she begins making money in Austria. She pays Soleil 1,000 USD.

Soleil meets Maryam at a train station and tells her to get into the back of his truck. In the back, Maryam sees that there are 5 other women concealed behind a fake wall. Maryam does not have a passport and is never told which countries she passes through. The women are let out once a day, only in deserted areas. They are given only one meal a day. When they arrive in Austria, it is cold and Maryam is not dressed warmly enough. She and the other women are told that there are several strip clubs a few miles up the road. Soleil immediately drives off, leaving the women alone. Maryam walks alone for three miles and finally arrives at a club at 1 AM. She is hungry, sick and shivering from the cold.

The club manager expects her to dance and strip tease from 3 – 9 PM and again from 11 PM – 3 AM. She works Monday through Saturday. Sundays she is usually too tired to do anything but stay at home. Maryam is not paid much, but housing and food are provided. Occasionally she has sex with customers in order to make a little extra money for herself.

Two months later, there is a police inspection of the club and Maryam is found and deported back to Turkey. She never made enough money to repay her brothers.

### Main Terminology related to Trafficking in Human Beings and Migrant Smuggling (Unit 1.1.)

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asylum seeker</td>
<td>A person seeking to be admitted into a country as a beneficiary of international protection (refugee or other form of protection)</td>
</tr>
<tr>
<td>Child</td>
<td>Any person under eighteen years of age</td>
</tr>
<tr>
<td>Criminal organisation</td>
<td>An organised criminal group engaged in a criminal activity or enterprise</td>
</tr>
<tr>
<td>Debt Bondage</td>
<td>The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.</td>
</tr>
<tr>
<td>Forced Labour</td>
<td>According to the ILO Forced Labour Convention No. 29 (1930) the term &quot;forced or compulsory labour&quot; shall mean 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.</td>
</tr>
<tr>
<td>Fraudulent document</td>
<td>A document that has been altered but was originally legitimately manufactured and issued</td>
</tr>
<tr>
<td>Investigation</td>
<td>Process carried out by law enforcement staff of inquiring into a matter through research, follow-up, study, or formal procedure</td>
</tr>
<tr>
<td>Irregular migrant</td>
<td>A person who, as a result of to illegal entry or the expiry of his or her visa, lacks a legal status in a transit or host country.</td>
</tr>
<tr>
<td>Law enforcement officer</td>
<td>Police or other officials responsible for enforcing law</td>
</tr>
<tr>
<td>Non-refoulement</td>
<td>The principle according to which a State cannot expel or return a person to the country or territory where his or her life or freedom is threatened</td>
</tr>
<tr>
<td>Separated child</td>
<td>A child who has been separated from both parents, or from a legal or customary primary caregiver, but not necessarily from other relatives. This may, therefore, include children accompanied by other adult family members.</td>
</tr>
<tr>
<td>Servitude</td>
<td>According to Article 1b. of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), servitude shall mean &quot;the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status&quot;.</td>
</tr>
<tr>
<td>Slavery</td>
<td>According to Article 1 of the Slavery Convention, (1926) &quot;Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised&quot;. According to the</td>
</tr>
</tbody>
</table>

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Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, n. 226 (1956) institutions and practices, such as debt bondage, serfdom, forced marriage, exploitation of children, should be abolished, whether or not covered by the definition of slavery contained in Article 1 of the Slavery Convention (1926).

Smuggled migrant
A person whose illegal entry or stay in a country of which he or she is not a national or permanent resident has been facilitated by another person, for the purpose of financial or other material benefit.

Smuggling
According to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Trans-national Organized Crime (2000) "smuggling of migrants" shall mean: 'The procurement to obtain, directly, or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident'.

Trafficking in Human Beings
According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (2000) "trafficking in persons" shall mean 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.

Victim of Crime
According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) "Victims" means 'persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power'. ‘A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relation-ship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization'.

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## The differences between smuggling and trafficking (Unit 1.1.) \(^{130}\)

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Smuggling</th>
<th>Trafficking</th>
</tr>
</thead>
</table>
| **Type of crime** | Crime against the state  
This is a violation of immigration laws/public order; the crime of smuggling by itself does not include crimes which might be committed against the smuggled migrants. Therefore, in general smuggled migrants are not referred to as victims. However, migrants may become victims of crime during the smuggling process. | Crime against the person  
Violation of human rights; victim of coercion and exploitation that give rise to duties by the State to treat the individual as a victim of a crime and human rights violation. |
| **Why do we fight it?** | To protect the sovereignty of the state. | To protect the human rights of individuals and to fight the crime. |
| **Relationship smuggler/smuggled migrant or trafficker/trafficked person** | Commercial  
Relationship between the smuggler and migrant ends after the illegal border crossing is achieved and the smuggler receives payment agreed in advance with the smuggled migrant. | Exploitative  
Relationship between trafficker and trafficked person continues in order to generate or maximise economic and/or other gains/profit from exploitation. |
| **Rationale** | Organised movement of persons for profit | Organised recruitment/transport and (continuous) exploitation of the trafficked person for profit. |
| **Illegal border crossing/Transnationality** | Illegal border crossing/facilitation of irregular stay in another country is a defining element. | Neither illegal border crossing nor border crossing required, however it may be involved. |
| **Consent of smuggled migrant/trafficked person** | The migrant freely enters into a temporary contract with the smugglers, therefore they agree to cross the border illegally or irregularly stay in another state. However, in case when another crime is committed against a migrant during the smuggling process, s/he becomes a victim of another crime (e.g. dangerous conditions of transportation, abuse, etc.). | Either no consent or initial consent is made irrelevant because of use of force or coercion, at any stage of the process. In cases of children, their vulnerable position makes the use of any means irrelevant. |

Visualisation of the Trafficking Process (Unit 2.1.)
The practical exercises described below could be used by the trainer during the lecture on the Trafficking Process and Anti-Trafficking Measures (Unit 2.1-2.2.) for group/partner/individual work, depending on the trainees’ needs, the group size and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please read the case scenario below, discuss it and answer the questions. Justify your answers!

A private employment agency in country A advertises fast-tracked procedures of employment at construction sites in Italy. The only requirement is to be a male between 25 and 45 years old; no evidences of qualifications or valid documents are needed. The employment is organised under a special contract with Italian authorities in which no residence permit/labour permission is needed. According to this contract, the salary is 500 – 800 EUR per month and free accommodation and three meals per day are provided. Organisation of documentation and transportation to the working place costs 2,000 EUR per applicant.

Three friends aged 27 – 32, citizens of country A, decide to take this offer as one of them is jobless, and the other two receive too low a salary to survive with families in country A. They arrived at the meeting point with the requested money (borrowed from friends and relatives), valid passports and a small amount of money they managed to collect (between 70 and 100 EUR). The representative of the Agency takes their passports from them, as well as the requested money and tells them to hide in the back of the truck. He also tells them that the trip will take around 24 – 30 hours before they arrive to the destination place.

Instead of travelling 24 – 30 hours, the three friends spend 3 days in the truck. They are allowed to leave it only twice per day and once per day they receive a meal and some water. The driver tells the travellers that there are some problems with crossing the borders – this is why the trip is taking so much longer. After they arrived to the destination place, the three men found themselves in a big construction site with temporary accommodation places for workers – mobile wagons without water and heating. The man who speaks in the language of country A explains to them that due to the problems that occurred during the trip, they have to pay another 2,000 EUR each. If they do not have the requested money, they should work as long as they can pay back their debts. The monthly salary is about 200 EUR and they need to stay in the mentioned wagons. The passports remain with the man until the debts are paid. After one of the friends asked about the conditions described in the contract, the man laughed at him and said that there is no agreement with the Italian authorities. He also said that they are irregularly in the country and if they try to contact the police or other officials, the Employment Agency back in country A knows how to find their families and will definitely do it.

Questions:

Is the described situation trafficking or smuggling? Why?
Can you recognise the different stages of the crime?
What are the push factors for the three friends to involve themselves in this situation? What are other factors which may facilitate trafficking?
Which means were used by the criminal organisation to control the three friends? What other means are used by traffickers?
Which preventive measures would you suggest to avoid such situations in the country A? In Italy?
Citizen of country A lost his job in the factory after it went bankrupt. After a few visits to the National State Employment Agency, he understood that it will be rather difficult to get another job soon. Frustrated that he has no financial means to support his family (wife and two children aged 4 and 5), he asked people also visiting the Agency what their plans are to find a job. One of them told the man that he knows somebody who organises the employment of workers in the agricultural sector in another region of the country (400 km away). The accommodation there is provided in the rented flats. The employment and transportation costs are about 600 USD, while the monthly salary is 300 USD. The man received the contact information of this person and called him immediately. A woman named Maria confirmed all the information and also advised the man to go to the region with the whole family as they could rent their flat here to somebody else.

About one month later the family moved to the region by a small transporter provided by the Agency. They paid the requested 600 USD from money they received from people who rented their flat (6 months payment in advance). After they arrived to the place, they were introduced to the manager called David, who showed them the proposed accommodation (much smaller than they had before, in a former dormitory with a shared kitchen and bathrooms and generally in bad condition), which costs 150 USD per month. He also told the family that the proposed salary of 300 USD is paid only if they agree to work 6 days a week. If they wish to work only 40 hours a week, the salary is reduced to 200 USD. He also mentioned that the family still owes the Agency an additional 500 USD for transportation as the agreed sum was for transportation in a car, not in a transporter. This sum will be retained from the monthly salary in the coming 6 months.

**Questions:**

Is the described situation trafficking, smuggling or neither of them? Why?
If it is a trafficking, can you recognise the different stages?
What are the push factors for the family to involve themselves in this situation? What are other factors which may facilitate trafficking?
Which means were used by the Agency? Which other means were used by traffickers?
Which preventive measures would you suggest to avoid such situations in country A?

Please discuss in your group and provide the results of your discussion:

Why is important to distinguish between trafficking and smuggling in a concrete case?

Please discuss in your group and provide the results of your discussion:

What are the methods and measures for preventing trafficking in human beings? Please list and describe as much as possible.
The *practical exercises* described below could be used by the trainer during the lecture on the **Multi-Agency Approach to THB (Unit 2.3.)** for *group/partner/individual work*, depending on trainees’ needs, the group size and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the **discussion**.

Please, fill in the table below and present the results (use more paper if needed):

<table>
<thead>
<tr>
<th>Institutions and organisations in Moldova which should cooperate in the fight against and prevention of THB</th>
<th>Short description of functions related to the field of THB</th>
</tr>
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<tbody>
<tr>
<td></td>
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</table>

You are a labour inspector checking the work and hygiene conditions in a small private mayonnaise and vinegar producing factory. In the course of your inspection you notice that there is a group of workers talking in a foreign language. You approach them and ask them a question but they do not answer and it seems that they do not understand you. Some of them looked scared. The manager who accompanied you during the inspection, explained that these are guest-workers, that they are professionals in the food industry and that they have already worked for two years here. During the explanation, you heard one of the female workers from the group start to cry.

**Group 1:** What would you do in this situation? What institutions/organisations would you contact?

**Group 2:** If, in fact, the above situation turns out to be a trafficking case, which anti-trafficking measures would you suggest to avoid forced labour? Which institutions/organisations should be involved in anti-trafficking measures in order to avoid forced labour?
The role playing game described below could be used by the trainer during the lecture on the Victims and Traffickers Identification Process (Unit 2.4.–2.5.). However, the case scenario can be also used for group/partner/individual work during Unit 2, depending on trainees’ needs, the group size and time available.

Hand-out for the trainer:

The objectives of the exercise are:
- To examine the participants’ skills in dealing with victims of trafficking;
- To discuss interactively which techniques for interviewing trafficking victims should be applied;
- To help participants understand how to treat potential trafficking victims sensitively;
- To examine the participants’ ability to recognise and evaluate trafficking indicators.

Implementation:

1. Prior to the exercise, choose one person from the group to be a potential victim of trafficking (this person might be also another trainer or assistant) and one or two participant(s) who (is) are police officers. Explain to these persons their tasks and give them the respective handouts. The “police officer(s)” should not know the story of the potential victim in advance.

   Alternatively, the trainer could explain the situation described under point 2 below (not the victim’s story) and ask the group to prepare in advance how the police officer(s) should act taking into account that the girl is a potential victim of trafficking.

2. Inside the classroom, make a park bench (a few chairs grouped together) in front of the group. Explain to the group that the time of day is midnight and it is winter. The first snow has just fallen and it is cold. A lone female is sitting alone on a park bench not wearing a coat. The police officers see her.

3. It is important that the group observe carefully the situation and is quiet. They should register and note whatever is important for them and discuss it later – not during the exercise.

4. After the interview is completed, the whole group, facilitated by the instructor shall discuss what they observed. The trainer should give instructions/explanations on interview techniques and/or trafficking indicators during the discussion when needed. The following questions could help to facilitate the discussion:

   - What were the “police officer(s)” feeling when they tried to find out why the girl is sitting alone on the bench? What would they do differently in reality?

   - What did the group observe? What would they do differently if they were police officers?

   - How would the group formulate the observed indicators of trafficking? Is it easy to formulate general definitions or a list of indicators?

   - What did the “potential victim” (if one of the participants) experience? Which questions were appropriate/which not?

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Hand-out for the potential victim

Your name is ______________________, you are _______ years old, single and from a poor family. As times were very hard and no-one in the family had a job, you answered three weeks ago a newspaper advertisement for waitresses to work in Italy and you had applied for the job. You were interviewed and accepted, but part of the deal was that you had to borrow your fare to Italy from the man who interviewed you and pay it back from your first month’s salary. You were assured that you would earn so much money that this would not be a problem.

Once in Italy, you were taken by a respectable looking man in a black Mercedes to a town in the south, but you do not know the name of the town. There your passport and ID card were taken from you and all of your clothing and possessions, including your mobile phone. You were kept in a locked room and not allowed out or to telephone anyone. Later, you were told that you must work as a prostitute to pay back the money that was loaned to you to pay for your fare and when you refused you were beaten. You were also told that if the police find you, you will be raped and beaten by them before being given back to the man who took you as he is the Chief of Police in the area where you are now. If you tried to escape you were told that your family would have to pay for the debt and may be killed or beaten as well.

You managed to escape from the room by climbing out of the window, and have no idea where you are. It is cold and has just been snowing and you do not have a coat. You have come into a park and are sitting on a bench wondering what to do. You are lonely and very frightened.

You see two Police Officers coming towards you. React to how the police treat you.

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Hand-out for Police Officer(s)

You are on duty with your partner and are on patrol. It is a cold night, the time is midnight and it has just been snowing. You enter the local park when you see a female sitting on a bench. Although it is cold, she is not wearing a coat.

Deal fully with the situation that you find.
The practical exercises described below could be used by the trainer during the lecture on \textit{Victims and traffickers identification (Unit 2.4.-2.5.)} for \textit{group/partner/ individual work}, depending on the trainees' needs, the group size and time available.

Please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss and list possible indicators for identifying potential victims of trafficking at the border. Give examples of situations wherever possible.

Please discuss and list possible indicators for identifying potential traffickers at the border. Give examples of situations wherever possible.

Please discuss in your group and prepare to present the results of the discussion:

Imagine that you are preparing a leaflet/poster which will be publically available at border crossing points with information which should serve to prevent trafficking. Which indicators of traffickers recruiting somebody for an imaginary job would you include in order to warn potential victims?

Please discuss in your group and prepare to present the results of the discussion:

Imagine that you are preparing a leaflet/poster which will be publically available at border crossing points with information which should serve to prevent trafficking. Which suggestions on how to act if somebody finds himself/ herself in a trafficking situation would you include?
The questions below could be used by the trainer during the lecture on the Smuggling of Migrants (Unit 3) for group/partner/ individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If an exercise is done completed in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please read the situation below, discuss it in your group and answer the questions:

Mara Ivanova is a citizen of the Russian Federation permanently residing in Austria. She is a co-owner of the Dating Agency “Never Single Again” and is “responsible” for the Eastern market, mainly the post-Soviet countries. She advertises her services in small newspapers in some countries, including Ukraine, Georgia, Moldova, Armenia among others. In these advertisements she mentions that 90% of the dates she organises end with marriage and a legal status in Austria. In fact, part of the money she receives from applicants in post-Soviet countries she transfers to future spouses in Austria. After the marriage takes place and the residence permit is issued, the spouses hardly see each other. The divorce procedure usually takes place as soon as the citizens of foreign countries can receive an independent residence permit (on the grounds of work, etc.).

Questions:

1. Does the above situation represent the smuggling of migrants? Why?

2. What other forms of facilitation of irregular stay in a foreign country could you think of?

Please discuss in your group the role of consent in cases of smuggling. What circumstances could lead to the victimisation of a smuggled person?

Please discuss in your group which elements are essential for the smuggling offence according to the Smuggling of Migrants Protocol? Which elements of smuggling are included in the relevant Moldovan legislation?

What are the differences between ad-hoc and pre-organised stage-to-stage smuggling? Which smuggling form is more difficult to investigate and prove? Why?
Please discuss the situation below in your group and present the results of your discussion.

You are an official of the Bureau for Migration and Asylum, head of one of the divisions. It is Friday, 15.00. You receive a telephone call:

- Hello, I have information that there is a car coming to the Ukrainian-Moldovan border with 5 irregular migrants hidden in there. They should arrive at the border in about an hour.
- Could I ask your name, please, and the source of this information from?
- I will not tell you my name, I am not stupid. I know that migrants are in this car. It is a big refrigerator truck transporting food. It has a Moldovan number plate and it comes from Russia. The migrants must be completely frozen by now. That is everything I wanted to tell you.

Questions:
1. How would you act in such a situation?
2. Which institutions would you contact? Why?

The representative of the humanitarian organisation K. is allowed to visit the border crossing point on one of the small roads between countries A. and B. The organisation to which K. belongs is located in country B. and implements the border monitoring project. During one of his visits, a person approached him and told him that he is a citizen of country C where a civil war is taking place. He has a valid visa to arrive in both countries A. and B. He wants to seek protection in country B. because it is a safe country. However, his family – wife and daughter – have no ID documents. They are now irregularly in country A. and do not know how to reach country B where they can apply for asylum.

K. decided to help the family. He borrowed a small transporter bus from his organisation and brought the wife and daughter hidden across the border. The bus had a diplomatic number plate and K. has a diplomatic passport. Right after the border crossing point of country B, the family applied for asylum.

Questions:
1. Does the above situation represent the smuggling of migrants? Why?
2. Which other forms of conduct have smuggling elements are not migrant smuggling?
Module 8. Integration of Foreigners

a. Short Module description

This Module is designed to introduce knowledge and skills in the area of integration of foreigners which is a new field of competence in Moldova both on the legislative and institutional levels. The Module deals with the international legal framework related to the rights of migrants, EU cooperation in the area of integration of foreigners, Moldovan legal acts on integrations and explains the role of Moldovan institutions involved in the integration process. A part of the module deals with the integration of specific groups of foreigners: refugees, victims of trafficking in human beings, elderly persons, children and other vulnerable groups.

According to the structure of this curriculum, the whole Module or its parts could be lectured within the Advanced Introductory Course (B, 2 AH), Advanced Thematic Courses (C5-C6, 4 AH), and Advanced Thematic Course for civil servants working in the foreigners integration field (C7, 12 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainer’s profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau for Migration and Asylum, Centre for Combating THB), Border Guard Service, Ministry of Labour, Family and Social Protection, Ministry of Education, Ministry of Health, Ministry of Culture, municipalities, other actors which are involved into integration process in Moldova</td>
<td>Representatives of the Ministry of Internal Affairs, academia representatives, NGOs</td>
</tr>
</tbody>
</table>

b. Learning Objectives

At the end of this Module, the participants will:

- be familiar with international and regional legal provisions related to the rights of migrants and obligations of states in this regard;
- be familiar with the EU cooperation framework with regard to the integration of foreigners;
- be able to apply the skills which are necessary for the provision of integration measures to foreigners in their every day work;
- be able to identify specific groups of foreigners who need special attention;
- understand the role of foreigners integration in the migration management system, as well as its importance for the country development in general.

The Module includes understandings and learning objectives aimed at improving skills in certain areas of foreigners’ integration.
c. Outline of Module 8

Unit 1: International legal framework related to the rights of migrants and the EU cooperation on integration

1.1. International legal framework related to the migrants’ rights;

1.2. EU cooperation on foreigners integration:
   1.2.1. Tampere Programme and later developments;
   1.2.2. Stockholm Programme and new European agenda on integration;

Unit 2: Legal and institutional framework on integration in Moldova

2.1. Law of the Republic of Moldova on integration of foreigners;

2.2. Other legal acts of Moldova composing foreigners’ integration legal framework;

2.3. Institutions framework of integration process in Moldova:
   2.3.1. Institutions, involved into the integration process;
   2.3.2. Role of institutions and coordinating bodies;
   2.3.3. Inter-institutional cooperation during the integration process.

Unit 3. Integration process in Moldova

3.1. Categories of foreigners who have a right for integration in Moldova:
   3.1.1. Refugees and foreigners granted subsidiary protection;
   3.1.2. Legally residing foreigners in Moldova;
   3.1.3. Victims of trafficking of human beings.

3.2. Specific cases of foreigners belonging to vulnerable groups;

3.3. Types of integration (educational, social, economic, cultural integration, etc.);

3.4. Implementation of the integration process in Moldova

d. Overview of the Module 8
### e. **Timeframe and lecturing method**

This Module is designed for the following courses available in this Training Guide:

- Advanced Introductory Course (B) for civil servants in migration related institutions (2 AH);
- Advanced Thematic Courses (C5, C6, 4AH) for civil servants working in different migration areas;
- Advanced Thematic Course (C7) for civil servants working in the field of foreigners’ integration (12 AH).

The framework and lecturing methods are the same for the Courses (C5) and (C6). Course (B) represents only a short introduction on the national framework related to foreigners integration in Moldova. Course (C7) is fully designed as an advanced training for future specialists in the field of foreigners integration. In any case, the Module – as all other Modules in this Training Manual – can be split to separate units or topics and lectured according to the specific needs of the trainees, i.e. the whole Course could be only dedicated to the specific skills needed to implement the integration procedures.

The timeframe for each individual unit is described in detail in the instructional part of this Module. Depending on the proposed Course and time available, the lecturing methodology shall include a presentation, group/partner/ individual work on case studies, practical exercises and role playing games (in particular for the part of the training related to skills).

<table>
<thead>
<tr>
<th>Advanced Introductory Course (B)</th>
<th>Advanced Thematic Courses (C5, C6)</th>
<th>Units of the Module 7</th>
<th>Advanced Thematic Course (C7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>Unit 1. International legal framework related to the rights of migrants and the EU cooperation on integration</td>
<td>135 min.</td>
</tr>
<tr>
<td>90 min.</td>
<td>90 min.</td>
<td>Unit 2. Legal and institutional framework in integration in Moldova</td>
<td>135 min.</td>
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<td>-</td>
<td>90 min.</td>
<td>Unit 3. Integration process in Moldova</td>
<td>6 AH</td>
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<tr>
<td><strong>2 AH</strong></td>
<td><strong>4 AH</strong></td>
<td><strong>Total</strong></td>
<td><strong>12 AH</strong></td>
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### f. **Central Module questions**

- How has the integration system developed in Moldova?
- What are the strong and weak sides of the integration measures in Moldova?
- Why are integration measures important for the state development?
- What categories grant foreigners the right to integration? Are integration measures provided to different types of foreigners in the same way?
- What types of integration measures are provided in Moldova? Are they interconnected or could they be provided separately?
- What is the nexus between a full assimilation of foreigners into new society and a multiculturalism approach?
- Which institutions in Moldova are involved into the integration process?
- What is the role of media and civil society in the integration process?
Unit 1. International legal framework related to the rights of migrants and the EU cooperation on integration

g. Module instruction:

- Unit 1. International legal framework related to the rights of migrants and the EU cooperation on integration

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. International legal framework related to the migrants rights;</td>
<td>90 min.</td>
<td>Presentation, group/ partner/ individual work, facilitated discussion</td>
<td>Laptop, projector, screen, flipchart, paper, markers</td>
</tr>
<tr>
<td>1.2. EU cooperation on foreigners integration:</td>
<td>45 min.</td>
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<td></td>
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<tr>
<td>1.2.1. Tampere Programme and later developments;</td>
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<tr>
<td>1.2.2. Stockholm Programme and new European agenda on integration</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>135 min.</strong></td>
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</tbody>
</table>

Unit 1 of Module 8 is developed for students of Course (C7) which aims at gaining knowledge and skills of civil servants working in the foreigners’ integration area. This area is new for Moldovan institutions both legally and institutionally.

With regard to Unit 1, the trainer can use the UNHCR prepared Self-Study Module 5 “Human Rights and International Protection” (Chapter 3, 4, 5, and 8) in preparation of this course.

The instructor shall combine presentations with a practical discussion or practical exercises during his/her lecture. It is advisable to invite a representative from academia to this lecture who could present the human rights law as well as the European Union framework of foreigners’ integration. He/she could implement this course alone or in cooperation with a professional trainer who could provide support with the practical exercises and the discussion. Section i. Additional Materials at the end of this Module contains some questions which could be used as leading questions for practical debates or group/partner/individual work depending on the trainees’ needs and time available.

**Human rights** are the rights to which a person is inherently entitled merely for being human. Therefore, they may not be renounced.

The origins of the human rights may be found both in Greek philosophy and various world religions. The philosophical developments before the 18th century led to the adoption of ground-breaking declarations of rights that included fundamental rights inherent to all human beings regardless of their social or economic status. The treaty that established the League of Nations in 1920 – the organisation that preceded the United Nations - contained no general provisions dealing with human rights. It was the **Charter of the United Nations**, adopted after the atrocities of the Second World War that took the decisive step toward international protection of human rights.

The idea of promulgating an “International Bill of Rights” was developed immediately after the adoption of the UN Charter and has led to the adoption of the **Universal Declaration of Human Rights (UDHR)** in 1948. The mentioned document is not a

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132 [http://www.unhcr.org/45a7acbb72.html](http://www.unhcr.org/45a7acbb72.html), also available in Russian language.
The following international instruments on human rights shall be analysed under this unit:

- **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

The ICESCR was adopted by UNGA Resolution 2200 A (XXI) of 16 December 1966. It entered into force on 3 January 1976. The Covenant rights apply to everyone “within” the jurisdiction of the State, including not only refugees, asylum-seekers and stateless persons, but also irregular migrants. It recognises several rights which are of utmost importance to foreigners, for instance, the principle of non-discrimination (Articles 2 and 3), the right to work (Article 6), the right to just and favourable conditions of work (Article 7), the right to an adequate standard of living for oneself and one's family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions (Article 11), the right to the highest attainable standard of physical and mental health (Article 12) and the right to education (Article 13).

- **International Covenant on Civil and Political Rights (ICCPR)**

The ICCPR was adopted by UNGA Resolution 2200 A (XXI) of 16 December 1966. It entered into force on 23 March 1976. Under the ICCPR, States undertake “to respect and ensure” the rights enshrined therein of all individuals within the territory or the jurisdiction of the State. Most of the rights contained in the Covenant are relevant to foreigners, including the principle of non-discrimination (Article 2), the right to life (Article 6), the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (Article 7), the right to liberty and security of the person (Article 9) and the right to equality before the law (Article 26). The Human Rights Committee acknowledges an extra-territorial dimension of obligations under the ICCPR.

- **International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**

The CERD was adopted by UNGA Resolution 2106 A (XX) of 21 December 1965. It entered into force on 4 January 1969. CERD contains a number of detailed prohibitions and obligations to prevent discrimination on the grounds of race, colour, origin and national or ethnic background. The Convention bans discrimination in relation to a range of rights, including the right to equal treatment before tribunals, security of person, freedom of movement and residence, the right to nationality, the right to public health, medical care, social security and social services. States Parties shall ensure effective protection and remedies against acts of racial discrimination (Article 6), and States pledge to combat prejudices that lead to racial discrimination (Article 7).

- **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

The CEDAW was adopted by UNGA Resolution 34/180 of 18 December 1979. It entered into force on 3 September 1981. This Convention sets out a series of obligations for States with the aim of guaranteeing that women enjoy rights as on equal footing with men.

- **Convention Against Torture and Other Cruel, Inhuman or Degrading
Treaty or Punishment (CAT)

The CAT was adopted by UNGA Resolution 39/46 of 10 December 1984. It entered into force on 26 June 1987. The prohibition of refoulement is the most important feature in this instrument which offers a valuable protection tool.

- **Convention on the Rights of the Child (CRC)**

The CRC was adopted by UNGA Resolution 44/25 on 20 November 1989. It entered into force on 20 September 1990. According to this treaty, a child is a person below the age of 18, unless under applicable laws he/she has attained legal maturity earlier (Article 1). The CRC sets out four guiding principles: the best interest of the child shall be a primary consideration (Article 3); there shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Article 2); each child has a fundamental right to life, survival, and development to the maximum extent possible (Article 6); and children should be assured the right to express their views freely and they should be heard and their views be given “due weight” in accordance with the age and maturity of the child (Article 12).

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)**

The CMW was adopted by UNGA Resolution 45/158 of 18 December 1990. It entered into force on 1 July 2003. The Convention seeks to prevent and eliminate the exploitation of migrant workers throughout the entire migration process by providing a set of binding international standards to address the treatment, welfare, and human rights of both documented and undocumented migrants. It also sets out the obligations and responsibilities on the part of sending and receiving States.

Further, following main human rights treaties adopted under the Council of Europe are important for the lecturing of this unit:

- **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) was adopted on 4 November 1950 and entered into force on 3 September 1953. 14 Protocols to the ECHR have been adopted as well.

The ECHR applies to all persons under the jurisdiction of the Contracting States. Thus the Convention protects not only the nationals and citizens of the State, but all persons affected by measures taken by the State’s authorities. The Convention contains primarily civil and political rights although it also includes the right to education and the protection of property (Protocol No. 1).

- **European Social Charter (ESC)**

The European Social Charter (ESC) was adopted on 18 October 1961 and entered into force in February 1965.

- **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) was adopted on 26 November 1987 (ETS No. 126).

- **Framework Convention for the Protection of National Minorities**

The Framework Convention for the Protection of National Minorities was adopted on
Module 8. Integration of foreigners: Instruction

Unit 1. International legal framework related to the rights of migrants and the EU cooperation on integration

1 February 1995 and entered into force on 1 February 1998\textsuperscript{133}.

With regard to the \textit{European Union framework in area of foreigners' integration}, the following shall be noted and discussed during the lecture:

The \textit{Charter of Fundamental Rights of the European Union} was signed and proclaimed by the Presidents of the European Parliament, the Council, and the Commission at the European Council meeting in Nice, France, on 7 December 2000. It contains the whole range of civil, political, economic, social, and cultural rights of European citizens and all persons resident in the EU.

The general \textit{EU migration approach is directed to the improvement of the integration of legally residing “third country nationals”} (non-EU citizens) into the societies of EU Member States. A first step to EU cooperation in the area of integration of migrants was made with the adoption of the Tampere Programme in 1999. Later, other policy documents were adopted (2004 Common Basic Principles for Immigrant Integration Policy in the European Union). The 2009 Stockholm Programme reaffirmed the necessity to develop a new European agenda on citizenship as a part of legal integration, to reinforce the tools for knowledge exchange and to facilitate the mainstreaming of integration priorities into all relevant policy areas. In July 2011, the Commission proposed a \textit{European agenda for the integration of non-EU migrants}\textsuperscript{134}.

The EU has the following instruments to support the integration of third country nationals into the societies of Member States:

- A \textit{network of national contact points on integration} which allows for information and experience exchange between EU Member States, with the purpose of finding successful solutions for integration and keeping national policy coherent with EU initiatives;
- The \textit{European Integration Forum}\textsuperscript{135} which serves as a platform for dialogue involving all stakeholders active in the field of integration;
- The \textit{European Web Site on Integration}\textsuperscript{136} – the main focal point for the exchange of information, documentation and online data collection. It also serves for community-building activities between the main stakeholders in integration in Europe;
- A \textit{Handbook on Integration}\textsuperscript{137} which has been prepared for policy-makers and practitioners and compiled with a view to structuring an information exchange on which EU Member States can draw when developing policy measures for more successful integration;
- The \textit{European Integration Fund} – a financial instrument supporting the efforts of EU States to enable non-EU nationals to integrate into European society\textsuperscript{138}.

\textsuperscript{133} Prepared by UNHCR Self-Study Module 5, Vol.1, “Human Rights and Refugee Protection”, \url{http://www.unhcr.org/45a7acb72.html}, also available in Russian language.

\textsuperscript{134} Communication from the Commission to the European Parliament, the Council, the European and Social Committee and the Committee of the Regions “European Agenda for the Integration of Third-Country Nationals, SEC(2011) 957 final, \url{http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf}

\textsuperscript{135} European Integration Forum, \url{http://ec.europa.eu/ewsi/en/policy/legal.cfm}

\textsuperscript{136} European Web Site on Integration, \url{http://ec.europa.eu/ews/i/en/index.cfm}

\textsuperscript{137} Handbook on Integration for policy-makers and practitioners, Third edition, \url{http://ec.europa.eu/ews/i/UDRW/images/items/doc1_12892_168517401.pdf}

\textsuperscript{138} European Commission, Home Affairs, Immigration Policy, \url{http://ec.europa.eu/home-affairs/policies/immigration/immigration_integration_en.htm}
Additional materials (see section i.) for this Unit:

- Questions for discussion or group/partner/individual work (Units 1.1. – 1.2.)
### Unit 2. Legal and institutional framework on integration in Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Law of the Republic of Moldova on integration of foreigners</td>
<td>45 min.</td>
<td>Presentatio, discussion, instructional conversation</td>
<td>Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape</td>
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<td></td>
<td>45 min.</td>
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<td></td>
<td>45 min.</td>
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<tr>
<td>2.2. Other legal acts of Moldova composing foreigners' integration legal framework</td>
<td>15 min.</td>
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<td>15 min.</td>
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<td></td>
<td>20 min.</td>
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<tr>
<td>2.3. Institutions framework of integration process in Moldova:</td>
<td>15 min.</td>
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<tr>
<td>2.3.1. Institutions, involved in the integration process;</td>
<td>15 min.</td>
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<tr>
<td>2.3.2. Role of institutions and coordinating bodies</td>
<td>45 min.</td>
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<tr>
<td>2.4. Inter-institutional cooperation during the integration process</td>
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<td>15 min.</td>
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<td>25 min.</td>
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<td><strong>Total</strong></td>
<td><strong>90 min.</strong></td>
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<td><strong>90 min.</strong></td>
<td><strong>90 min.</strong></td>
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<tr>
<td><strong>135 min.</strong></td>
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</table>

Unit 2 of Module 8 is designed for students of all Courses of this Module under this curriculum (B, C5 – C7). The timeframe and lecturing methods for the Courses (B), (C5) and (C6), the Course (C7) shall receive more detailed information on the topic and also participate in practical debates. It is strongly recommended to invite a practical specialist from the Bureau for Migration and Asylum to lecture this course as this is a completely new area of work for Moldova.

As the topic of foreigners’ integration is new in Moldova, the participants will hardly have much extended experience and knowledge on the legislative and institutional framework in Moldova. Therefore, it is important to involve them into a discussion on the relevant questions. The instructor shall combine presentations with an instructional conversation and discussion elements. The Central Module questions can be used by the trainer for a discussion. Questions are included in the Section i. Additional Materials at the end of this Unit.

The trainer shall present the main provisions of the **Law of the Republic of Moldova** on the integration of foreigners, adopted on 27 December, 2011. The Law was adopted due to the need to establish a uniform legal framework for the integration of foreigners in the economic, social and cultural life of the Republic of Moldova.

According to the Law, **Integration** means the process of active participation of foreigners who have obtained a form of protection or a right of residence in the Republic of Moldova in the economic, social and cultural life of Moldovan society in which they are empowered to contribute and realise their full potential as members of this society, to realise their rights and duties without discrimination or exclusion for their own benefit and for the benefit of the state. Therefore, the integration programmes in Moldova can be applied to:

- Foreigners who have the right of temporary stay for family reunification;
- Foreigners who have the right of temporary stay for work;
- Foreigners who have the right for temporary stay for studies;
- Foreigners who have the right for temporary stay for humanitarian or religious activities;
- Foreigners who hold the right of permanent residence;
- Persons who have been recognised as refugees in the Republic of Moldova;
- Foreigners who have obtained one of the following forms of protection in Moldova: refugee status, humanitarian protection, asylum.

The Ministry of Interior has a coordination role in implementing the integration of foreigners. Additionally, the following institutions and organisations participate in the process:
- Ministry of Labour, Social Protection and Family;
- Ministry of Education;
- Ministry of Culture;
- Ministry of Health;
- Local authorities.

Other legal acts providing provisions on integration of foreigners shall be presented as well, including Asylum Law, Law on the Legal Status of Aliens in the Republic of Moldova, Law on Social Protection in the Republic of Moldova, etc.

Additional materials (see section i.) for this Unit:

- Questions for discussion, group/partner/ individual work and instructional conversation (Unit 2.1. – 2.3.)
Unit 3. Integration process in Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1. Categories of foreigners who have a right to integration in Moldova:</td>
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<tr>
<td>3.1.1. Refugees and foreigners granted subsidiary protection;</td>
<td>-</td>
<td>45 min.</td>
<td>Laptop, projector, screen,</td>
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<tr>
<td>3.1.2. Legally residing foreigners in Moldova;</td>
<td></td>
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<td>flipchart, paper, markers,</td>
</tr>
<tr>
<td>3.1.3. Victims of trafficking in persons.</td>
<td></td>
<td></td>
<td>moderation cards, adhesive</td>
</tr>
<tr>
<td>3.2. Specific cases of foreigners belonging to vulnerable groups</td>
<td>-</td>
<td>15 min.</td>
<td></td>
</tr>
<tr>
<td>3.3. Types of integration (educational, social, economic, cultural</td>
<td>-</td>
<td>15 min.</td>
<td></td>
</tr>
<tr>
<td>integration, etc.)</td>
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<tr>
<td>3.4. Implementation of Integration process in Moldova</td>
<td>-</td>
<td>15 min.</td>
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<tr>
<td>Total</td>
<td>-</td>
<td>90 min.</td>
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</tbody>
</table>

Unit 3 of Module 8 is designed for students of the Courses (C5 – C7) under this curriculum. However, the students of the Course (C7) shall receive more detailed instructions with regard to the implementation of the integration process in Moldova. The trainer shall also prepare a case study (the best from real practice) in order to facilitate a transfer of practical skills of students on the identification of vulnerable persons and practical implementation of procedures. It is strongly recommended to invite a practical specialist from the Bureau for Migration and Asylum to lecture this course, as this is a completely new area of work for Moldova.

As the topic of foreigners’ integration is new in Moldova, the participants will hardly have much extended experience and knowledge on the legislative and institutional framework in Moldova. Therefore, it is important to involve them into a discussion on the relevant questions. The instructor shall combine the presentations with instructional conversation and discussion elements. Furthermore, the students shall participate in a practical exercise on specific cases presented by the representative from the Bureau for Migration and Asylum.

The trainer shall present the main provisions of the Law of the Republic of Moldova on the integration of foreigners, adopted on 27 December, 2011. The Law was adopted given the need to establish a uniform legal framework for the integration of foreigners in the economic, social and cultural life of the Republic of Moldova.

According to the Law on integration of Foreigners integration programmes in Moldova can be applied to:
- Foreigners who have the right for temporary stay for family reunification;
- Foreigners who have the right for temporary stay for work purposes;
- Foreigners who have the right for temporary stay for studies;
- Foreigners who have the right for temporary stay for humanitarian or religious activities;
- Foreigners who have the right for permanent residence;
- Persons who have been recognised as refugees in the Republic of Moldova;
- Foreigners who have obtained one of the following forms of protection in Moldova: refugee status, humanitarian protection, asylum.

However, according to the provision of other legal acts, some other categories of foreigners are included into the assistance and (re-)integration programmes, for example victims of trafficking of human beings. These categories of foreigners shall be also presented during the course. With regard to other specific cases of foreigners who have a right to enjoy the integration programme, the Law specifies that such foreigners are persons who have obtained a form of protection in Moldova and have low potential for self-healing (unaccompanied minors, single parents with children, families with three or more dependent children, people with disabilities, people who have reached retirement age) conditioned by factors of an objective and independent of their will. For such categories the law provides special procedures.

The following integration activities are developed for refugees and beneficiaries of other forms of protection:

- Socio-cultural and adaptation sessions which are mandatory;
- Courses of the state language after which a foreigner may be issued a certificate;
- Access to education under the same conditions as citizens of Moldova;
- Access to the labour market under the same conditions as citizens of Moldova. Furthermore, employment conditions can be also adapted to the needs of foreigners;
- Access to health services under the same conditions as citizens of Moldova;
- Access to social protection under the same conditions as citizens of Moldova. Refugees and beneficiaries of humanitarian protection have access to public social insurance and the national social assistance system under the law for citizens of Moldova.

The law also establishes the basis for social integration of other categories of foreigners who have the right to reside in Moldova.
Module 8. Integration of foreigners: Resources and further reading

h. Resources and further reading

- UNHCR, Self-Study Module 5 “Human Rights and International Protection” (Chapter 3, 4, 5, and 8), [http://www.unhcr.org/45a7acb72.html](http://www.unhcr.org/45a7acb72.html), also available in Russian language.
i. Additional Materials

Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists the materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to implement tasks during the training or for further reference.

Additional materials for this Module:
- Central Module Questions;
- Questions for group/partner/individual work or discussion (Unit 1.1. – 1.2.);
- Questions for discussion, group/partner/individual work or for instructional conversation (Units 2.2. – 2.3.).
Central Module Questions – to be used for a discussion during the lecturing of the whole Module or for evaluation/feedback:

- How has the integration system in Moldova developed?
- What are the strong and weak sides of the integration measures in Moldova?
- Why are integration measures important for the state development?
- What categories of foreigners have a right to integration? Are integration measures provided to different types of foreigners in the same way?
- What types of integration measures are provided in Moldova? Are they interconnected or could they be provided separately?
- What is the nexus between full assimilation of foreigners into a new society and multiculturalism approach?
- Which institutions in Moldova are involved into the integration process?
- What is the role of the media and civil society in the integration process?
The questions below could be used by the trainer during the lecture on the International legal framework related to the rights of migrants and the EU cooperation on integration (Unit 1.1.-1.2.) for group/partner/ individual work and/or for a facilitated joint discussion/ instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write answers on the board or flipchart and later discuss them.

If the exercise will be completed in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

What are the most relevant international universal human rights treaties which are important to migrants?

Please discuss in your group and prepare to present the results of your discussion:

How are the provisions of migrants related to human rights reflected in the Moldovan legislation?

Please discuss in your group and prepare to present the results of your discussion:

What are the main features of the European Union’s policy on foreigners’ integration?

Please discuss in your group and prepare to present the results of your discussion:

In your point of view, why should the state protect the human rights of all persons in its jurisdiction, including foreigners?
The questions below could be used by the trainer during the lecture the on Legal and institutional framework on integration in Moldova (Unit 2.1.–2.3) for group/partner/individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion will take place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write answers on the board or flipchart and later discuss them.

If the exercise will be done in group/partner/individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

In your point of view, what is the main purpose of foreigners’ integration policies of the State? Do such policies serve primarily the person in question or the State? Why?

Please fill in the table below and present the results (use more paper if needed):

<table>
<thead>
<tr>
<th>Institutions and organisations in Moldova which should cooperate in foreigners’ integration</th>
<th>Short description of functions related to foreigners’ integration</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>
Module 9. Diaspora

a. Short Module description

This module aims to provide a comprehensive approach to Diaspora, including the definition of the phenomenon, its structure and functions, national legislation on Diaspora, strengths and weaknesses of the Diaspora’s organisation and the Diaspora’s impact on the socio-economic, political and cultural processes in the Republic of Moldova.

This Module is designed for all civil servants and other officials working with diaspora issues as well as in the Migration and Development area. However, the Module can be also lectured to other civil servants in order to introduce them this area which becomes more and more important for Moldova.

According to the structure of this Training manual, the whole Module or its parts could be lectured in the Advanced Introductory Course (B, 2 AH), Advanced Thematic Course (C1, 1 AH), Advanced Thematic Course (C2, 4 AH) and in Advanced Thematic Course for civil servants working with diaspora issues or in the field of migration and development (C8, 20 AH).

<table>
<thead>
<tr>
<th>Target groups</th>
<th>Trainer’s profile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Internal Affairs (Bureau of of Migration and Asylum), Bureau of Interethnic Relations, Ministry of Labour, Social Protection and Family, Ministry of Economy, Ministry of Education.</td>
<td>Representatives of the Bureau of Migration and Asylum, representatives of the Bureau of Interethnic Relations, representatives of the Ministry of Foreign Affairs and European Integration; representatives of academia involved in researching the phenomenon of Diaspora; representatives of Diaspora associations.</td>
</tr>
</tbody>
</table>

b. Learning objectives

At the end of this module, participants will:

- Have improved their knowledge on the diaspora and its role in migration process;
- understand the structure of the Moldovan Diaspora;
- Have knowledge on the general national legal framework with regard to the diaspora;
- understand the role of the state in its cooperation with the diaspora;
- know the strengths and weaknesses of the Moldovan diaspora’s organisation;
- be able to assess the relations between the State and the Diaspora in the Republic of Moldova;
- understand the importance of the diaspora’s impact on the socio-political, cultural and economic processes in the Republic of Moldova.

The learning objectives of this Module aim at understanding different processes related to diaspora issues.
Module 9. Diaspora: Curriculum

**c. Outline Module 9**

**Unit 1. General aspects of Diaspora**

1.1. Basic notions: diaspora versus communities abroad;

1.2. The Structure of diaspora:
   1.2.1. The founding members;
   1.2.2. Active members;
   1.2.3. Deferred members.

1.3. Functions of diaspora:
   1.3.1. Economic Function;
   1.3.2. Policy Function;
   1.3.3. Cultural Function.

**Unit 2. Legal and institutional framework of diaspora in Moldova**

2.1. Legal framework for the Diaspora:
   2.1.1. Government decisions on support for the Diaspora;

2.2. Institutional framework of the Diaspora:
   2.2.1. Bureau of Interethnic Relations
   2.2.2. Coordinating Council to support the Republic of Moldova nationals living abroad
   2.2.3. Diaspora Relations Agency.

**Unit 3. The Features of the Moldovan Diaspora**

3.1. Strong organisational elements of the Moldovan Diaspora:
   3.1.1. Demographic and geographic concentration of Moldovan citizens abroad;
   3.1.2. Socio-cultural characteristics;
   3.1.3. The permanent and emotional relationship with Moldova;
   3.1.4. Individual and collective initiatives;
   3.1.5. The Church;
   3.1.6. Remittances.

3.2. Weak organisational elements of the Moldovan Diaspora:
   3.2.1. The illegal status of migrants;
   3.2.2. Weak organisational tendency;
   3.2.3. Different perception of Moldovan identity;
   3.2.4. Ineffectiveness of diplomatic representations’ activity in relation to migrants;
   3.2.5. Poor communication with / from Moldova.

3.3. The potential of the Diaspora.

**Unit 4. The Diaspora’s impact on processes in the Republic of Moldova**

4.1. Aspects of the Diaspora’s impact on socio-political processes;
4.2. Aspects of the Diaspora’s impact on economic processes;
4.3. Aspects of the Diaspora’s impact on cultural processes;
4.4. The role of the Diaspora’s in international relations.
Module 9. Diaspora: Curriculum

d. Overview of the Module

<table>
<thead>
<tr>
<th>Unit 1. General aspects</th>
<th>Unit 2. Legal and institutional frameworks</th>
<th>Unit 2. The Features of the Moldovan Diaspora</th>
<th>Unit 4. The Diaspora’s impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. – 2.2. Sub-units</td>
<td>3.1. – 3.2. Sun-units</td>
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</table>

<table>
<thead>
<tr>
<th>Courses B, C2</th>
<th>Courses C8</th>
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</thead>
<tbody>
<tr>
<td>2.1. – 2.2. Sub-units</td>
<td>3.1. – 3.3. Sub-units</td>
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<table>
<thead>
<tr>
<th>Course C8</th>
</tr>
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<tbody>
<tr>
<td>1.1. – 1.3. Sub-units</td>
</tr>
</tbody>
</table>


e. Timeframe and lecturing methods:

This Module is designed for the following Course in this Training Manual:

- Advanced Introductory Course (B) for civil servants in migration related institutions (2 AH);
- Advanced Thematic Courses (C1/1 AH, C2/4 AH) for civil servants working in different migration areas;
- Advanced Thematic Course (C8) for civil servants working with the diaspora issues and in the field of migration and development.

The timeframe for all aforementioned courses is different: the participants of the Course (C1) for civil servants working in the field of ID documents and statistics shall receive only a very short introduction on the features of the Moldovan diaspora in order to have a clear picture in this regard. Participants of the Advanced Introductory Course (B) and Advanced Thematic Course (C2) for civil servants working in the area of citizenship and statelessness additionally shall get an introductory lecture on the legal and institutional framework on the diaspora in Moldova. Finally, the participants of the Course (C8) who are (future) specialists working on diaspora issues or in the field of migration and development shall receive a full training in this Module. The Module can be also split into different units or topics and lectured according to the specific needs of the participants.

The training/lecturing methods shall be also different for the indicated courses; however, it is recommended to combine the trainer’s presentations and frontal lecturing with a discussion, practical exercises or instructional conversation. The timeframe for each individual unit is described in detail in the instructional part of this Module. Depending on the proposed course and time available, the lecturing methodology shall include presentation, group/partner/individual work on case studies, practical exercises and role playing games.
## Module 9. Diaspora: Curriculum

<table>
<thead>
<tr>
<th>Advanced Thematic Course (C1)</th>
<th>Advanced Introductory and Advanced Thematic Course (B/C2)</th>
<th>Units of the Module 8</th>
<th>Advanced Thematic Course (C8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>Unit 1. General aspects of Diaspora</td>
<td>4 AH</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>Unit 2. Legal and institutional frameworks of the diaspora in Moldova</td>
<td>4 AH</td>
</tr>
<tr>
<td>-</td>
<td>45 min./90 min.</td>
<td>Unit 3. The features of the Moldovan diaspora</td>
<td>6 AH</td>
</tr>
<tr>
<td>45 min.</td>
<td>45 min./90 min.</td>
<td>Unit 4. The Diaspora’s impact on processes in the Republic of Moldova</td>
<td>6 AH</td>
</tr>
<tr>
<td>1 AH</td>
<td>2 AH/4 AH</td>
<td><strong>Total</strong></td>
<td>20 AH</td>
</tr>
</tbody>
</table>

### f. Central Module questions

- What are the structural elements of Diaspora?
- What are the national acts on the Diaspora in Moldova? Do you consider the legislative framework on the Diaspora sufficient?
- What are the organisational strengths and weaknesses of the Moldovan Diaspora?
- What could be the role and main functions of the Diaspora Agency?
- What is the relationship between the State and Diaspora in the Republic of Moldova?
- How does the Moldovan Diaspora influence the processes in Moldova?
- What would be the indicators of the Diaspora influence on the country of origin?
- What is the purpose of organizing Diaspora Congresses?
### Unit 1. General Aspects of Diaspora

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1. Basic notions: diaspora versus communities abroad</td>
<td>-</td>
<td>45 min.</td>
<td>Presentation, brainstorming, group/ partner/ individual work, movies, instructional conversation</td>
</tr>
</tbody>
</table>
| 1.2. The Structure of diaspora:  
1.2.1. The founding members;  
1.2.2. Active members;  
1.2.3. Deferred members | - | 45 min. | |
| 1.3. Functions of diaspora:  
1.3.1. Economic Function;  
1.3.2. Policy Function;  
1.3.3. Cultural Function | - | 45 min. | |
| Total | - | | 4 AH |

The lecture shall begin with a brief introduction; the trainer links the contemporary migration processes and the diaspora phenomenon, thus creating a bridge between migration and diaspora. A brainstorming session on the Diaspora phenomenon could be conducted, the resulting ideas are recorded using the flipchart and markers and commented on by the trainer. In this way the trainer evaluates the participants’ knowledge on Diaspora. After being introduced several definitions of diaspora developed by researchers, the participants should try to analyse the definitions and identify the key-words that define Diaspora. Furthermore, a practical exercise to distinguish Diaspora and communities abroad could be done (see section i. Additional Materials).

Translated from Greek, the word "diaspora" means dispersion, i.e. finding a part of the population outside of their homeland, abroad. History shows us that Diasporas have existed since ancient times. Chronologically speaking, Diasporas emerged in the 4th century BC, when the forced displacement of the Jews of Palestine to Babylon by the Babylonian King Nebuchadnezzar II occurred. The oldest Diasporas are considered to be the Hebrew Diaspora (over 2,000 years) and the Armenian Diaspora (1,800 years).

Diasporas are ethnic minority groups of migration origins, living and working in destination countries but maintaining strong sentimental and material links to their countries of origin - homelands. It is characterised by the existence of concrete elements (citizenship, length of residence, rights); social-psychologically expressed elements (sense of identity, of belonging to the community); and the existence of collective and individual dimensions. Diaspora may consist of a population of the country of origin that live permanently in

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139 Please, see the section i. Additional Materials on organisation of the brainstorming under this unit.  
the country of destination, labour migrants that are temporarily outside the country of origin, persons holding dual citizenship; ethnic diaspora and citizens of the country of destination or second generation groups.

Ethnic communities abroad are becoming a phenomenon characterising the appearance, crystallisation and consolidation of Diaspora with the qualities and parameters needed\(^{141}\). Ethnic communities abroad primarily characterise their own consolidation process, but not the consolidation of interaction with the host country, State structures and civil society.

The trainer should carry out a detailed presentation on the organisational structure of Diaspora by referring to case studies of the Moldovan Diaspora in different countries that exemplify each category. The presentation shall be followed by a discussion of group/partner/individual work depending on the trainees' needs and time available. The questions for a discussion are included in section i. Additional Materials.

The founding members – "core" members – are the active elite who have a major role in the existence and functioning of Diaspora;

Active members – members forming the "rear guard" – are "the result generation" of Diaspora activities and are less included in the daily activities of the Diaspora, but are significant community memory keepers;

Deferred members - the "silent" members – are potential recruitment resources for Diaspora activities.

The Moldovan Diaspora is a heterogeneous social phenomenon, including:

- "historical diaspora" are represented by the Moldovan ethnic communities that traditionally live abroad, but are linked to their homeland through their spiritual and historical heritage; but also representatives of different ethnic groups (Hebrew, Germans, etc.), who long ago lived on the territory of Moldova.

- "post-Soviet diaspora" – are Moldovan communities abroad formed as a result of the collapse of the Soviet Union and of post-Soviet migration processes. With the emergence of state borders between the former Soviet republics, Moldova natives turned out to become citizens of the newly independent states and accounted for: in Ukraine – 258,000 persons, Russia - more than 200 thousand people, Kazakhstan – 19,500 persons, Belarus – 5,000 persons, Lithuania - about 6 thousand people, Kirgizstan – 1,500 persons, Latvia – 1,5 thousand people, Estonia – 1,200 persons. Post-Soviet Moldovan Diaspora includes not only ethnic Moldovans, but also representatives of other ethnic groups in Moldova who now live in Germany, Israel, the USA and Canada as a result of socio-political processes in the late 20\(^{th}\) century and the beginning of the 21\(^{st}\) century and who feel that their roots, spiritual traditions and cultural community identify them as part of Moldova.

- Some Moldovan communities abroad are formed in the context of labour migration in which they do not originally plan to resettle for a permanent residence abroad. This process actively occurs mainly in Italy, Greece and Spain. This segment of migrants is poorly taken into account by Moldova's policy in relation to Diaspora.

The most important Diaspora functions are listed below:

- The economic function refers to migrants' remittances and involves developing

\(^{141}\)Schwartz R. Exploring the Link between Moldovan Communities Abroad (MCA) and Moldova, including Possibilities for Out-of-Country Voting. – Chisinau, OIM, 2007.
certain types of specific national production. The realisation of this function has a double advantage: it promotes their own cultural values and enriches the culture of other nationalities at the same time.

- **The policy function** is realised by using pressure (lobby) to get more rights or guarantees for a more effective development, or to influence the political situation in the country of origin. Some Diasporas emerge on the political arena as opposition groups to the existing regime in various ways, from publishing newspapers to organising public demonstrations. The Diaspora can also influence, to some extent, the foreign policy of the state in which it is established, namely, based on the principle of protecting the Diaspora by the ethnic motherland.

- **The cultural function** is the contribution to the development and strengthening spiritual culture of its people which includes cultivating national traditions and customs, maintaining cultural links with the historic homeland and preserving the national language. The performance of these functions aim, as a result, at maintaining the national identity in the country of residence and their failure can lead to the assimilation of Diaspora with the population of the country of residence.

In this context, we are currently witnessing a process of transformation of Diaspora into an active social power, involved in all spheres of society and which, in turn, tends to influence society.

Diaspora can attract capital and investment to the country of origin by publicising exhibitions, organising round tables, participating in TV and radio broadcasts and promoting a positive image about its historical homeland. Diaspora is in itself a constructive phenomenon, aiming to preserve national identity elements, particularly in a world dominated by globalisation.

Additional materials (see section i.) for this Unit:

- *Brainstorming exercise* on the diaspora phenomenon (Unit 1.1.);
- *Practical exercise* on the differences between diaspora and communities abroad (Unit 1.1.);
- Questions for a *discussion, instructional conversation or group/partner/ individual work* (Unit 1.2. – 1.3.).
### Unit 2. Legal and institutional framework of the Diaspora

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Legal framework for the Diaspora: 2.1.1. Government decisions on support for Diaspora; 2.1.2. National strategy on migration and asylum (2011-2020)</td>
<td>20 min. 45 min. 90 min.</td>
<td>Presentation, group/partner/individual work, instructional conversation</td>
<td>Laptop, projector, screen, flipchart, paper, markers, moderation cards, adhesive tape</td>
</tr>
<tr>
<td>2.2. Institutional framework of Diaspora: 2.2.1. Bureau of Interethnic Relations; 2.2.2. Coordinating Council to support the Republic of Moldova nationals living abroad; 2.2.3. Diaspora Relations Agency</td>
<td>25 min. 45 min. 90 min.</td>
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</table>

Unit 2 of Module 9 is designed for students of the Advanced Introductory Course, Advanced Thematic Course (C2) and Advanced Thematic Course (C8). The timeframe is different for all these courses. The Participants of the Courses (B) and (C2) shall receive only a short introduction on the Legal and institutional framework related to diaspora issues in Moldova; while the participants of the Course (C8) receive a – detailed lecture, including a practical discussion.

The introductory part of the lecture is to be used for the Courses (B) and (C2) and should be done as a presentation. The trainer provides a review of normative acts that support the Diaspora and an overview on State policy towards the Diaspora. For the Advanced course C8, a presentation on the normative acts in this area, using the content analysis, discussing the measures and issues of the National Strategy on Migration and Asylum (2011-2020) implementation, should be prepared.

**The system of normative acts in the Republic of Moldova** regulating the support to the Moldovan Diaspora includes the following acts:
- Presidential Decree Nr. 1638 - II of 30 August 2000 "On support of persons originating from Moldova residing abroad, and collaboration with those";
- Decision of the Government of the Republic of Moldova no. 1521 from 29...
December 2007 on the approval of the Regulation on the financial support for activities to preserve national and cultural identity of persons originating from the Republic of Moldova residing abroad (Moldovan Diaspora);

- **National strategy on migration and asylum (2011-2020)** approved by the Government on 8 September 2011. In order to ensure the mechanism for implementation of the Strategy, on 26 December 2011 the Action Plan for 2011-2015 was approved on the implementation of the national strategy on migration and asylum (2011-2020). One of the priority objectives (Objective VI) of the Strategy consists in strengthening ties with the Diaspora and promoting “social remittances” transfers – democracy, economy, culture, gender relations, organisation and community practices, contributing to the overall development process in the country.

- **Action plan on national-cultural and social support of Moldovan Diaspora for 2012-2014** approved by the Government Decision no. 137 of 17 April 2012.

The institutions responsible for policy on Diaspora development and their functions shall be presented. The questions for discussion and/or group/partner/individual work in this unit are included in Section i. Additional materials.

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The **Bureau of Interethnic Relations** is the structure designed to carry out the State policy in relation to the Diaspora, with fellow Moldovans abroad. In 1994, under the National Relations Department, the Bureau of Interethnic Relations today, was created by the Directorate of International Relations, European Integration and Diaspora. This structure was designed to carry out the State policy in the sphere of inter-ethnic relations, defending the rights of national minorities and securing the activities of ethno-cultural organisations. Initially, the work of the Directorate focused on supporting the Moldovan Diaspora by promoting national and cultural traditions, establishing links of cooperation between Diaspora public organisations and authorities in Chisinau.

The Bureau was established in order to coordinate the work of the State bodies of the Republic of Moldova in supporting the Moldovan Diaspora, to develop concrete joint action programs, to identify ways of interaction of the Moldovan State with Moldovan communities abroad.

The **Council to support nationals of the Republic of Moldova living abroad** was established on a voluntary basis by Government Decision no. 1322 of 29 December 2000 on measures to support persons originating from the Republic of Moldova residing abroad. The aim of this structure is to coordinate the activity of the specialised central public administration bodies in the given sphere. The composition of the Council consists of deputy ministers of foreign affairs, education, justice, culture, finance, interior, Director General of the Bureau of Interethnic Relations, advisor to the President of the Republic of Moldova. The Chair of the Council is the Deputy Prime Minister, Minister of Foreign Affairs and European Integration.

Coordinating the Council of persons originating from the Republic of Moldova living abroad is composed of representatives of State bodies of public administration in Moldova and the leaders of ethno-cultural organisations of Moldovan Diaspora, operating in Ukraine, Russia, Belarus, Kazakhstan, Lithuania, Germany and France. The Chair of the Council is the deputy speaker of the country’s Parliament.

The main directions of activity of the Council have been classified under four areas: human rights, culture, education and training, social protection. In 2005, the **Coordinating Council of persons originating from the Republic of Moldova living abroad** was established under the Government consisting of leaders of Moldovan public organisations abroad and government representatives. The coordinating Council of persons originating from the Republic of Moldova living abroad was supposed to function as an advisory body geared towards expressing...
and representing the interests of the Moldovan Diaspora to the State bodies of the Republic of Moldova. Creating a new Council did not favour qualitative changes, its activities were limited to only sporadic meetings, usually under the Moldovan Diaspora Congress.

**Diaspora Relations Agency.** An initiative of the Government of Moldova is establishing the Diaspora Relations Agency. Creating the Diaspora Relations Agency is expressly provided in the Government's Action Plan for the period 2012-2015. The draft of this new structure was dispatched for discussions to 146 diaspora associations with which the Government is currently interacting. It has also been requested to provide the input and contribution of the civil society and international organisations that active in this field.

The drafting was based on the needs expressed by representatives of the Diaspora, but also on the experience of several European countries with similar institutions. These include, among others, Slovenia, where the Office for Slovenians Abroad operates, and Romania, which created the Department for Romanians Abroad. In a similar manner, the Diaspora Relations Agency of Moldova wants to ensure the rights and interests of Moldovan communities abroad, establishing and developing cooperation and partnership relations with the authorities of those States where Moldovan communities exist on the one hand and on the other hand, with the organisations and institutions active in protecting the rights of persons belonging to national minorities.

The Agency will help to provide support and conciliation needed to facilitate both social and professional integration and insertion of Moldovans abroad, but also enabling the reintegration of people returning home. Moreover, contributing and supporting the creation and operation of various organisations and associations formed by Moldovans living abroad, in order to protect their interests, to assert and share with the public the national and cultural potential the Agency will help to promote Moldova’s image internationally.

To achieve its basic functions the Agency will use migration policies as one of the basic tools to support and develop the Moldovan Diaspora. Thus, the Agency will have responsibilities in areas such as relations with the Diaspora, migration policies, labour migration, coordination of activities carried out by different ministries to support migrants / Moldovan Diaspora.

Additional materials (see section i.) for this Unit:

- Questions for a discussion, instructional conversation of group/partner/individual work (Unit 2.2.).
## Unit 3. The features of the Moldovan Diaspora

<table>
<thead>
<tr>
<th>Topic</th>
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</thead>
</table>
| **3.1 Strong organisational elements of the Moldovan Diaspora:**
  3.1.1. Demographic and geographic concentration of Moldovan citizens abroad;
  3.1.2. Socio-cultural characteristics;
  3.1.3. The permanent and emotional relationship with Moldova;
  3.1.4. Individual and collective initiatives;
  3.1.5. The Church;
  3.1.6. Remittances. |
| Duration |
| Advanced Introductory Course (B) and Thematic Course (C1) | Advanced Thematic Course (C2) | Advanced Thematic Course (C8) |
| 25 min. | 45 min. | 90 min. |
| Methods | Presentation, facilitation of group work, discussions |
| Materials | Laptop, projector, screen, flipchart, paper, markers, index cards, tape |

<table>
<thead>
<tr>
<th>Topic</th>
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</table>
| **3.2 Weak organisational elements of the Moldovan Diaspora:**
  3.2.1. The illegal status of migrants;
  3.2.2. Weak organisational tendency;
  3.2.3. Different perception of Moldovan identity;
  3.2.4. Ineffectiveness of diplomatic representations’ activity in relation to migrants;
  3.2.5. Poor communication with / from Moldova. |
| Duration |
| 20 min. | 45 min. | 90 min. |

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<tr>
<th>Topic</th>
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<tbody>
<tr>
<td><strong>3.3 The potential of Diaspora.</strong></td>
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<tr>
<td>Duration</td>
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<th>Total</th>
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<tr>
<td>1 AH</td>
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</table>

This unit of Module 9 is designed for all participants of this Module. Courses (B), (C1) and (C2) shall receive short overview of the features of Moldovan diaspora. The instructor shall use interactive elements during this unit by facilitating a *discussion* on strong and weak features of the Diaspora.

The trainer can start this unit by posing a question to the participants: what is a strong feature of the Moldovan Diaspora abroad? What factors make the Moldovan Diaspora consolidated? The answers of the participants shall be written on the flipchart and commented on by the trainer who also makes a *presentation* on these features.

Later, the instructor shall address the participants by asking them what the weak features of the Moldovan Diaspora are.

After the presentations, and according to the time available the trainer can organise *group/ partner/ individual work* (see Section i. for details).
The strong organisational elements of the Moldovan Diaspora are:

- **Demographic and geographic concentration of Moldovan citizens abroad.** Moldovan labour migrants usually choose as a country of destination the Russian Federation (60%), Italy (20%), Portugal (5%), Turkey, Ukraine, Spain, Romania, Greece, Israel, France, etc. There is a concentration of migrants in large cities, metropolitan areas, with almost ¾ of all Moldovan migrant workers residing in urban areas. In this way, most of them are located in several regions.

- **Socio-cultural characteristics** of Moldovan communities abroad. This refers to the high level of skills and education and productivity growth on the basis of the working age. The linguistic communities of the Romanic, Slavic, Turkish language groups has an essential influence on the adaptation and integration process of Moldovan migrant workers into the host society. In addition, there is a high level of linguistic and habitual adaptation, adaptation to the behaviour of the local population and the existence of bilingualism in different ethnic groups. Moldovan migrant workers have generally an active tendency to integrate into the welcoming host community. Migrants from the same village and relatives usually settle down in a particular place, region, country of destination. Family reunifications take place more and more frequently after the legalisation of stay and employment. Currently, one in ten migrant workers seeks permanent residence in Russia, and one in five in the EU. Researchers note that “Moldovans are skilled, motivated, conscientious, benevolent” [142].

- **The permanent and emotional relationship with Moldova.** This is stable and real, materialised through the links with family at home, parcels, money transfers, phone calls. Issues such as illegal status and seasonality of migration influence these links. The emotional relationship is the basis for the Diaspora formation, the existence of permanent relations with standing citizens (Moldovan natives) in the countries of residence, permanent and seasonal migrants and irregular migrants.

- **Individual and collective initiatives:** These are manifested in helping to solve social and legal problems of their fellow citizens (e.g. registration in the country of residence), website aid, cultural initiatives, creation of funds and cultural communities and centres. Often these measures are facilitated by the administrative bodies in the country of residence and the election to municipal councils of foreign migrant workers who have legalised their stay and have work permits, enjoying the trust and knowing the problems of their fellow citizens and co-workers (there are Moldovans counselors in Italy, Portugal, Spain).

- **The Church:** Moldovan churches are being build abroad (Russia, Italy, etc.), where Moldovan priests officiate ceremonies in two languages, facilitating the communication with the spiritual homeland of believers who speak Moldovan (Romanian) or Russian.

- **Remittances:** Are sent home from Moldovan migrant workers abroad. The volume of these remittances is constantly increasing. In particular, most of the money is spent on current consumption and development of migrant households. This demonstrates a tight connection of migrant workers with their families left behind.

**Weak organisational elements of the Moldovan diaspora:**

- **The illegal status of labor migrants** – prevents the formation of Moldovan communities due to the lack of legal and social protection of migrants.

- **Weak organisational tendency** in organisations is the subject of the different status and interests and different motivations of permanent citizens, citizens of

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142 Schwartz R. Exploring the Link between Moldovan Communities Abroad (MCA) and Moldova, including Possibilities for Out-of-Country Voting. – Chisinau, OIM, 2007.
the country of destination and of Moldovan migrants with legal and illegal status, of the seasonal workers.

- Another factor is the mutual distancing of the diaspora from veterans, of migrants with legal status from migrants with illegal ones. Events organised by the Embassy (primarily spring festival - "Martisor"), are the only point of bonding. The link between "veterans" in the Diaspora and migrants who have recently obtained a legal status (student body) are weak due to the different material, social and spiritual status and ethno-linguistic barriers and age. A weak solidarity and lack of mutual aid should be mentioned as well as migrant workers often rely solely on their own strength and the help of their relatives from abroad.

- **Different perception of Moldovan identity** among migrants. This is conditioned by the transformational processes in the post-Soviet period, especially in Moldova. A part of the Soviet and post-Soviet identity remains in the mass consciousness of Moldovan citizens both at home and abroad: political and ethnic identity, Moldovan and Romanian identity. This makes it difficult for the self-determination process of the Moldovan Diaspora. In addition, the role of the local identity is important which has some significance its advantages and disadvantages.

- **Ineffectiveness of the diplomatic representations' activity in relation to migrants.** It does not facilitate the strengthening of these communities. The Migrant Workers Surveys shows that these structures are insufficiently transparent and open. In support of this argument, Moldovan communities abroad are poorly informed about the situation in Moldova. Among other factors hindering the formation and operation of Diasporas abroad it shall be mentioned that an ineffective representation of the interests of Moldovan migrants by diplomatic structures, bureaucracy in their work, selectivity in working with the public associations of Moldovan communities abroad still exists. By virtue of a specific illegal status, migrant workers avoid the Embassy/ Consulate and address those only in exceptional circumstances.

- **Poor communication with/ from Moldova.** Practice shows that the Moldovan communities abroad have insufficient information on the situation in the country. The main sources of information about Moldova, the situation in the country, public life are informal channels of communication: telephone communication with relatives, international routes’ bus drivers, train conductors, migrants who have returned.

The sub-unit on the **potential of the Moldovan diaspora** is only designed only for students of the Advanced Thematic Course (C8), i.e. participants who already have been lectured the biggest part of the Module. Therefore, the trainer could start this sub-unit with group or partner work on diaspora’s potential (see Section i. for further instructions).

The group/ partner work, commented on by the trainer, should be followed by the presentation.

The Government of Moldova Activity Program 2011-2014 proposes a number of measures to utilise the potential of the Moldovan Diaspora:

- Intensification of bilateral dialogue with countries where there are large communities of citizens of the Republic of Moldova and signing Agreements on social protection thereof;

- Developing a comprehensive State policy to support persons originating from the Republic of Moldova residing abroad, including creating the necessary institutional framework and developing an action plan for the support thereof.

- Ensuring the portability of social rights of migrant workers through negotiating and concluding bilateral Agreements on social security with the host-States;

- Extending legal employment opportunities for Moldovan citizens abroad through bilateral Agreements on labour migration with the destination countries;
- Realisation of joint initiatives with the destination countries, expected to facilitate the return and reintegration of migrants in the labour market in Moldova, including under the Mobility Partnership Republic of Moldova - European Union;
- Promoting the reintegration of returning migrant workers from abroad by counselling and supporting the recognition of qualifications and starting a business;
- Creating stimulatory conditions for attracting remittances to investment projects for sustainable development.

Additional materials (see section i.) for this Unit:

- Questions for a discussion or group/partner/individual work (Unit 3.1. – 3.2.);
- Practical exercise on potential of the Moldovan diaspora (Unit 3.3.).
Unit 4. The Diaspora’s impact on processes in the Republic of Moldova

<table>
<thead>
<tr>
<th>Topic</th>
<th>Timeframe</th>
<th>Input</th>
<th>Materials</th>
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<tbody>
<tr>
<td>4.1. Aspects of the Diaspora’s impact on socio-political processes</td>
<td>- 90 min.</td>
<td>Presentation, facilitation of group work, discussions</td>
<td>Laptop, projector, screen, flipchart, paper, markers, index cards, tape</td>
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<tr>
<td>4.2. Aspects of the Diaspora’s impact on economic processes</td>
<td>- 90 min.</td>
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<tr>
<td>4.3. Aspects of the Diaspora’s impact on cultural processes</td>
<td>- 90 min.</td>
<td></td>
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<tr>
<td>4.4. The role of the Diaspora’s in international relations</td>
<td>- 90 min.</td>
<td></td>
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<td>Total</td>
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Unit 1 of Module 9 is designed only for students of the Course (C8) according to this Training Manual. However, it could also be lectured to other civil servants interested in the topic.

The trainer shall focus on a detailed analysis of the impact of the Moldovan Diaspora in many areas of social life in the Republic of Moldova, including the use of statistical data on remittances, the number of Moldovan emigrants, who participated in electoral processes, etc. At the end of the unit, the instructor will give a brief overview of key moments in relation to the Diaspora’s role in the realisation of democratic processes in Moldova. The instructor shall combine frontal lecturing with a discussion and/or instruction conversation.

Aspects of the Diaspora’s impact on socio-political processes: Since the 2005 parliamentary elections the issue of voting of Moldovan citizens living abroad has been addressed in various dimensions: by the parties involved in the election campaign, by citizens living abroad and their organisations, by national and international observers. In the 2009 parliamentary elections the topic of voting abroad was tackled at an increased scale, demonstrations and protests were organised, communications broadcasted and appeals of political forces involved in the campaign put forward and outreach campaigns by authorities conducted. It has even been announced that the ECHR has challenged the refusal of the authorities to open additional polling stations abroad. The new government was bound to address the issue which constituted a major concern for opposition parties and the Government Program and included provisions on ensuring the right to vote for Moldovan citizens outside embassies and consular offices by opening additional polling stations, implementing the remote voting and electronic voting system.

Aspects of the Diaspora’s impact on economic processes: Diaspora can attract capital and investment to the country of origin by publicising exhibitions, organising round tables, participating in TV and radio broadcasts, and promoting of a positive image about its historical homeland. Diaspora is in itself a constructive phenomenon to preserve national identity elements, particularly in a world dominated by globalisation. From an economic perspective, Diasporas are a force in the global economy, simultaneously maintaining and modifying the home state’s economy.
through remittances and technology transfers and promoting market access.

Government programs that attract remittances are e. g. “PARE 1 +1” which encourages migrants to invest in Moldova’s economy (http://www.odimm.md/ro/pare).

**Aspects of the Diaspora’s impact on cultural processes.** Thanks to the promoting activity of Moldovan public organisations, Moldovan national holidays have already become known abroad – the Republic Day and Our Language Day and Martisor. On a voluntary basis Moldovan Culture Days are conducted (Russian Federation, Belarus), Moldova’s Language Festivals (Ukraine), Moldovan language and culture centres are created (Moscow – Russian Federation, Berlin - Germany; Odessa - Ukraine), Sunday Schools are operated (Latvia, Lithuania), folk collectives established (Belarus, Estonia, Latvia, Ukraine), newspapers published (Ukraine), TV and radio programs are broadcasted in Moldovan (Lithuania, Ukraine). Community structures created by Moldovan citizens in EU countries, besides cultural actions, often provide legal support and information to Moldovan migrant workers.

The provision of information to representatives of the Moldovan Diaspora and migrant workers is carried out through information centres in Moldovan embassies and consulates, information guides, bulletins and websites such as www.diaspora.md and www.migratie.md.

As an answer to the challenges fostered by globalisation must be noted that many new players including diasporas, have emerged in the international arena. According to Ph. Braillard and M.-R. Djalili’s definition, “actors in international relations can be any organization, group or individual who has the ability to influence international relations”, and “whose actions or intentions are taken into account by other actors (particularly the States and their governments) in developing their international policies”. In this context, the Diaspora can be considered an international actor, whose role is rapidly emerging as a result of increased international migration flows and increasing involvement and affirmation of Diasporas in the international arena.

Being a part of the population living outside its historic homeland, the Diaspora is involved, in one way or another, in the internal affairs of the host society, becoming a political tool at the transnational level. The direct contact made between different ethnic communities and cultures within a society appears to be an important tool not only for establishing transnational communication, but also for political interaction.

Diasporas achieve this through using pressure (lobby) to get more rights and guarantees for more effective development. Diasporas can influence, to some extent the foreign policy of the State in which they are established. Examples of this type are Hebrew Diaspora communities and Armenian-American associations, which are some of the most powerful lobbies in the U.S. Also, the Iraqi Diaspora played an important role in encouraging the U.S. military intervention in Iraq in 2003.

Theoretically, the Diaspora is a challenge for traditional state institutions of citizenship and loyalty, being placed between domestic and international politics. In addition, it can be regarded as a force in shaping identity. This situation explains why diasporas are characterised as “provocateurs (challengers) of traditional boundaries, international carriers of culture”.

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h. Resources and further reading:

- Rodica Rusu, Diaspora impact on political processes in Moldova, at the Congress of the Society for Romanian Studies in Sibiu, 2-4 iulie 2012.
- Raviv Schwartz, Exploring the Link between Moldovan Communities Abroad (MCA) and Moldova. IOM – Moldova, May, 2007.
i. Additional Materials

Materials included in this section aim to help the trainer (instructor) in the preparation of the training. The trainer can take out a sheet that lists materials needed and use it to facilitate a discussion or can make copies and distribute them to the participants to implement tasks during the training or for further reference.

Additional Materials for this Module:

- Central Module questions;
- *Brainstorming exercise* on the diaspora phenomenon (Unit 1.1.);
- *Practical exercise* on the differences between diaspora and communities abroad (Unit 1.1.);
- Questions for a discussion, instructional conversation or group/partner/individual work (Unit 1.2. – 1.3.);
- Questions for a discussion, instructional conversation or group/partner/individual work (Unit 2.2.);
- Questions for a discussion or group/partner/individual work (Unit 3.1. – 3.2.);
- *Practical exercises* on the potential of the Moldovan diaspora (Unit 3.3.).
Central Module Questions – to be used for a *discussion* during the lecturing of the whole Module or for evaluation/feedback:

- What are the structural elements of the Diaspora?
- What are the national acts on the Diaspora in Moldova? Do you consider the legislative framework on the Diaspora sufficient?
- What are the organisational strengths and weaknesses of the Moldovan Diaspora?
- What could be the role and main functions of the Diaspora Agency?
- What is the relationship between the State and the Diaspora in the Republic of Moldova?
- How does the Moldovan Diaspora influence the processes in Moldova?
- What would be the indicators of the Diaspora’s influence on the country of origin?
- What is the purpose of organising the Diaspora Congresses?
Brainstorming exercise on the diaspora phenomenon (Unit 1.1.)

*Brainstorming* is a technique to generate ideas which also helps the trainer to evaluate the background knowledge of the participants. Brainstorming exercise on the diaspora phenomenon could be carried out at the beginning of the lecturing of Unit 1, after a short introduction on the subject.

**Option 1:**

The trainer asks participants to think for a couple of minutes on how they would define “Diaspora”; participants should think of short definitions – features of the phenomenon (e.g. Moldovan citizens living abroad; ethnic Moldovan abroad, etc.). Participants should write down their ideas.

After 2 – 3 minutes, the trainer asks the participants to define Diaspora and writes the answers on cards. After the participants have shared all their ideas, the trainer attaches the cards to the board and clusters them according to the definitions (e.g. definitions related to ethnicity, citizenship, relationship between emigrant and country of origin, etc., depending on the provided ideas).

**Option 2:**

Participants are divided in two groups in which one reporting person is appointed; they are asked to think how to define “Diaspora” and write on cards as many features of the Diaspora definition as possible. They should get 10 minutes for this exercise.

After 10 minutes, the trainer asks in turn the reporters of both groups to read aloud one definition at a time. The card with the definition is also then given to the trainer who attaches them one by one on the board and clusters them as described in Option 1. After all the cards are attached the trainer asks all participants one more time if everybody agrees and there is nothing more to add.

After the exercise is completed, the trainer comments on the variety of definitions and continues with the lecture on diaspora.

Practical exercise on the differences between Diaspora and communities abroad (Unit 1.1.)

The participants are divided into two or four groups (depending on the number of participants: each group should not be bigger than 5-6 persons). The first group gets the task to write down on the flipchart the features which distinguish diaspora from communities abroad (in case of four groups, two groups get this task). Another group gets the task to write down on the flipchart the features which distinguish communities abroad from Diaspora. The set-up of the working groups should be organised in a way that one group does not see the answers provided by another group. The groups shall get 15 minutes for this exercise.

After 15 minutes, the trainer arranges both flipcharts (flipchart’s paper) standing beside each other and invites reporters of both groups to present the results. After the group that worked on Diaspora has presented their work, the group that worked on communities is allowed to comment and vice versa. The work of both groups shall be commented on by the trainer.
The questions below could be used by trainer during the lecture on the Structure of diaspora and Functions of diaspora (Unit 1.2.-1.3.) for group/partner/ individual work and/ or for a facilitated joint discussion/instructional conversation, depending on the trainees' needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If an exercise is done in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

Why is it important to structure the Diaspora?

Please discuss in your group and prepare to present the results of your discussion:

What are the structural elements of the Moldovan Diaspora?

Please discuss in your group and prepare to present the results of your discussion:

What are the structural specifics of the Moldovan Diaspora?

Please discuss in your group and prepare to present the results of your discussion:

What are the main functions of the Diaspora?

Please discuss in your group and prepare to present the results of your discussion:

Which function of the Moldovan Diaspora is most important at the moment? Why?
The questions below could be used by the trainer during the lecture on the **Institutional framework of the Diaspora in Moldova (Unit 2.2.)** for group/partner/ individual work and/ or for a facilitated joint discussion/ instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the question below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write the answers on the board or flipchart and later discuss them.

If an exercise is done in group/partner/ individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

What is the role of state institutions in relation to Diaspora? Why there is a need to establish an institutional framework for the Diaspora?

Please discuss in your group and prepare to present results of your discussion:

Is the work of these institutions efficient in managing processes related to the Diaspora? Why?

Please discuss in your group and prepare to present the results of your discussion:

Is it necessary to create an Agency for Diaspora? Why?

Please fill in the table below and present the results (use more paper if needed):

<table>
<thead>
<tr>
<th>Institutions and organisations in Moldova which should cooperate in dealing with the Diaspora</th>
<th>Short description of functions related to the diaspora</th>
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The questions below could be used by the trainer during the lecture on the Strong and Weak organisational elements of the Moldovan Diaspora (Unit 3.1.-3.2.) for group/partner/individual work and/or for a facilitated joint discussion/instructional conversation, depending on the trainees’ needs and time available.

If a joint discussion takes place, please read the questions below (one at a time) to the participants and ask them to provide answers to the questions. The instructor shall write answers on the board or flipchart and later discuss them.

If an exercise is done in group/partner/individual work, please copy and cut the sheet as appropriate, and divide among the participants. The participants should discuss the questions and prepare to present the results of the discussion.

Please discuss in your group and prepare to present the results of your discussion:

What are the main socio-cultural characteristics of the Moldovan Diaspora abroad? Do these characteristics represent strong or weak organisational elements of the Diaspora? Why?

Please discuss in your group and prepare to present the results of your discussion:

What could be improved in the state’s migration management in order to strengthen the organisational elements of the Moldovan diaspora?

Please discuss in your group and prepare to present the results of your discussion:

Why is communication with Moldova important for the organisational structure of the Diaspora? What would you suggest in order to improve such communication?

Please discuss in your group and prepare to present the results of your discussion:

How can the status of Moldovan migrants abroad influence the organisational structure of the Moldovan diaspora?
Practical exercise on the potential of Moldovan Diaspora (Unit 3.3.)

The participants are divided into four groups (or into four pairs, depending on the number of participants). All groups are told that they are representing a governmental working group on measures to increase the potential of the Moldovan Diaspora for the development of Moldova. Each group is tasked with the following questions:

**Group 1.** What is the economic potential of the Moldovan Diaspora? What measures in Moldova can increase it?

**Group 2.** What is the cultural potential of Moldovan Diaspora? What measures in Moldova can increase it?

**Group 3.** What is the political potential of the Moldovan Diaspora? What measures in Moldova can increase it?

**Group 4.** What is the social potential of the Moldovan Diaspora? What measures in Moldova can increase it?

Each group discusses their respective questions and prepares their answers by using a flipchart, moderation cards, etc. After 15 – 20 minutes each group presents the results which are discussed by all participants and commented on by the trainer.
GOVAC Training Manual

“Building Training and Analytical Capacities on Migration in Moldova and Georgia (GOVAC)” Project

International Centre for Migration Policy Development, 2013

This Training Manual is prepared and published as a part of the “Building Training and Analytical Capacities on Migration in Moldova and Georgia (GOVAC)” project funded by the European Commission, some EU Member States and Switzerland. The modules published in this manual are drafted in cooperation with the GOVAC project team and the GOVAC partners from Finland, the Netherlands, Poland, Portugal, Slovakia, the Czech Republic, Bulgaria, Switzerland, the Danish Refugee Council and Moldova and Georgia. The Training Manual comprised of 9 individual modules on the following relevant migration-related fields: Migration Management, Identity Documents and Migration Data Management, Citizenship and Statelessness, Regular Migration and Visa, Irregular Migration and Border Management, International Protection and IDPs, Trafficking in Human Beings and Smuggling of Migrants, Integration of Foreigners and Diaspora.