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# THEMATIC REPORT

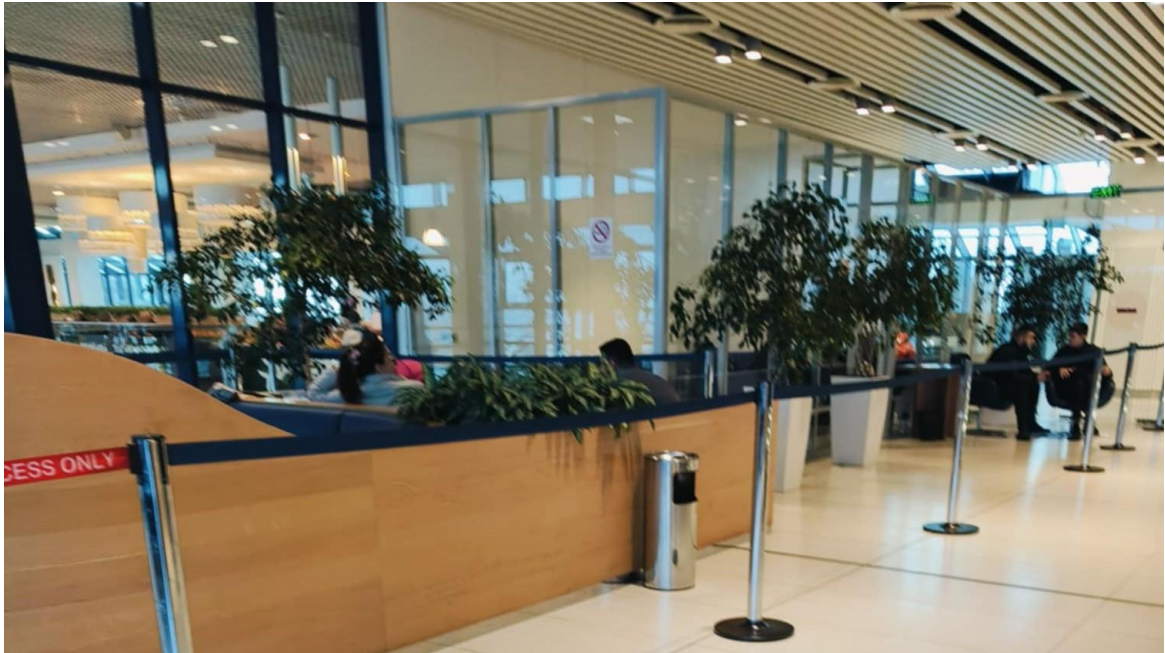
## **Compliance with human rights guarantees in cases of refusal of entry at the Chisinau International Airport, including in the context of asylum seekers**

# THEMATIC REPORT

## Compliance with human rights guarantees in cases of refusal of entry at the Chisinau International Airport, including in the context of asylum seekers

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Public authorities...guarantee the protection of fundamental rights at the border, in accordance with relevant European Union law and international treaties to which the Republic of Moldova is a party.



**I A P P R O V E,**  
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## LIST OF ABBREVIATIONS

<b>UN</b>	United Nations
<b>UNCHR</b>	UN Refugee Agency (Moldova) / United Nations High Commissioner for Refugees
<b>UN CAT</b>	UN Convention against Torture
<b>UN SPT</b>	UN Subcommittee on Prevention of Torture
<b>CPT</b>	European Committee for the Prevention of Torture
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>PA</b>	People's Advocate (Ombudsperson)
<b>PAO</b>	People's Advocate Office (National Institution for the Protection of Human Rights)
<b>CPT</b>	Council for the Prevention of Torture in Moldova
<b>MIA</b>	Ministry of Internal Affairs
<b>GIBP</b>	General Inspectorate of Border Police
<b>BPS</b>	Border Police Sector
<b>BCP</b>	State Border Crossing Point
<b>CIA</b>	Chisinau International Airport
<b>GIM</b>	General Inspectorate for Migration
<b>SIS</b>	Security and Intelligence Service
<b>UA</b>	Union of Advocates
<b>NLAC</b>	National Legal Aid Council
<b>CDA</b>	Law Center of Advocates

## TERMS OF REFERENCE

<b>Asylum</b>	a legal institution through which the state offers protection to a foreigner, recognizing their refugee status and granting them humanitarian protection, temporary protection, or political asylum.
<b>Second-line screening</b>	an additional method of border control that includes the control of persons (including body searches), documents, goods in their possession, and means of transport, which may be carried out at a special location separate from the first-line screening, in accordance with the normative framework.
<b>Undocumented migrants</b>	persons who enter, reside, or work in a country without legal authorization. Persons who enter illegally through the border zone are referred to as violators of the state border and the state border regime.
<b>Deprivation of liberty<sup>1</sup></b>	any form of placement of a person, by order of any judicial, administrative, or other authority, in a state or private detention facility from which they cannot leave at will, as a punishment, sanction, procedural coercive measure, security measure, or as a result of dependence on care provided or for any other reason.
<b>Detention facility<sup>2</sup></b>	any place, facility, or setting where individuals are already or could be deprived of their liberty, places where public authorities consent to or accept such deprivation of liberty, etc.
<b>Decision to refuse entry into the Republic of Moldova</b>	an official document issued by the Border Police with regard to a foreign citizen or stateless person who does not meet the conditions for entry into the Republic of Moldova, handed to the airline operator whose flight brought the person to the Republic of Moldova and, where applicable, to the foreigner who was refused entry into the country.
<b>Inadmissible person</b>	a person who is prohibited from entering the territory of the Republic of Moldova by its authorized authorities.
<b>Expelled person</b>	a foreign person who has been legally admitted to the territory of the Republic of Moldova by the authorized bodies or who has entered the territory of the Republic of Moldova legally and in respect of whom an order to leave the territory has been issued <sup>3</sup> .
<b>Deported person</b>	a person who has entered the territory of a state, legally or illegally, and who, pursuant to decisions by the competent authorities, is required to leave the territory of that state <sup>4</sup> .
<b>Vulnerable persons</b>	minors, including unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of human trafficking, persons suffering from serious medical conditions, persons with mental disabilities, and persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence, as well as other persons who, because of a disability or personal incapacity, are unable to protect their own interests.
<b>Restricted-access security zone</b>	a part of the air operations zone where, in addition to access restrictions, additional aviation security measures and procedures are applied.

<sup>1</sup> Art. 30 Law 52/2014 on the People's Advocate (Ombudsperson), available:

[https://www.legis.md/cautare/getResults?doc\\_id=141519&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141519&lang=ro)

<sup>2</sup> General comment No. 1 (2024) on article 4 of the Optional Protocol (places of deprivation of liberty), available:

<https://docs.un.org/en/CAT/OP/GC/1>

<sup>3</sup> Art. 8, GD 147/2022 on the approval of the National Program for the Facilitation of Air Transport:

[https://www.legis.md/cautare/getResults?doc\\_id=131156&lang=ro](https://www.legis.md/cautare/getResults?doc_id=131156&lang=ro)

<sup>4</sup> Art. 3 Law 192/2019 on the aviation security:

[https://www.legis.md/cautare/getResults?doc\\_id=142809&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=142809&lang=ro#)

## I. INTRODUCTION

Protecting the rights of persons seeking international protection at the border is a fundamental commitment of the state, in accordance with international human rights norms and standards. Given current geopolitical crises and the increase in migration flows, it is imperative that states implement fair asylum procedures and prevent any inhuman or degrading treatment, in accordance with their international commitments. Migration management and refugee protection have become central issues on the global agenda, particularly due to the rising number of displaced persons resulting from conflicts, persecution, and climate change. International organizations, such as the United Nations, the Council of Europe, the European Union, and the UN Refugee Agency, have developed specific standards and mechanisms for the protection of migrants and refugees.

In recent years, the Republic of Moldova has faced a substantial increase in migration flows, leading to the need to strengthen border protection mechanisms in accordance with international commitments, particularly in the wake of the conflict in Ukraine. The substantial increase in the number of persons in need of international protection has highlighted the need to strengthen border protection mechanisms to ensure compliance with international standards. The humanitarian crisis has placed additional pressure on Moldovan authorities, who have had to adapt procedures for receiving and managing asylum seekers, as well as strengthen cooperation with national and international organizations.

Although the Republic of Moldova is not a member of the European Union, it has made significant commitments in the area of refugee protection by ratifying the Geneva Convention on Refugees and developing relevant international partnerships. Through the Association Agreement with the European Union, the country has set out to align its national legislation with European standards on migration and asylum. However, managing international protection is still a big challenge. Administrative capacity is limited, and institutions like the GIBP and GIM do not have enough resources to effectively protect everyone eligible for international protection. Infrastructure remains inadequate, with border police temporary detention facilities requiring upgrades to ensure conditions that meet international standards. Many asylum seekers face difficulties in accessing legal and social assistance, which hinders their integration and effective protection. Furthermore, inter-institutional coordination among government authorities, non-governmental organizations, and international institutions must be improved to ensure a more effective response to the needs of refugees. In this regard, monitoring compliance with the state's obligations is crucial, and national human rights institutions, such as the People's Advocate Office, have a significant role to play.

The People's Advocate ensures the promotion and protection of fundamental human rights and freedoms, carrying out its activities pursuant to art. 59<sup>1</sup> of the Constitution of the Republic of Moldova, Law 52/2014 on the People's Advocate (Ombudsperson), and the Principles relating to the Status of National Human Rights Institutions (the Paris Principles and the Venice Principles).

In this regard, the PAO, through its specific mechanisms, examines complaints from persons who consider that their fundamental rights and freedoms have been violated, conducts periodic preventive and monitoring visits to places of detention, issues reports and recommendations to the relevant authorities, etc. The People's Advocate reports have become reliable sources of information for the ECtHR, UN CAT/UN SPT/CPT, the EU, the CoE, the U.S. Department of State, etc., regarding the situation concerning the Republic of Moldova's compliance with the commitments it has undertaken to protect and ensure the right to life, and the physical and mental integrity of persons; the protection of asylum seekers or other forms of protection; and the protection of victims of any form of violation of

fundamental rights and freedoms, such as access to effective remedies in national courts, etc.

The Ombudsperson contributes to the defence of human rights and freedoms by preventing their violation, by monitoring and reporting on their compliance at the national level, by improving legislation in the field of human rights and freedoms, through international cooperation in this area, and by promoting human rights and freedoms and the mechanisms for their protection<sup>5</sup>. According to the Law, the People's Advocate shall have access to any records, border crossing points, and border police sectors, including in restricted zones, as well as the right to take photographs, process data, and conduct interviews with persons held in detention facilities or subject to other restrictions, etc. Additionally, the PAO shall possess extensive experience and expertise in monitoring compliance with human rights in the custody of law enforcement and detention facilities. Furthermore, the monitoring processes shall be independent, comprehensive, objective, and based on methodologies adapted and standardized to the relevant qualifications.

The Chisinau International Airport **Border Police Sector** (CIA BPS) is a subdivision of the GIBP, which carries out the agency's tasks and implements state policies in the field of integrated state border management at the operational level. The CIA BPS has the status of a public-law legal entity, funded from the state budget, and possesses seals bearing the image of the State Emblem of the Republic of Moldova and a treasury account. The CIA BPS ensures public order within its jurisdiction, aviation security, and the supervision and control of the state border regime to ensure compliance with the law throughout the entire operational process. The CIA BPS headquarters is located in Chisinau mun., 80/3 Dacia Blvd.<sup>6</sup>.

During the period 2019 – 2025, the employees of the Office of the People's Advocate carried out a series of preventive, thematic and documentary visits to the BCP/CIA BPS. Following the activities to prevent torture and protect persons, visit/thematic and special resonance reports were developed, such as: -

- **The People's Advocate Report on the preventive visit to the Chisinau International Airport State Border Crossing Point, 2019**, includes 13 recommendations for improving the situation and preventing torture<sup>7</sup>;
- **The People's Advocate Thematic Report "Access of foreigners to the Republic of Moldova through the Chisinau International Airport State Border Crossing Point," 2022**, includes 16 recommendations for improving the situation and preventing torture<sup>8</sup>;
- **The People's Advocate Special Report on the assessment of procedures for receiving asylum applications at the Chisinau International Airport State Border Crossing Point and ensuring the rights of asylum seekers at the General Inspectorate for Migration Accommodation Center, 2023–2024**, which includes 17 recommendations for the protection of persons<sup>9</sup>;

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<sup>5</sup> Law 52/2014 on the People's Advocate (Ombudsperson), available:

[https://www.legis.md/cautare/getResults?doc\\_id=141519&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141519&lang=ro)

<sup>6</sup> <https://www.border.gov.md/ro/sectorul-politiei-de-frontiera-aeroportul-international-chisinau>

<sup>7</sup> <https://ombudsman.md/post-document/raport-in-baza-vizitei-preventive-efectuate-de-directia-prevenirea-torturii-a-oficiului-avocatului-poporului-la-punctul-de-trecere-al-frontierei-aeroportul-international-chisinau-la-data-de-5-decembrie/>

<sup>8</sup> <https://ombudsman.md/post-document/raport-tematic-accesul-persoanelor-straine-in-republica-moldova-prin-intermediul-ptf-aeroportul-international-chisinau/>

<sup>9</sup> <https://ombudsman.md/post-document/raport-special-privind-evaluarea-procedurilor-de-preluare-a-cererilor-de-azil-in-punctul-de-trecere-a-frontierei-de-stat-aeroportul-international-chisinau-si-asigurarea-drepturilor-s-2/>

- **Thematic Report “Ensuring access for persons in need of international protection at air border crossing point”, 2025**, which includes 19 recommendations to the authorities (MIA, GIBP, GIM, and the Public Property Agency)<sup>10</sup>.
- **Thematic Report “Assessment of accommodation facilities for persons detained by border police. Detention of migrants in illegal situations, including asylum seekers at the border,” 2026**, which includes 18 recommendations to public authorities (MIA, GIBP and GIM)<sup>11</sup>

Likewise, in its annual reports, the People’s Advocate (Ombudsperson) has reminded the authorities of the need to ensure the rights of foreigners and displaced persons, as well as of the efforts they have made for the first time<sup>12</sup>.

Between 2022 and 2025, the PAO issued a series of situation-specific reports on the level of protection of the rights of displaced persons from Ukraine upon entry into the R. of Moldova, as well as within the country. The majority of recommendations remain unimplemented. Additionally, central authorities have reacted differently to the Ombudsperson’s recommendations<sup>13</sup>.

For 2025, the PAO has proposed conducting a **reassessment** of human rights guarantees in situations where entry into the country is refused through the CIA, particularly regarding asylum seekers, as outlined in this Thematic Report. The report in question may address topics previously covered.

The context of this research stems from the institution’s commitments under its partnership with UNHCR Moldova (2023–2026) as part of the institutional project “Strengthening the People’s Advocate Office Capacity to Protect and Promote the Rights of Refugees and Other Persons.” The findings of this report are the sole responsibility of the People’s Advocate.

The report is one of the outputs produced within the context of Priority no. 8, “The right to liberty and security of the person is ensured; torture and ill-treatment are eradicated,” under the Strategic Development Program of the People’s Advocate Office for the years 2023-2030<sup>14</sup>. The publication is prepared from the perspective of the Ombudsperson’s prevention area. The observation incorporates a gender-based approach, the best interests of the child, the protection of vulnerable groups, and non-discrimination. The report is based on the findings of the analytical and monitoring process, including an analysis of complaints examined by the PAO, operational information, and the practices of the NIHR in accordance with international standards.

### 1.1. Purpose and objectives of the Report

The main purpose of this Report is to provide **an objective (re)assessment** of the mechanisms for protecting the rights of beneficiaries of international protection who have been refused authorization to cross the state border by air. The focus is on the criteria for granting or refusing access to the territory, as well as the practices of the BP and other public authorities with such powers, *specifically*: the SIS and

<sup>10</sup> People's Advocate Thematic Report: <https://ombudsman.md/post-document/raport-tematic-asigurarea-accesului-persoanelor-ce-au-nevoie-de-protectie-internationala-la-punctul-de-trecere-a-frontierei-aeriene-a-republicii-moldova-situatia-anului-2024/>

<sup>11</sup> People's Advocate Thematic Report: <https://ombudsman.md/post-document/raport-tematic-evaluarea-facilitatilor-de-cazare-a-persoanelor-retinute-de-politia-de-frontiera-detentia-migrantilor-aflati-in-situatii-ilegale-inclusiv-a-solicitantilor-de-azil-la-frontiera/>

<sup>12</sup> <https://ombudsman.md/rapoarte/anuale>

<sup>13</sup> <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>

<sup>14</sup> Strategic Development Program of the People’s Advocate Office for the years 2023-2030, available: <https://ombudsman.md/post-document/strategic-development-program-of-the-peoples-advocate-office-2023-2030-4/>

the GIM. Furthermore, this Report complements previous PAO reports, highlighting the progress made and the remaining issues.

The objectives of the Report shall be:

- Monitoring compliance with international standards and the national legal framework regarding the rights of asylum seekers and refugees.
- Identifying gaps and systemic issues within the process of managing migrants at the air border, as appropriate.
- Issuing recommendations, including additional ones, to improve reception conditions, protection, and access to international protection and essential services.
- Assessing the needs of the BP, CIA BPS, and other authorities involved in the migration process.
- Ensuring the protection of both migrants and border personnel involved in managing the flow of persons.
- Analysing the evolution of previous findings and the level of implementation of prior recommendations.

## 1.2. Research Methodology

With a view to (re)assessing the level of compliance with and assurance of the rights of beneficiaries of international protection who have been refused authorisation to cross the state air border and of detained persons, as well as to identify existing issues, this report employs a research methodology based on multiple sources and data collection techniques. The methodology adopted combines legal analysis, direct observations, data review, interviews with stakeholders, and a study of international practices to provide a clear and objective view of the situation. This mixed approach ensures a rigorous, transparent, and fact-based assessment of the situation at the air border.

The thematic report is based on a comprehensive methodology, including, but not limited to:

- ✓ Analysis of the legal framework. One of the main components of the research is an analysis of the national and international legal framework to establish the extent to which the Republic of Moldova complies with its international commitments regarding the protection of refugees and migrants. In this context, the following were analysed: • Relevant international conventions and treaties, including the Convention Relating to the Status of Refugees (1951), the 1967 Protocol, the European Convention on Human Rights, as well as UN and European Union standards. • National legislation on refugee protection and asylum, in particular Law no. 270 on asylum in the Republic of Moldova and Border Police regulations. • Judgments of the European Court of Human Rights (ECtHR) and other relevant case law regarding the protection of human rights at the border.
- ✓ Monitoring visits and direct observations. To obtain a detailed overview of the situation, **2 unannounced visits** were conducted in November 2025 at the CIA BCS, and **one announced visit was carried out by the multifunctional team** on December 04, 2025. The purpose of these visits was: • To monitor how asylum seekers and refugees are treated at the BPS/CIA BCS. • To assess reception conditions, the infrastructure of waiting zones/rooms for asylum seekers, rooms for second-line screening hearings, the transit zone, etc. • To identify possible violations of fundamental rights, including restricting access to asylum or entry into the country.
- ✓ Discussions with stakeholders. Informal discussions were held as part of the research with actors involved in border management and refugee protection: • Government authorities – representatives of the MIA, GIBP, CIA BPS, and the GIM, including former employees. • International organizations and NGOs – UNHCR and national organizations providing assistance to asylum seekers. These interviews helped identify challenges on the ground, discrepancies

between legislation and its practical application, as well as administrative and legal obstacles affecting access to international protection.

- ✓ Review of internal records and data. During the preventive visits, the following were reviewed: Registers of asylum applications submitted by asylum seekers; Registers of the receipt and transmission of complaints, statements, or other information regarding alleged acts of torture, inhuman, and degrading treatment; Registers regarding the refusal of entry into or exit from the country; Registers of no-fly lists records; Registers of the handover of children; Registers of reports on the handover of service; Register of state border offenders within the BPS; Registers of bans on foreign citizens; handover documents for potential asylum seekers; information boards, internal instructions, etc. • Similarly, information provided upon request by the GIBP, SIS, and GIM was reviewed, including public reports.
- ✓ Assessment of the physical conditions of detention facilities. The physical conditions of the specially designated areas (sterile zone/restricted-access zone, rooms for conducting level II specialized medical examinations) and the two rooms for asylum seekers were inspected. Aspects related to the assessed material conditions include observations made on the day of the visits. • If these conditions were improved during the preparation of the Report, the responsible authority shall submit the relevant evidence. • Additionally, the working conditions of BP employees within the CIA BPS were inspected.
- ✓ Data analysis and comparison with international best practices. To contextualize the situation in the Republic of Moldova, the collected data were compared with best practices in other European countries. In this regard, models implemented in EU member states, such as France, Serbia, Greece, and Croatia<sup>15</sup>, were analysed, as well as recommendations issued by the Council of Europe, the FRA (European Union Agency for Fundamental Rights)<sup>16</sup> and the European Union Agency for Asylum<sup>17</sup>.
- ✓ Review of 33 applications received in 2025 by the PAO from inadmissible persons and/or their representatives regarding disagreement with GIBP decisions, accommodation issues, material conditions, the duration of procedures at the CIA, etc.<sup>18</sup>.

**We appreciate the openness of the GIBP, the CIA BPS employees and the effort they put in, including in complex situations. We would like to express our special thanks to the Public Order and Regime Directorate within the GIBP and the CIA Border Police Sector for their cooperation.**

In this Report, we will address the mechanisms for ensuring the rights of persons seeking international protection or detained at the air border in terms of a human rights-based approach and the CPT

<sup>15</sup> Croatia. National Report on the situation of human rights of migrants at the borders, 2021

<https://ennhri.org/wp-content/uploads/2021/08/Croatian-National-Report.pdf>

France. National Report on the situation of human rights of migrants at the borders. 2021. <https://ennhri.org/wp-content/uploads/2021/08/French-National-Report-CNCDH.pdf>

Greece. National Report on the situation of human rights of migrants at the borders, 2021. <http://ennhri.org/wp-content/uploads/2021/07/Greek-National-Report.pdf>

Slovenia. National Report on the situation of human rights of migrants at the borders, 2021.

<https://ennhri.org/wp-content/uploads/2021/07/Slovenian-National-Report.pdf>

Serbia. National Report on the situation of human rights of migrants at the borders, 2021. <https://ennhri.org/wp-content/uploads/2021/07/Serbian-National-Report-3.pdf>

<sup>16</sup> European Union Agency for Fundamental Rights (FRA) <https://fra.europa.eu/ro>

<sup>17</sup> European Union Agency for Asylum (EUAA) [https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-union-agency-asylum-euaa\\_ro](https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-union-agency-asylum-euaa_ro)

<sup>18</sup> Summary of requests addressed by migrants/refugees to the People's Advocate: <https://ombudsman.md/post-document/sinteza-cererilor-adresate-de-migranti-si-refugiati-avocatului-poporului-perioada-ianuarie-octombrie-2025/>

standards relevant to the “police” area<sup>19</sup> taking into account, among other things, one of the *de facto* powers of the BP to detain and hand over persons to the competent authorities and subdivisions. For the purposes of this Report, *detention* shall refer to any action by the BP to stop, check, or detain persons for short periods or for up to 6 hours or longer, whether for the purpose of verifying unclear circumstances or for the purpose of subsequent handover or other actions, including criminal or misdemeanour detention.

We would like to remind you that the Ombudsperson previously had the opportunity to comment on the decision-making process regarding the application of detention, police custody, the escorting and transport of detained persons, and the guarantee of the rights of detained persons in the 2019 **Special Report “The Situation of Detained Persons and Those in Police Custody”**<sup>20</sup>, in the 2024 **Thematic Report “Compliance with the Rights of Persons in Need of International Protection at Border Crossing Points”**<sup>21</sup> and reiterated in the 2026 **Thematic Report “Assessment of Accommodation Facilities for Persons Detained by Border Police. Detention of Migrants in Illegal Situations, Including Asylum Seekers at the Border”**. Consequently, we will not revisit the issue of the implementation of detention by border police and commitments to ensure guarantees during detention, as this has been addressed previously in the reports cited *above*.

The report does not include the assessment of the activity of the Security and Intelligence Service at the CIA in the context of decisions regarding the refusal of entry of foreigners into the country.

**The monitoring period includes the data reported by the GIBP for 2025 and the information analysed in the process of observing the *de facto* activity carried out by the PAO during the period June-December 2025.**

### 1.3. Rationale for the topic – the rights of illegal migrants at the border

The protection of persons in need of international protection at the border is a fundamental aspect of human rights, based on internationally recognized principles. According to the Convention Relating to the Status of Refugees (1951) and the 1967 Protocol, as well as other international regulations, states are obligated to comply with the principle of non-refoulement and to ensure a fair process for asylum seekers.

The increased influx of refugees and vulnerable migrants into the Republic of Moldova has underscored the importance of strengthening border protection mechanisms. Factors supporting this issue include:

- **The increased influx of persons in need of international protection** – In particular, against the backdrop of the armed conflict in Ukraine and other regional crises, the Republic of Moldova has become a major transit point for refugees and vulnerable migrants, among others.
- **The need to align with international standards** – The state has an obligation to implement both UN and European Union standards, but especially the standards of the European Committee for the Prevention of Torture (CPT) to ensure dignified treatment and conditions consistent with human rights.
- **Preventing violations of fundamental rights at the border** – The case law of the European Court of Human Rights calls attention to the risks associated with collective expulsions, arbitrary detention, and the lack of effective access to asylum.

<sup>19</sup> CPT Standards, extracted from the 2nd General Report, published in 1992: <https://rm.coe.int/16806cea28>

<sup>20</sup> <https://ombudsman.md/wp-content/uploads/2019/06/Raport-Situatia-persoanelor-retinute-RO-Web.pdf>

<sup>21</sup> <https://ombudsman.md/post-document/raport-tematic-respectarea-drepturilor-persoanelor-ce-au-nevoie-de-protectie-internationala-la-punctele-de-trecere-a-frontierei-situatia-anului-2024-2/>

- **The need to strengthen administrative and institutional capacities** – Effective management of protection applications requires the rapid identification of persons in vulnerable situations, as well as the adequate resourcing of the authorities involved.
- **Managing situations posing a risk to persons or aviation security** – In the event of a real, intense, and obvious risk to passengers, staff, aviation security, or the state (as was the case with the armed attack at CIA on 30.06.2023<sup>22</sup>, and other minor-to-moderate incidents), these measures must be implemented in a manner that balances the protection of human rights. This principle also entails equipping and training the authorities involved in managing difficult situations to effectively ensure human rights.
- **Overcrowding at the air border crossing point** (Chisinau International Airport) – Currently, the country's only operational air border crossing point has registered a record passenger flow over the past two years (over 6 million passengers in 2025)<sup>23</sup>. This exceeds the capacity of the existing infrastructure and poses serious challenges regarding available space and the proper management of persons seeking international protection<sup>24</sup>.
- **Assessing the situation and formulating recommendations** to improve domestic regulations and practices in the context of the Republic of Moldova's EU accession process.

#### 1.4. The People's Advocate mandate and role in preventing torture

The People's Advocate Office, as a national human rights institution, has constitutional and legal responsibilities to monitor compliance with fundamental human rights and freedoms, including in the context of carrying out protection and prevention functions in situations involving persons in need of international protection<sup>25</sup>.

Pursuant to the provisions of art. 59<sup>1</sup> of the Constitution of the Republic of Moldova and Law no. 52/2014 on the People's Advocate (Ombudsperson), the institution shall have the authority to examine cases of alleged human rights violations, to conduct preventive visits to public or private institutions and detention facilities, and to issue recommendations to national authorities, etc.

Within this mandate, ensuring human rights at the BP/BPS is approached as an essential dimension of the right to dignity and protection against inhuman and degrading treatment, in accordance with international human rights standards, which the Republic of Moldova has undertaken through international treaties and instruments. Through the activities carried out in the exercise of its mandate, the People's Advocate Office contributes to promoting transparency and accountability of the BP/BPS (and others) in detention forms, while also strengthening human rights protection mechanisms within these entities.

#### 1.5. Detention of illegal migrants at the border

<sup>22</sup> <https://newsmaker.md/ro/atacul-de-la-aeroportul-chisinau-soldat-cu-doi-morti-si-un-ranit-cronologia-evenimentelor/> / <https://mai.gov.md/ro/node/8466>

<sup>23</sup> <https://airport.md/news/6000000>

<sup>24</sup> [https://www.aci-europe.org/media-room/559-passenger-traffic-up-4-5-in-first-half-of-2025.html?fbclid=IwY2xjawMv1TJleHRuA2FibQIxMABicmlkETFURXFSZUFXbkQ1dnpMQ3pxAR4b0JydwQ2FSMANSV08Prd43\\_h-DGJ7UbSYAh\\_6fb4pEIJktwz2Z0rxcsJQtg\\_aem\\_EXMm8\\_dOCvsuLMAO\\_BJUka](https://www.aci-europe.org/media-room/559-passenger-traffic-up-4-5-in-first-half-of-2025.html?fbclid=IwY2xjawMv1TJleHRuA2FibQIxMABicmlkETFURXFSZUFXbkQ1dnpMQ3pxAR4b0JydwQ2FSMANSV08Prd43_h-DGJ7UbSYAh_6fb4pEIJktwz2Z0rxcsJQtg_aem_EXMm8_dOCvsuLMAO_BJUka)

<sup>25</sup> ENNHRI. Scoping paper The role of NHRIs in upholding the human rights of migrants and asylum seekers in the light of recent EU developments, 2021. [https://ennhri.org/wp-content/uploads/2021/09/Scoping-Paper\\_NHRIs\\_Human\\_Rights\\_of\\_Migrants.pdf](https://ennhri.org/wp-content/uploads/2021/09/Scoping-Paper_NHRIs_Human_Rights_of_Migrants.pdf)

The question of the detention of illegal migrants at air borders generally refers to the measures taken by authorities when a person attempts to enter a country through an airport without meeting the legal entry requirements. Often, these persons include asylum seekers who do not possess the proper documents or fall into the category of persons denied entry because the country's legislation provides a range of grounds on which a person cannot legally enter the country. They are detained in special zones for periods ranging from hours to days until a solution for their return is identified. From a legal standpoint, the person is not considered to have "entered the territory of the State" until they pass through border control. This formal classification does not preclude the application of the safeguards provided by the European Convention on Human Rights, as the person is under the effective control of the authorities.

Migrants (foreigners in general) may be temporarily arrested/detained if they do not have valid travel documents, possess false or fraudulently obtained documents, do not meet entry requirements (visa, purpose of stay, means of support), or are considered a threat to public security, etc. Thus, states may detain an illegal person as an administrative measure, subject to certain conditions, for the purpose of verifying identity, preventing illegal entry, organizing return, or ensuring the conduct of the asylum procedure if the person is seeking international protection. **In the absence of clear guarantees, these measures may result in violations of fundamental rights and risks of arbitrary detention.** During this period, authorities must ensure fundamental rights, such as the right to seek asylum, access to an interpreter and information in a language they understand, legal assistance, humane living conditions, and special protection for minors and vulnerable persons. The person seeking asylum should be admitted to the territory and handed over to the immigration authorities.

**It should be noted that this form of accommodation/restriction of freedom of movement or detention is not subject to judicial review.** Thus, the lack of effective judicial review poses a serious concern from the perspective of the right to liberty and to an effective remedy, as there is a risk that these measures could be classified as arbitrary detention. At this 24-hour stage, only their accommodation is provided, until they are taken over by the GIM. The GIBP has no authority to detain (administratively or criminally) illegal migrants.

## II. DEPRIVATION OF LIBERTY IN THE AIRPORT ZONE

### 2.1. Normative framework and international standards

International standards allow States, *among other things*, to detain or deprive persons of their liberty at air borders, subject to certain conditions, referring primarily to "asylum seekers." For example, the International Covenant on Civil and Political Rights (art. 9) allows for lawful detention but does not specifically regulate it in the context of borders. Similarly, the 1951 Convention Relating to the Status of Refugees does not prohibit detention, but limits its application and that of criminal punishments to asylum seekers (art. 31, par. 1). The same Convention prohibits the expulsion of refugees who are lawfully present in the territory of states, except for reasons of national security or public order. EU directives address asylum seekers, who may be placed in detention only under exceptional, clearly defined circumstances unrelated to their application for international protection and subject to full compliance with fundamental rights and freedoms, etc.

It should also be noted that, in accordance with international standards and practices, particularly in light of article 5 (the right to liberty and security) of the European Convention on Human Rights (ECHR), the detention of migrants and asylum seekers must be provided for by law, not be arbitrary, and comply

with appropriate guarantees. In particular, it must be: provided for by national law; carried out in good faith; and closely related to the legitimate aim sought. Detention conditions must be adequate, and the duration of detention must not exceed what is reasonably necessary. Proceedings must be conducted with due diligence, and in the event of any removals (returns), there must be a realistic prospect.

According to the case-law of the European Court of Human Rights, the specific situation of the detained person and any particular vulnerability (such as health, age, special needs, etc.) may render detention unlawful or even amount to ill-treatment within the meaning of art. 3 of the ECHR. If the aim pursued by detention can be achieved by other less coercive measures, detention is not lawful<sup>26</sup>. When children are involved, the authorities must prove that detention is necessary and that other less coercive measures cannot be applied instead. Maintaining family unity does not justify detention: the principle of the best interests of the child requires that alternatives be considered for the whole family.

Under European Union law on asylum and return, detention solely on the grounds of an asylum application or irregular entry or stay shall be prohibited. The detention of persons seeking international protection and of persons subject to return procedures must be: necessary and proportionate; based on an individual assessment of the circumstances of each case; and applied only if it has been established that other, less coercive measures cannot be implemented. To avoid arbitrary detention, authorities must meet additional requirements, such as justifying any detention measure and ensuring that the detained person has access to a prompt judicial review (Reception Conditions Directive, 2013/33/EU, articles 8–11<sup>27</sup>, and the Return Directive, 2008/115/EC, articles 15–17<sup>28</sup>).

Besides, detention in the context of asylum and detention pending removal must be as short as possible. In the event of deprivation of liberty, persons must be treated in a humane and dignified manner<sup>29</sup>.

Furthermore, the specific standards of the European Committee for the Prevention of Torture (CPT) stipulate that immigration detention should be used only as a measure of last resort for foreign citizens crossing borders, following a careful and individual assessment of each case. Every case of detention must be fully and accurately recorded to ensure that there are no arbitrary detentions.<sup>30</sup>

Returning to the ECHR, the art. 5, par. (1), letter f) grants states the right to temporarily detain migrants at the air border—to “prevent their illegal entry into the territory.” This is the primary legal basis used by states for detaining migrants at borders or airports. *Specifically*, the Court holds that this restrictive measure constitutes a form of deprivation of liberty and administrative detention. Through its case law, the Court has, in fact, responded to states that opposed and continue to oppose (including the Republic

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<sup>26</sup> The European Court of Human Rights has consistently held that the detention of migrants and asylum seekers must take into account the individual’s circumstances and any vulnerabilities, and that the lack of such an assessment may render the detention arbitrary and unlawful. See, inter alia, *S.D. v. Greece*, no. 53541/07, Judgment of June 11, 2009, §§ 57–67 (the detention of the asylum seeker was deemed arbitrary in the absence of procedural diligence and a real prospect of removal); *Rahimi v. Greece*, no. 8687/08, Judgment of April 5, 2011, §§ 102–110 (the detention of an unaccompanied minor, without an assessment of the child’s best interests and alternatives to detention, violated articles 3 and 5 of the ECHR); *Yoh-Ekale Mwanje v. Belgium*, no. 10486/10, Judgment of December 20, 2011 (the detention of a person with serious health problems, despite known vulnerability, constituted a violation of article 3 of the ECHR).

<sup>27</sup> Directive 2013/33/UE <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32013L0033>

<sup>28</sup> Directive 2008/115/CE <https://eur-lex.europa.eu/legal-content/RO/ALL/?uri=celex%3A32008L0115>

<sup>29</sup> European Union Agency for Fundamental Rights (FRA) and Council of Europe, Note on the fundamental rights of refugees, asylum seekers and migrants at European borders, 2020

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-coe-2020-european-law-land-borders\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-coe-2020-european-law-land-borders_en.pdf)

<sup>30</sup> <https://rm.coe.int/16806cce8e> , <https://rm.coe.int/488025a6a5>

of Moldova) the recognition that inadmissible persons are not detained, but are temporarily held or, in general, are free—yet cannot leave the airport premises or the area defined by border authorities. The ECHR rejected this legal fiction and clearly stated that:

- placing migrants in the sterile zone/international transit zone of an airport;
- without the possibility of leaving;
- under permanent surveillance and control of border authorities,
- even if the person has not been officially admitted to the territory of the state – **amounts to a deprivation of liberty within the meaning of art. 5 of the ECHR**<sup>31</sup>.

Amuur v. France (June 25, 1996)

The applicants were four Somali citizens, brothers and sisters, who arrived at Paris-Orly Airport in Syria on March 9, 1992. They claimed that they had fled Somalia because their lives were in danger. The border police refused to allow them to enter French territory on the grounds that their passports had been forged and detained them at the Hôtel Arcade, which had been converted for use as an airport waiting zone. The applicants applied to the French asylum authority to grant them refugee status, but the asylum authority decided that it had no jurisdiction because the applicants had not obtained a temporary residence permit. On March 29, 1992 the applicants were sent back to Syria. The applicants claimed that their detention in the transit zone of Paris-Orly Airport amounted to deprivation of liberty, in breach of article 5 paragraph (1) letter f) of the Convention.

The Court's judgment: The Court first found that the applicants' detention in the transit zone of Paris-Orly Airport amounted to deprivation of liberty. The Court did not agree with the Government's argument that there had been no deprivation of liberty because the applicants could have returned to Syria voluntarily. The Court also remarked that, although the applicants were not "in France", their detention in the international zone of Paris-Orly Airport made them subject to French law. The applicants argued that their detention had no legal basis, that they were in a legal vacuum in which they had no access to a lawyer or information about their exact situation at the time. The Court agreed that there were no laws enabling the courts to review the conditions in which the applicants were detained or the length of their detention. The Court found that the French legal rules in force at the time did not sufficiently guarantee the applicants' right to liberty and found a violation of article 5.

UN CAT in article 4 emphasizes that for the purposes of the Optional Protocol, deprivation of liberty means any form of detention or imprisonment or the placing of a person in a public or private place of detention which he cannot leave at will, by order of any judicial, administrative or other authority<sup>32</sup>.

At the same time, the national legal framework—specifically, art. 30, par. (4) of Law 52/2014 on the People's Advocate—expressly states that deprivation of liberty is defined as any form of placement of a person, by order of any judicial, administrative, or other authority, in a state or private detention facility, which they cannot leave of their own free will, as a punishment, sanction, procedural coercive measure, security measure, as well as a result of dependence on care provided or on any other grounds.

## 2.2. Assessment of the criteria for deprivation of liberty in the airport zone

**Legality of detention at the CIA (sterile zone).** The ECtHR establishes that, if the state detains a migrant at the air border (sterile zone/transit zone/any other place in the airport area), the following requirements must be cumulatively complied with:

<sup>31</sup> See the Case of Amuur v France (1996) <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57988%22%5D%7D>

<sup>32</sup> Optional Protocol to the UN Convention against Torture <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

- must comply with art. 5, par. (1), letter f) of the ECHR;
- there must be a clear legal basis/ or be provided for by law;
- it must be necessary and proportionate;
- it must be for a limited period of time;
- there must be a real possibility of challenging it before a court of law;
- dignified conditions must be ensured.

Therefore, for detention at the CIA to be legal, it must be provided for by law. Analysing the provisions of the relevant national legislation, we note that it **does not contain provisions** on "border/ air detention"; "temporary accommodation/ accommodation in the airport zone"; "deprivation of liberty in airport zones"; "ensuring detention conditions at the airport crossing point"; "rights and obligations"; "BP responsibilities", etc.

As benchmarks, the basic legislation was analysed, namely:

- **Law 28/2024 on the state border** of the Republic of Moldova<sup>33</sup> - the purpose of which is to ensure national security by implementing the European concept of integrated border management, as well as to safeguard fundamental rights at the border;
- **Law 200/2010 on the legal status of foreigners** in the Republic of Moldova – which regulates the entry, stay, and exit of foreigners into and from the territory of the Republic of Moldova, the granting and extension of the right of residence, repatriation, their documentation, stipulates enforcement measures in case of non-compliance with the stay regime, and specific immigration record-keeping measures, in accordance with the obligations assumed by the Republic of Moldova under the international treaties to which it is a party. Note: par. (4) of art. 6 of this Law merely states that foreigners staying in the international transit zones of airports, in transit zones at the state border or in accommodation centres with a transit zone regime, or on vessels anchored in river ports, shall not be subject to the provisions of this Law on the conditions for entry and stay of foreigners on the territory of the Republic of Moldova. Furthermore, art. 8, par. (5) states that the competent authority **shall arrange for the accommodation of the inadmissible foreigner in a place specially designated for this purpose**<sup>34</sup>.
- **Law 270/2008 on asylum in the Republic of Moldova**, which – establishes the legal status of asylum seekers, beneficiaries of international protection, temporary protection, and political asylum, as well as the procedure for granting, terminating, and revoking protection, and establishes a legal and institutional framework for the functioning of the asylum system in the Republic of Moldova. This law shall guarantee that the competent authorities ensure access to the territory of the Republic of Moldova<sup>35</sup>.
- **Law 192 of 2019 on aviation security** – establishes the basic normative framework for the protection of civil aviation against acts of unlawful interference. This law uses the term “deported person” only in art. 3, in the general provisions, to refer to a person who has entered, legally or illegally, the territory of a state and who, pursuant to decisions by the competent authorities, is to leave the territory of that state. Similarly, Law 192, in its general definitions, mentions five types of special zones, namely: (a) *demarcated area* - an area that is separated by access control points from a security restricted area, or, if the demarcated area is itself a security restricted area, from other security restricted areas; (b) *landside* - that part of an airport, a-by-law buildings and grounds or portions thereof accessible to the public and not

<sup>33</sup> Law 28/2024 [https://www.legis.md/cautare/getResults?doc\\_id=149711&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=149711&lang=ro#)

<sup>34</sup> Law 200/2010 (2026 amendments) [https://www.legis.md/cautare/getResults?doc\\_id=151193&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=151193&lang=ro#)

<sup>35</sup> Law 270/2008 [https://www.legis.md/cautare/getResults?doc\\_id=146838&lang=ro](https://www.legis.md/cautare/getResults?doc_id=146838&lang=ro)

further protected by aviation security measures; (c) *airside* - the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled; (d) *security restricted area* - prioritized airside zones where, in addition to access control, specific security measures are enforced; and (e) *controlled area* - an airport location (including buildings) where access is monitored, managed, or restricted for safety and security reasons. **Here, we must specify that, in the view of the CIA BPS, the holding zone for persons denied access to the CIA is interpreted as a security restricted area, whereas under Law 28, it was considered a sterile zone. A careful analysis of the definition of “security restricted area” shows that it is not specific and does not meet the criteria to be classified as a “space for the temporary detention of inadmissible persons,” whereas art. 26 of the aforementioned Law explicitly outlines the essence of this special zone.**

- **Law 283/2011 on the Border Police** – regulates the powers and operations of the Border Police, its funding and logistical support, as well as the legal status and social protection of border police officers. The law establishes that the duties of the Border Police shall include (a) ensuring the maintenance of the state air border regime, (b) ensuring public safety and aviation security, (c) preventing persons who do not hold valid documents or who have violated the legislation governing entry, exit, transit, and stay on the territory of the Republic of Moldova from crossing the state border at border crossing points, (d) enforcing measures to deny entry into the Republic of Moldova to foreign nationals, in accordance with the law, (e) ensure control over migration at state border crossing points, (f) carry out, within the limits of their authority, actions to prevent, detect, and counteract illegal migration and other cross-border offences<sup>36</sup>. **We emphasize that the special provision does not authorize the BP to detain or hold illegal migrants at the border, including at airports<sup>37</sup>.**
- **GD 1145/2018 on the organization and functioning of the General Inspectorate of Border Police**, which – establishes the mission, areas of activity, basic functions, powers, rights and the way of organizing the activity of the GIBP ...[.] with full compliance with fundamental rights (see art. 4). The GIBP Regulation, in addition to the powers provided for by the special Law, complements it with tasks of – ensuring compliance with the rights and freedoms of persons at the state border of the Republic of Moldova (art. 7, point 1, letter h)<sup>38</sup>. **Among other things, these provisions indicate that the BP is required to ensure the safeguards provided for in art. 3, 5, 8, and 14 of the ECHR at the air border**, even though the legislative act does not expressly state so.
- **GD 16/2023 on the organization and operation of the General Inspectorate for Migration**, which establishes its mission, areas of activity, core functions, powers, rights, as well as its organizational structure and operational procedures. GIM - decides on the permission to enter the territory of the Republic of Moldova for asylum seekers who have submitted an asylum application at the air BCP; implements protection and assistance measures for asylum seekers, beneficiaries of international protection, temporary protection, and political asylum; proposes the establishment, as necessary, of accommodation centres for asylum seekers and beneficiaries of international protection and administers these Centres; manages, coordinates, and oversees the process of accommodating asylum seekers and beneficiaries of temporary/international protection in accommodation centres.<sup>39</sup> **This law also does not require the provision of guarantees to the CIA. However, it specifies the GIM’s responsibilities only after asylum seekers have actually entered the country.**

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<sup>36</sup> Law 283/2011 [https://www.legis.md/cautare/getResults?doc\\_id=144603&lang=ro](https://www.legis.md/cautare/getResults?doc_id=144603&lang=ro)

<sup>37</sup> Thematic Report <https://ombudsman.md/post-document/raport-tematic-respectarea-drepturilor-persoanelor-ce-au-nevoie-de-protectie-internationala-la-punctele-de-trecere-a-frontierei-situatia-anului-2024-2/>

<sup>38</sup> GD 1145/2018 [https://www.legis.md/cautare/getResults?doc\\_id=153977&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=153977&lang=ro#)

<sup>39</sup> GD 16/2023 [https://www.legis.md/cautare/getResults?doc\\_id=150362&lang=ro](https://www.legis.md/cautare/getResults?doc_id=150362&lang=ro)

- **GD 147/2022 on the approval of the National Program for the Facilitation of Air Transport** aims to implement and maintain, within the territory of the Republic of Moldova, all international standards regarding the facilities applicable primarily to domestic and foreign air operators, as well as to international civil airports, etc. This GD is the sole legal act defining *an expelled person, an inadmissible person, and an incorrectly documented person*, and it regulates the procedure for the return of expelled or inadmissible persons specific to air operators. **This GD also does not provide for the conditions of temporary accommodation for persons subject to expulsion or inadmissibility at the CIA.**
- Returning to **Law 28/2024 on the state border**, the new law, for the first time<sup>40</sup> established in art. 51 - the obligation of air operators that, when there is a decision denying entry to a foreigner [...], **they must immediately return the foreigner** [...]. Similarly, the legislature stipulated that the carrier shall bear all necessary costs related to **the maintenance and transportation of the foreigner** [...]. The law does not specify what “maintenance” of the foreigner entails or includes, nor does it clarify whether this obligation applies in the event of the foreigner’s detention and during that period if immediate transportation has failed.
- The CIA BPS decisions regarding the refusal of entry into the Republic of Moldova **do not specify the place of placement for the inadmissible person** if their return cannot be carried out immediately.

**Proportionality of airport detention.** The next significant criterion for determining whether deprivation of liberty is in accordance with art. 5 of the ECHR is whether these measures were necessary and proportionate to the aim pursued. Here, we must mention that national legislation and practices do not provide for alternatives to detention, and that de facto, only an extremely small percentage of inadmissible persons were granted access to the territory, after being refused entry and only because they applied for asylum and their applications were accepted/heard. **According to official data, in 2025 out of 4010 foreigners who were refused entry and were returned from the CIA – only 28 persons obtained asylum (asylum seekers). The rate of inadmissible persons at the Airport exceeds the rate of inadmissible persons at all land border crossings cumulatively. The BP data also show that the BPS reported 1995 asylum seekers at the border zone (irregular crossings)**<sup>41</sup>. In the decisions of the CIA BPS regarding the refusal of entry of a person into the Republic of Moldova, **there is no argumentation on the reasons for non-admission. The standard decisions include only the article applied to the foreigner as a reason for non-admission. And, the foreigner is suggested to consult the official legislation on web sources and to document himself/herself. The border police officer only checks the box, which in his/her opinion or according to the documents submitted refers to the situation of the foreigner directly.**

**Duration of detention at the airport.** The framework legislation provides the BP with the right to temporary accommodation of foreigners who could not be returned within a period of up to 24 hours<sup>42</sup>. Such accommodation is provided by the competent authority (the specific institution is not mentioned) in a place specially designated for this purpose. If the reasons preventing departure do not cease within 24 hours of the date of accommodation, the foreigner will be handed over to the competent immigration authority for removal from the territory of the Republic of Moldova, in accordance with the law. *In practice*, this provision applies only to asylum seekers at the CIA and not to other inadmissible persons. The GIM plays a limited role in this process. According to monitoring conducted by the PAO and

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<sup>40</sup> Previously, the Law 215/2011 on the state border with all subsequent amendments – does not provide for the obligations of transport operators regarding the immediate return, maintenance and transportation of inadmissible foreigners.

<sup>41</sup> GIBP response no. 35/3-11710 of 23.12.2025

<sup>42</sup> Art. 8, par. (5) Law 200/2010 [https://www.legis.md/cautare/getResults?doc\\_id=151193&lang=ro](https://www.legis.md/cautare/getResults?doc_id=151193&lang=ro)

information received in complaints/applications, there have been instances where the 24-hour period was exceeded in the airport zone. The biggest issue is that the BP **does not keep a record of the duration of detention** of persons in the sterile or restricted zone for inadmissible persons, which prevents an assessment of the actual duration of detention. However, during recent visits, the CIA BPS has assured us that the 24-hour limit is strictly enforced and is not exceeded, except in rare cases related to the inability to purchase return tickets.

**Compliance with decent conditions of detention.** CPT standards stipulate that the state must ensure decent conditions of detention and accommodation, including in airport, transit, or international zones, or any other place where persons denied entry may be temporarily detained at airports. According to the CPT, persons detained at airports must<sup>43</sup>:

- be provided with adequate sleeping facilities,
- be allowed access to their luggage,
- be provided with access to adequately equipped sanitary facilities,
- be allowed to go out into the fresh air daily,
- be provided with access to food, and,
- if needed, be provided with access to medical care<sup>44</sup>.

*In practice*, inadmissible persons are escorted to the second floor of the airport through the transit zone. Before being escorted to the second floor, some inadmissible persons may undergo a second-line screening in an office on the first floor of the airport. Representatives of the GIBP and SIS may be present there, addressing topics including national security, the route travelled, the source of income, the purpose and reasons for the trip, etc. BP/SIS officers may inspect personal (hand) luggage or seize and examine other documents held or presented by the foreigner, including those identified during a body search. The travel document is seized and retained by the BP until boarding. The denied entry decision is issued to the denied entry person. As a rule, BP employees explain the person's rights and obligations, as well as return options. If the person denied entry is violent, SOPIE (Specialized Operational Service of the CIA BPS) staff may be called in to ensure airport and personal security and to decide on the use of force or special means. This Service has *counterterrorism* missions but is also involved in resolving conflicts/incidents between BP staff and passengers.

On the second floor of the airport, inadmissible persons are placed in a transparent glass *box* secured with sound insulation, measuring approximately 3 m wide and 6 m long, improvised as a space for their temporary detention (24 hours or more)<sup>45</sup>. This area contains pull-out sofas (or corner sofas) approximately 55 cm wide, which are uncomfortable for sleeping for several hours. As a rule, women and men; families with children; foreigners of various ethnicities; and citizens are all housed here together, as the space is not divided. Records of the duration of stay have not been kept since 2022. Communication with unadmitted foreigners takes place in English, Russian, or via Google Translate. In the event of a need for urgent medical care, the BP requests emergency medical assistance, which is located on the territory of the CIA. Food/food packages or drinking water are not provided to inadmissible foreigners. They may request compensation from the airlines or purchase sandwiches/water from the café on their own. Mothers with children/parents with children may use the designated room, but only under supervision. Similarly, children may use the playground under supervision. There is no space for showering or bathing. Foreigners may use their personal mobile phones. The relationship between staff and the denied entry foreigner during visits was good. No

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<sup>43</sup> CPT standards "Foreign nationals detained under aliens legislation" <https://rm.coe.int/16806ce907>

<sup>44</sup> The CPT prohibits the placement of inadmissible persons together with "criminal suspects", "provisional or convicted detainees", as well as their detention in an ordinary prison (penitentiary).

<sup>45</sup> See Annex 1

complaints of abuse were recorded. However, in some applications submitted by foreigners after their return, they complained of a series of alleged violations and grievances. The passports of inadmissible persons are confiscated during their stay in the RASZ. They may have their passport photos taken and purchase their own return flight tickets.

This zone is separated from the rest of the CIA waiting area by a barrier tape. This area is continuously monitored by CIA BPS staff (2–3 persons) and video surveillance. Unadmitted persons are escorted to the restroom, cafeteria, and smoking area by border police officers. While solutions for their return are being identified, the foreigners remain in the makeshift area. They do not have access to the outdoors while in that zone. Some do not have access to their large luggage, only to their personal belongings. All have their valid passports or invalid documents confiscated. The confiscated passport is handed over by the BP employee to the flight attendant upon take-off. In situations where the inadmissible foreigners resist return (including by using violence), SOPIE officers are called in; they use physical force and handcuffs to forcibly escort them to the aircraft.

As mentioned *above*, national legislation **does not define/designate the area** intended for the accommodation-detention of persons refused entry at the CIA. **The placement of refused foreigners takes place based on established practice and the need for the CIA BPS to ensure their return.** However, BP communiqués refer to the “RASZ” – the special airport zone. EU standards refer to: “sterile area” or “holding area”; “designated transit area for persons denied entry” or “area for persons awaiting return following refusal of entry.”

The People's Advocate has already found, in his visit/thematic reports, that in the airport zone (the previously named sterile area) **decent conditions** for temporary placement for inadmissible persons **are not ensured**, as required by the standards<sup>46</sup>.

**Duration of security screening procedures.** In its case law regarding security screening of air passengers, the ECtHR has taken several different approaches. In the case of *Gahramanov v. Azerbaijan* (2013)<sup>47</sup> it noted that the application of control and surveillance measures on the applicants for a period of approximately 11 hours did not amount to a deprivation of liberty. And, in the case of *Kasparov v. Russia* (2016)<sup>48</sup> – the Court found that the applicant’s detention for a period of 5 hours at the airport far exceeded the time necessary for the screening and was deemed contrary to art. 5 of the Convention. Moreover, the Court maintains that when a passenger is stopped by border control officers during a check at an airport to verify their status, and their detention does not exceed the time strictly necessary to complete the required formalities, no issue arises under art. 5 of the Convention. Consequently, it is important that border authorities conduct the additional (second-line) screening within the time strictly necessary to complete the formalities—so that their actions are strictly lawful.

**Asylum applications at the airport.** In situations where a foreigner requests verbally/ written a form of international protection in the airport area and the border authorities (other entities with security missions) refuse this fundamental right, their detention will be **exceptional**. The EU Reception Conditions (asylum) Directive requires border authorities to apply alternatives to detention. And, the Schengen Borders Code, even if it allows states to refuse entry to foreigners, obliges them to ensure that the respective measures are proportionate and respectful of human dignity.

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<sup>46</sup> <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>

<sup>47</sup> ECtHR decision *Gahramanov v Azerbaijan*: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-128239%22%5D%7D>

<sup>48</sup> *Kasparov v Russia* judgment: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-167094%22%5D%7D>

**Compliance with the principle of non-refoulement at the airport.** National legislation prohibits, *among other things*, the return, expulsion, or any form of repatriation of foreigners to their country of origin or region where there is a risk that they may be subjected to torture or ill-treatment, including threats to their life and health. *In practice*, it is difficult to estimate or assess the extent to which this absolute principle is complied with or upheld at the CIA. To a large extent, it depends heavily on the foreigner and the vigilance of the border police officer. If the person is proactive and continuously informs the BP or convinces them of the *sincerity* of the asylum application, this principle can be effectively applied. Additionally, **SIS** agents work at the CIA—whose recommendations are decisive.

For example: out of the over 4010 persons not admitted to the CIA – **1068** (or 26.63%) received this refusal following SIS suggestions/recommendations or notifications. BP agents will not risk opposing SIS decisions, being vulnerable in this process. Additionally, we note that at the time of the assessment – **there was no operational process/technical instructions and even the obligation of the BP agent to carry out a risk assessment that the returned person may be subjected to torture.**

**Judicial review.** In previous Reports, the People's Advocate has already reiterated the reasons for the lack of judicial control over the decisions/actions and inactions of the GIBP/BP, which remain relevant for this Thematic Report. Even if the CIA BPS decisions regarding the refusal of a person's entry into the Republic of Moldova contain the heading "the decision can be appealed" - this is more of **a formality** than a clear commitment of the BP to ensure effective access to a court of law for persons in situations of non-admission to the CIA. The actual appealing of any refusal decision involves compliance with a number of mandatory procedural aspects in administrative litigation that the foreigner actually located in the restricted zone of the CIA cannot fulfil. UNCHR lawyers/legal advisors do not have effective access to the restricted zone, requiring a special authorization in this regard from the GIBP.

The Ombudsperson (in the interest of arbitrarily returned foreigners) filed several actions in the national courts (GIBP, GIM, courts of law) – all of which were rejected, including formal ones. The courts of law did not hesitate to examine the merits of the cases, which also raises questions regarding the independence and autonomy of the national judicial system: -

For example: out of 14 decisions of the courts of first instance in the period 2024-2025 (available on the web), only 1 case regarding the appealing of the refusal of entry into the Republic of Moldova was admitted, the rest were rejected. By the way, in no case did the courts assess the risk of being subjected to torture (although, it was necessary).

**In conclusion**, keeping a person in the *sterile* zone, the international transit zone/any other location within the airport/the air border - **constitutes detention within the meaning of art 5 of the ECHR** when that person is subject to continuous supervision and lacks the actual freedom to leave the premises, and is subject to the same standards as any other form of deprivation of liberty. If the person: (a) cannot leave the designated zone, (b) cannot enter the country, (c) is under constant supervision—**detention exists**, regardless of the designation.

In the absence of a national framework and relevant provisions regarding “border/air detention”; “temporary accommodation/accommodation in the airport zone”; “deprivation of liberty in airport zones”; “ensuring detention conditions at the airport crossing point”; “rights and obligations”; “responsibilities of BP,” etc.—**any detention of persons refused entry at the CIA may be considered an arbitrary form of detention/ unlawful deprivation of liberty/exceptional measure and contrary to art. 5 of the ECHR. Currently, the detention of inadmissible persons is**

carried out as a result of an administrative practice—which does not comply with the provisions of the European Convention. Current accommodation and detention conditions are not decent. Furthermore, since art. 8 par. (5) of Law 200/2010 on the legal status of foreigners establishes the obligation to accommodate a person not admitted in a facility specially designated by the competent authority, it is presumed that the BP must assume this responsibility.

The sum of the findings shows with certainty that the guarantees established by the European Convention are not fulfilled by the State of the Republic of Moldova at the air border and that the international commitments are more declarative than implemented as such. Foreigners do not have real, secure and transparent access to the asylum procedure at the CIA. Furthermore, inadmissible persons are in real and efficient/effective impossibility to appeal the decisions/actions and inactions of the Border Police, and ex-post judicial control remains more of a formality. Ensuring compliance with the principle of non-refoulement at the CIA is not properly implemented. Consequently, the rights of foreigners at the air border continue to be violated.

### III. PROCEDURE FOR REFUSE OF ENTRY AT THE CHISINAU AIRPORT

#### 3.1. National legal framework

Please note that there are **4 special laws** in the Republic of Moldova that authorize or refuse access to the country for foreigners, namely: -

- 1) Law 28/2024 on the state border, provides in art. 23 – **16 reasons for non-admission** to the territory and some unexplained novations, such as: national alert; nominal no-fly list; guarantees to leave the territory; lack of sufficient means of subsistence for a full stay and including return expenses, etc;
- 2) Law 200/2010 on the legal status of foreigners – provides only **7 reasons for admission** to the territory and **19 reasons for non-admission** to the Republic of Moldova. Only 6 reasons are similar in both normative acts (Law 28 and Law 200).
- 3) Law 270/2008 on asylum in the Republic of Moldova – provides access from the moment of application, only with the permission of the GIM, including within or after 24 hours of preliminary accommodation and,
- 4) Law 283/2011 on the Border Police – provides for the BP's powers regarding access to the territory.

Overall, national legislation is **rigid** regarding the entry of foreigners into the country (with the exception of EU citizens, after the modifications that are due to come into force in 2026). Furthermore, the above-mentioned legislation discourages the access of asylum seekers to the territory, especially to the CIA.

For example, an asylum seeker is more likely to be returned if they present a false ID at the CIA BCP, because the law requires the border police to return them immediately—and yet, could an asylum seeker really present false documents in order to obtain international protection?! It goes without saying that an asylum seeker may use false documents to leave their country of origin and seek some form of protection in another state, as their goal is the personal safety of themselves and their family. It is not necessarily the rule, but this exception may occur.

The legal framework does not oblige the police officer to assess asylum at the border and to give priority to the application of Law 270 on asylum. De facto, the border police officer will apply the refusal of entry, including to be exempted from any internal investigation. **This legal limbo, the quality of legislative acts, confusion between the priority of legislative acts and administrative practices are to the disadvantage of asylum seekers at the CIA.**

### 3.2. Administrative practices

For each refusal of entry, the responsible border police officer will draw up the Decision on the refusal of the person's entry into the Republic of Moldova<sup>49</sup>.

The decision in question is a standard form that includes: the date, time of issuance/event, and location (BCP); the border police officer's identification details; the identification details of the person refused entry; visa details; place of departure; stated purpose of the visit; 11 reasons for refusal of entry (to be checked off by the BP officer) provided for by Law 200 on the legal status of foreigners; comments section (for the person's agreement/disagreement or notes regarding refusal to sign the decision); information regarding appealing the decision; the signature of the person and the border police officer with the application of the stamp. The decision is translated into 3 languages (Romanian, Russian, and English).

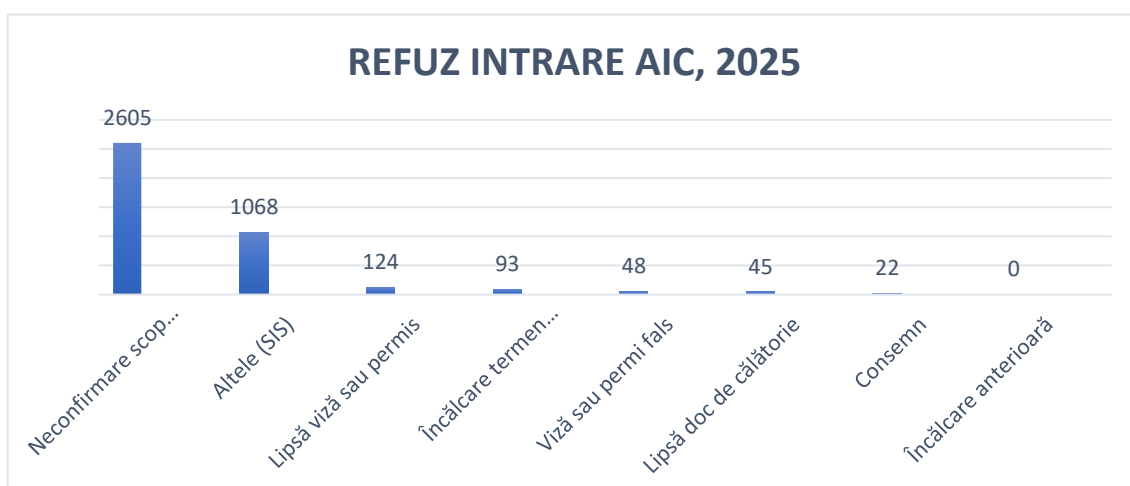
It is assumed that in their work, border police officers act independently and autonomously. However, in many situations, border police officers—particularly those from the CIA—are influenced by the opinions, suggestions, and often verbal notes of **SIS agents** (note: this is an observation), particularly when deciding to refuse entry to specific categories of foreign citizens, including in the absence of any relevant evidence. The legal basis for SIS involvement is art. 55 of Law 28/2024 on the state border, under which the institution participates in the implementation of integrated state border management, including participation in (a) decision-making regarding the authorization of entry into the territory of the R. of Moldova for foreigners who pose a threat to national security and/or public order, and (b) the surveillance of the state border for the purpose of combating cross-border crime. Cooperation between the SIS and the BP in making decisions regarding the authorization of entry into the territory of the Republic of Moldova of foreigners who pose a threat to national security and/or public order—constitutes information classified as a state secrecy.

Information regarding the category of inadmissible persons is classified in the Centralized Information System of the GIBP, under the headings: (1) purpose of the trip not confirmed; (2) others; (3) lack of visa/permit; (4) lack of travel document; (5) violation of period of stay; (6) false visa/permit; (7) previous violation and (8) no-fly list. The heading "others" - indicates the SIS opinions, and in the decisions the letter "J" is taken into account.

In 2025, according to BP data, **4,010 persons were recorded in the information system as having been refused entry** into the Republic of Moldova: -

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<sup>49</sup> The standard form of the Decision on the refusal of the person's entry into the Republic of Moldova, available at: [https://www.legis.md/UserFiles/Image/RO/2019/mo241-243md/anexa%20nr\\_1\\_482.pdf](https://www.legis.md/UserFiles/Image/RO/2019/mo241-243md/anexa%20nr_1_482.pdf)



*Translation of figure*

### CIA ENTRY REFUSAL, 2025

- Purpose of the trip not confirmed...
- Others (SIS)
- Lack of visa or permit
- Violation of period...
- False visa or permit
- Lack of travel document
- No-fly list
- Previous violation

By citizenship of inadmissible foreigners, we note the following trends (Turkey: 1265, Russian Federation and Russia: 561, Azerbaijan: 475, Uzbekistan: 412): -

Country of origin	No. of cases	No. of persons
Afghanistan	3	3
SOUTH AFRICA	6	34
Albania	4	5
Algeria	4	4
Angola	3	3
Armenia	32	39
Azerbaijan	289	475
Bangladesh	22	29
Belarus	69	84
BELGIUM	2	2
Bolivia	2	2
Brazil	3	3

Bulgaria	1	1
Cameroon	9	9
Canada	1	1
CZECH REPUBLIC	1	1
China	57	76
Ivory Coast	2	2
Colombia	15	20
Comoros	1	1
Congo	2	2
Congo, Democratic Republic of	4	5
Costa Rica	1	1
Cuba	12	18
Ecuador	34	45
ECUADOR	2	2
Egypt	14	18
EGYPT	1	1
Switzerland	1	1
Estonia	1	1
Ethiopia	1	1
Russian Federation	413	555
Philippines	10	10
France	1	1
Georgia	38	54
Germany	5	5
Ghana	17	23
Greece	5	6
Guinea	2	2
Guyana	2	3
Haiti	6	9
INDIA	115	153
Indonesia	2	2
JORDAN	3	11
Iraq	1	1
IRAN	8	8
IRAQ	5	5
Israel	13	13
Italy	22	22
Kazakhstan	63	70
Kenya	1	1
Kyrgyzstan	24	25
Laos	1	1
LEBANON	2	2
Latvia	1	1
Lebanon	4	6

Libya	4	4
Lithuania	1	1
MADAGASCAR	1	1
Mali	1	1
United Kingdom	5	5
Morocco	10	11
Mauritius	1	1
Mexico	2	2
Mongolia	3	3
Namibia	2	2
Nepal	13	19
Nigeria	30	36
Pakistan	30	43
Palestine	5	9
Peru	2	2
Poland	2	2
Portugal	1	1
Kingdom of Thailand	2	2
Dominican Republic	1	2
Romania	5	5
Russia	6	6
Senegal	4	5
Serbia	3	3
Syria	9	9
Somalia	1	1
Sri Lanka	3	3
United States of America	8	8
Sudan	1	1
SURINAME	1	1
SWITZERLAND	1	1
Tajikistan	115	180
Tanzania	1	1
Tunis	5	5
TUNISIA	4	5
TURKEY	600	1265
TURKMENISTAN	15	18
Ukraine	41	43
Uruguay	1	1
Uzbekistan	244	412
Vanuatu	2	2
Venezuela	1	1
Vietnam	5	5
Yemen	1	1
(blank)		3

<b>Total</b>	<b>2556</b>	<b>4010</b>
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**2605 foreigners** were refused entry to the Republic of Moldova for failure to confirm the purpose of their trip, as follows: -

<b>Country of origin</b>	<b>No. of cases</b>	<b>No. of persons</b>
Afghanistan	2	2
SOUTH AFRICA	4	4
Albania	4	5
Algeria	1	1
Angola	2	2
Armenia	23	27
Azerbaijan	243	403
Bangladesh	7	12
Bolivia	2	2
Brazil	2	2
Cameroon	5	5
China	50	68
Colombia	12	16
Comoros	1	1
Congo, Democratic Republic of	2	2
Costa Rica	1	1
Cuba	12	18
Ecuador	29	38
ECUATOR	2	2
Egypt	1	2
EGYPT <sup>50</sup>	1	1
Georgia	29	44
Germany	1	1
Ghana	9	10
Guyana	1	1
Haiti	6	9
INDIA	100	134
Iraq	1	1
IRAN	2	2
IRAQ	2	2
Kazakhstan	40	42
Kyrgyzstan	17	18
LEBANON	1	1
Lebanon	1	1
Libya	1	1

<sup>50</sup> Information extracted from the GIBP database in which the name of a country is rendered twice, e.g.: "Egypt and EGYPT".

United Kingdom	1	1
Morocco	6	6
Mexico	1	1
Mongolia	2	2
Namibia	1	1
Nepal	10	16
Nigeria	23	28
Pakistan	20	31
Palestine	5	9
Peru	2	2
Kingdom of Thailand	1	1
Dominican Republic	1	2
Senegal	3	4
Serbia	1	1
Syria	5	5
Sri Lanka	1	1
United States of America	2	2
Sudan	1	1
SURINAME	1	1
Tajikistan	60	78
Tunisia	1	1
TUNISIA	1	2
TURKEY	580	1239
TURKMENISTAN	12	15
Uruguay	1	1
Uzbekistan	167	264
Vanuatu	2	2
Venezuela	1	1
Vietnam	2	2
Yemen	1	1
(blank)		3
<b>Grand total</b>	<b>1532</b>	<b>2605</b>

**124 foreigners** were refused entry due to lack of visa or stay permits: -

Country of origin	No. of cases	No. of persons
Algeria	2	2
Angola	1	1
Bangladesh	7	7
Cameroon	2	2
China	4	4
Ivory Coast	1	1
Congo	1	1
Congo, Democratic Republic of	1	1
Ecuador	3	4

Egypt	12	14
Philippines	10	10
Ghana	1	1
Guinea	1	1
Guyana	1	2
INDIA	11	14
Indonesia	2	2
JORDAN	2	10
IRAN	4	4
IRAQ	2	2
Kenya	1	1
Laos	1	1
Lebanon	2	2
Libya	1	1
Morocco	4	5
Mongolia	1	1
Namibia	1	1
Nepal	3	3
Nigeria	3	3
Pakistan	2	2
Kingdom of Thailand	1	1
Senegal	1	1
Syria	3	3
Sri Lanka	1	1
Tanzania	1	1
Tunis	4	4
TUNISIA	3	3
TURKEY	1	2
TURKMENISTAN	2	2
Vietnam	3	3
<b>Grand total</b>	<b>107</b>	<b>124</b>

And, due to the lack of a valid travel document, 45 foreigners were refused entry, such as: -

Country of origin	No. of cases	No. of persons
Afghanistan	1	1
Armenia	1	1
Belarus	1	1
Egypt	1	2
Russian Federation	1	1
Germany	1	1
Greece	3	3
INDIA	1	1
Israel	2	2
Italy	16	16

Mali	1	1
Mexico	1	1
United States of America	1	1
TURKEY	2	2
Ukraine	9	10
Uzbekistan	1	1
<b>Grand total</b>	<b>43</b>	<b>45</b>

During the same period, **93** foreigners were refused entry for violating the period of stay in the Republic of Moldova: -

Country of origin	No. of cases	No. of persons
Armenia	3	3
Belarus	1	1
BELGIUM	1	1
Bulgaria	1	1
Colombia	1	1
Switzerland	1	1
Russian Federation	4	4
France	1	1
Georgia	5	5
Germany	2	2
Greece	1	1
INDIA	2	2
IRAN	1	1
Israel	8	8
Italy	4	4
Kazakhstan	2	2
Latvia	1	1
Lithuania	1	1
MADAGASCAR	1	1
United Kingdom	2	2
Mauritius	1	1
Portugal	1	1
Romania	5	5
United States	3	3
SWITZERLAND	1	1
Tajikistan	1	1
TURKEY	7	7
Ukraine	25	25
Uzbekistan	5	6
<b>Grand total</b>	<b>92</b>	<b>93</b>

**48** foreigners were unadmitted for presenting/holding a fake or falsified visa or stay permit: -

Country of origin	No. of cases	No. of persons
Azerbaijan	1	1
Bangladesh	8	10
Cameroon	2	2
China	1	2
Ivory Coast	1	1
Congo	1	1
Ethiopia	1	1
Ghana	6	11
Guinea	1	1
Libya	1	1
Nigeria	3	4
Pakistan	8	10
Somalia	1	1
Sri Lanka	1	1
Uzbekistan	1	1
<b>Grand total</b>	<b>37</b>	<b>48</b>

The no-fly list, ordered by law enforcement agencies, included 22 foreigners and refused entry into the country: -

Country of origin	No. of cases	No. of persons per trip
Algeria	1	1
Azerbaijan	1	1
Ecuador	2	3
Russian Federation	1	1
Germany	1	1
INDIA	1	2
ISRAEL	1	1
ITALY	1	1
Tajikistan	1	1
TURKEY	4	4
TURKMENISTAN	1	1
Ukraine	1	1
Uzbekistan	3	4
<b>Total</b>	<b>19</b>	<b>22</b>

But, for reasons of national security and public order (under the heading others), **1068 foreigners** were unadmitted, as follows: -

Country of origin	No. of cases	No. of persons
SOUTH AFRICA	2	30
Armenia	5	8
Azerbaijan	44	70

Belarus	67	82
BELGIUM	1	1
Brazil	1	1
Canada	1	1
CZECH REPUBLIC	1	1
China	2	2
Colombia	1	2
Congo, Democratic Republic of	1	2
Estonia	1	1
Russian Federation	407	549
Georgia	4	5
Ghana	1	1
Greece	1	2
JORDAN	1	1
Israel	2	2
Italy	1	1
Kazakhstan	21	26
Kyrgyzstan	7	7
LEBANON	1	1
Lebanon	1	3
United Kingdom	2	2
Poland	2	2
Russia	6	6
Serbia	2	2
Syria	1	1
United States	2	2
Tajikistan	53	100
TURKEY	6	11
Ukraine	6	7
Uzbekistan	67	136
<b>Grand total</b>	<b>721</b>	<b>1068</b>

Returning to the standard refusal decision, we note that the **letter "I"** mentions the reason "is considered to represent a threat to public order, national security, public health" and at the same time the **letter "J"** stating "does not meet other conditions established by art. 8 of Law 200/2010 or other normative acts". As a rule, when there is a SIS request, according to BP employees - the letter "J" is ticked, even if the reasons for national security are included in the letter "I". This *tick* exempts the BP employee from providing additional explanations to the inadmissible person, including the possibility of appealing, otherwise it would be a "state secrecy". **The person will not know the arguments/evidence concerning the non-admission to the country.**

Furthermore, although the GIBP in its 2025 response informed the PAO that the BP cooperates with the SIS in order to deny entry to the territory, the SIS claims the opposite. In its response, the SIS claimed that in the period 2022-2025, in the segment of cooperation with the GIBP, 9 notifications were

submitted to the BP – related to the illegal migration segment<sup>51</sup>. The SIS did not confirm/deny the submission of 721 information regarding risks to national security from 1068 inadmissible foreigners.

The Ombudsperson does not contest the prerogative of state institutions to decide on the refusal of entry to foreigners, in particular for reasons of national security. Rather, the People's Advocate reminds the competent authorities of the obligation to ensure international standards in the field of human rights, maintaining an equidistant, fair and non-arbitrary balance.

**In conclusion.** Following the judgment in the case of OZDIL and others v. Moldova (application 42305/18), **the Republic of Moldova has undertaken to justify decisions on the undesirability of foreigners, etc., which also refer to the status of persons refused for security reasons. The findings from the field, combined with additional notifications, show that *de facto*, the Republic of Moldova is still abusing when issuing non-admission decisions, including by limiting the person with regard to the arguments that formed the basis of the administrative act. The processes at the CIA BPS in this regard must be clear and compliant with human rights standards.**

## RECOMMENDATIONS OF THE PEOPLE'S ADVOCATE

Compliance with human dignity, fundamental rights, and the principles of equality and non-discrimination are vital obligations of public authorities, regardless of administrative, financial, or security constraints. International, regional, and national standards require that access to basic services, including adequate accommodation, be guaranteed for all persons in custody.

Approaches to foreigners detained at the border or applicants for asylum/international protection must prioritize compliance with human dignity and the real, specific needs of each person, so that administrative processes are as humane as possible.

The legal and regulatory framework must be based on a human rights-based approach, and a detention facility must have the full capacity to ensure these rights.

**Following the findings of the Thematic Report, guided by the provisions of par. (2), art. 24 of Law no. 52 of 03.04.2014 on the People's Advocate (Ombudsperson):**

### I R E C O M M E N D

#### TO THE MINISTRY OF INTERNAL AFFAIRS:

1. To carefully review the findings of this Report and, within 3 months of receiving the Report, to draw up an Implementation Plan for the recommendations presented for each specific point, which should include clear deadlines, monitoring indicators, and periodic reporting every six months to the People's Advocate Office, and to submit it to the PAO.

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<sup>51</sup> SIS Response no. IE/6119 of June 17, 2025.

2. To initiate an inter-institutional review of the regime for the detention and custody of foreigners, establishing the exact responsibilities of the GIBP and other competent institutions, as well as clear coordination mechanisms.
3. To clearly define the allocation of powers regarding the detention and custody of foreigners to the GIBP by stipulating them in an explicit normative framework, in order to eliminate the current ambiguities regarding the responsibilities of this institution.
4. To reassess national legislation regarding the conditions and criteria for the entry of foreigners into the Republic of Moldova to avoid confusion, misinterpretation, and the unbalanced application of one law to the detriment of another (taking into account the discrepancies between Law 28/2024, Law 200/2010, Law 270/2008, Law 192/2019, Law 283/2011, GD 1145/2018, GD 16/2023, and GD 147/2022).
5. To ensure that the Security and Intelligence Service does not influence the decisions of GIBP inspectors at the CIA BPS regarding the admission or non-admission of foreigners into the country, and to provide the necessary support to the GIBP to put an end to the SIS's practice of influencing BP decisions.
6. To ensure that the MIA/IPAS/GIBP do not initiate unfounded disciplinary investigations against GIBP inspectors who have issued correct, lawful decisions regarding entry or refusal of entry into the country and have ignored interference from SIS representatives or other services.
7. To define or establish in national legislation the "zone for persons awaiting return following refusal of entry" on the territory of the CIA.
8. To support the upgrading of the infrastructure of the CIA BPS and of CIA BCP by creating specially equipped areas in accordance with the technical standards set forth in GD 862/2024 for the implementation of the provisions of Law no. 28/2024 on the state border of the Republic of Moldova, for:
  - Asylum seekers – separate rooms, in line with international standards;
  - Second-line screening – areas adapted for detailed checks;
  - Detained persons – rooms that comply with minimum standards for detention conditions;
  - Persons with contagious diseases – isolated spaces to prevent the spread of infections and,
  - Temporary accommodation of inadmissible persons, only at the CIA BPS.
9. To encourage the Public Property Agency regarding interventions to upgrade and expand the physical and operational infrastructure of CIA and CIA BPS.

#### **TO THE GENERAL INSPECTORATE OF BORDER POLICE:**

1. To review the findings of this Report and, within 3 months (maximum timeframe, but not necessarily a deadline) from receipt of the Report, to draw up an Implementation Plan for the recommendations presented for each point, including clear deadlines, monitoring indicators, and periodic semi-annual reporting to the People's Advocate Office, with submission of the Plan to the PAO.
2. To limit the influence of representatives of the Security and Intelligence Service in decision-making regarding the entry of foreigners into the country at the CIA BPS.
3. To ensure effective guarantees of independence for GIBP inspectors/employees in decision-making regarding the entry of foreigners into the country and to limit the influence of the SIS.

4. To ensure that the CIA BPS inspectors assess the refusal of entry or exit of foreigners through the CIA in a manner that is correct, lawful, necessary, justified, and proportionate.
5. To ensure that refused persons have real and effective access to administrative and judicial review procedures for decisions refusing entry into the country.
6. To minimize the duration of temporary accommodation for inadmissible persons in the waiting zone/sterile zone/border zone on the second floor of the CIA by expediting procedures, so that it does not exceed the strictly necessary period.
7. To ensure that the CIA BPS maintains detailed **records** in accordance with the provisions of art. 7, par. (1), letter h) of Law 283/2011 on the Border Police - of persons detained, held, refused entry, and asylum seekers, including the exact times of their detention and transfer to the GIM or return from the zone for persons refused entry, including to ensure transparency and compliance with fundamental rights (physical/manual and electronic Records).
8. To ensure that **no** asylum seeker **is returned** before their application has been properly assessed by the GIM, including in the case of foreigners who entered the country irregularly and are subject to immediate or 24-hour return.
9. To guarantee and effectively ensure the right of inadmissible persons to apply for asylum in the airport zone, the waiting zone, or any other space within the CIA, without creating obstacles.
10. To ensure that airlines fulfil their commitments regarding food provision, facilities, and support for persons denied entry at the CIA.
11. To ensure that clear information regarding asylum seekers' rights, access to legal assistance, and available complaint mechanisms is displayed in the CIA BPS and CIA BCP, as well as in the RASZ (including in second-line screening areas, waiting rooms, and asylum seekers' rooms).
12. To ensure that all uses of force, special means, and cases of ill-treatment are documented separately, and that reports are centralized and analysed to prevent abuse.
13. To develop standardized procedures for the apprehension and detention of migrants and violent persons at the air border, so as to ensure procedural guarantees and effective oversight of this process.
14. To improve inter-institutional cooperation with the GIM so that the transfer of asylum seekers is carried out as quickly as possible, without undue delay.
15. To ensure that inadmissible persons placed in the RASZ are treated with respect, dignity, and an individualized approach, and that their stay does not amount to detention.
16. To amend the standard decision regarding refusal of entry into the Republic of Moldova in accordance with the new requirements established by the Law on the state border.
17. To include in all acts/decisions of the BP the criterion regarding the assessment of the risk of non-refoulement as a mandatory criterion to be met before a foreigner is returned.

## TO THE GENERAL INSPECTORATE FOR MIGRATION:

1. To review the findings of the Report and, within 3 months (maximum timeframe, but not necessarily a deadline) from receipt of the Report, to draw up an Implementation Plan for the recommendations presented for each point, including clear deadlines, monitoring indicators, and periodic semi-annual reporting to the People's Advocate Office, with the Plan submitted to the PAO.
2. To ensure that **no** asylum seeker **is returned** before the actual assessment of their application by the institution, including in the case of foreigners who entered irregularly and are subject to immediate returns or returns within 24 hours.
3. To establish a rapid and efficient mechanism for receiving asylum applications at the CIA BPS.
4. To permanently detach or ensure the constant presence of GIM officers at the CIA BPS, including to ensure immediate intervention in cases of requests for international protection.
5. To ensure that inadmissible persons placed in RASZ are treated with respect, dignity, and an individualized approach, and that their stay does not amount to detention.
6. To maintain records of inadmissible persons and asylum seekers, including the exact times of their detention and transfer from the GIBP to the GIM or their return from the zone designated for inadmissible persons, in order to ensure transparency and compliance with fundamental rights (physical/manual and electronic Records).
7. To strengthen cooperation with the GIBP in the early identification and management of vulnerable cases at the CIA BPS.
8. To improve inter-agency collaboration with the GIBP/CIA BPS so that the transfer of asylum seekers is carried out as quickly as possible, without undue delay.
9. To actively engage in the training/professional development of GIBP inspectors regarding the State's international obligations in the field of asylum/international protection.
10. To include in all GIM acts/decisions the criterion regarding the assessment of the risk of non-refoulement as a mandatory requirement to be met before a foreigner is returned.

## TO THE SECURITY AND INTELLIGENCE SERVICE:

1. To review the findings of the Report and, within one month (maximum timeframe, but not necessarily a deadline) from receipt of the Report, to draw up an Implementation Plan for the recommendations presented for each point, including clear deadlines, monitoring indicators, and periodic semi-annual reporting to the People's Advocate Office, and to submit it to the PAO.
2. To limit the influence of representatives of the Security and Intelligence Service over GIBP inspectors/employees—in decision-making regarding the entry of foreigners into the country at the CIA BPS.

3. To substantiate/justify the necessity of decisions to refuse entry or declare foreigners undesirable at the CIA on security reasons (a mere verbal statement is not sufficient).
4. To include in all SIS documents/decisions - the criterion regarding the assessment of the risk of non-refoulement as a mandatory requirement to be met before the foreigner is returned.
5. To ensure that **no** asylum seeker **is returned** before a substantive assessment of their application by the GIM, including in the case of foreigners who entered irregularly and are subject to immediate or 24-hour returns.

#### **TO THE SUPERIOR COUNCIL OF MAGISTRACY:**

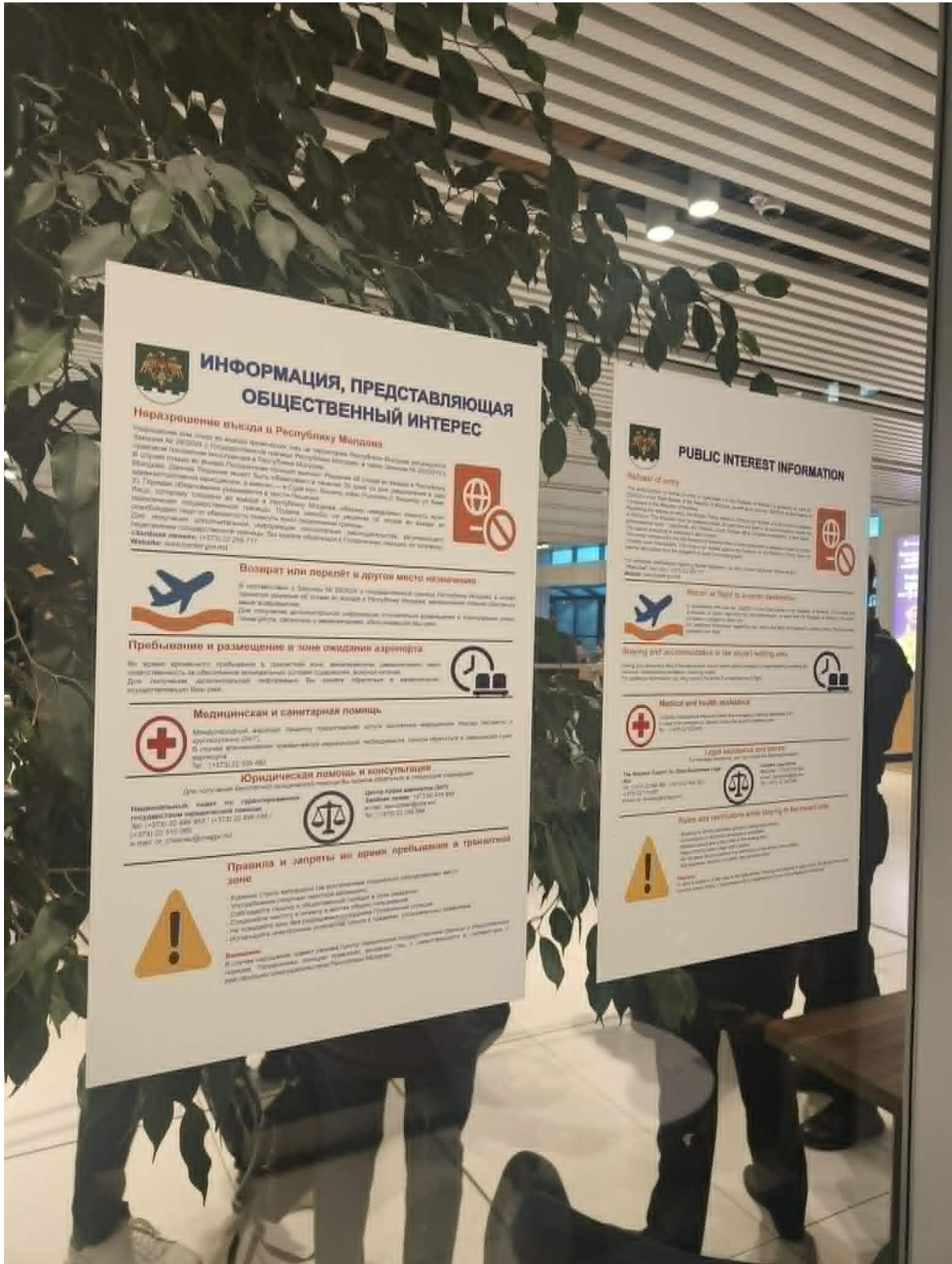
1. To take note of the findings of this Report and to forward it (in a recommendation capacity) to the national courts with jurisdiction to review approaches/exercise judicial oversight over decisions by the GIBP, SIS, and GIM regarding entry into the country, refusal of entry, or related matters.

The report is being shared with the authorities and is available to the public.











## INFORMAȚIE DE INTERES PUBLIC

### Neautorizarea intrării în Republica Moldova

Autorizarea intrării persoanelor în Republica Moldova este reglementată de Legea nr.28/2024 cu privire la frontiera de stat a Republicii Moldova, precum și Legea nr.20/2010 privind regimul străinilor în Republica Moldova.  
Despre refuzul intrării în Republica Moldova, Agenția de Frontieră emite o Decizie de refuz a intrării în Republica Moldova. Decizia poate fi contestată în termen de 30 de zile de la comunicare, în instanța de contencios administrativ, mai exact la Judecătoria Chișinău, strada 03ișinău, str. Kiev nr.3). Cămin de atac este indicată în Decizie.  
Pentru clarificări suplimentare privind legislația frontierelor:  
„Linia verde” (non stop) (+373) 22 258 717  
Website: [www.border.gov.md](http://www.border.gov.md)



### Returnarea sau zborul către o altă destinație



În conformitate cu Legea nr.28/2024 cu privire la frontiera de stat a Republicii Moldova, în cazul în care există o decizie privind neautorizarea intrării în Republica Moldova, compania aeriană este obligată să vă returneze.  
Pentru informații suplimentare privind returnarea și planificarea zborului a unui alt contactând compania aeriană care va deservii zborul.

### Aflarea și acomodarea în zona de așteptare a aeroportului

Fie durata afării temporare în zona de tranzit, operatorul aerian (compania aeriană) este responsabilă de asigurarea condițiilor minime de întreținere, inclusiv hrană.  
Pentru informații suplimentare puteți contacta compania aeriană care va deservii zborul.



### Asistența medicală și de sănătate



Aeroportul Internațional „București-Doga” - Chișinău oferă servicii de asistență medicală de urgență gratuit, 24/7.  
Pentru necesități de urgență, contactați punctul medical al aeroportului.  
Tel.: (+373) 22 525 402

### Asistența juridică și consultanță

Pentru asistență juridică gratuită, vă puteți adresa următoarelor instituții:

**Consiliul Național pentru Asistența  
Juridică Garantată de Stat:**  
Tel.: (+373) 22 496 953 / (+373) 22 496 339 /  
(+373) 22 310 065  
e-mail: [ol\\_cftsinacu@cnajgs.md](mailto:ol_cftsinacu@cnajgs.md)



**Centrul de Drept al Avocaților (24/7)**  
Linia Verde: +373 60 574 040  
e-mail: [law-center@pds.md](mailto:law-center@pds.md)  
Tel.: (+373) 22 340 000

### Reguli și interdicții în timpul afării în zona de tranzit



- Fumatul este strict interzis (deceptione locurilor special amenajate).
- Consumul de băuturi alcoolice este interzisă.
- Meritinele, hrana și igienea publică în zona de așteptare.
- Păstrarea curățeniei și igienei în spațiile comune.
- Nu părăsiți zona fără acordul personalului de frontieră.
- Păstrați dispozitivele electronice doar în imbele permisă.

#### Atenție!

În cazul încălcării regulilor regimului punctului de trecere a frontierei de stat și a ordii publice, Poliția de Frontieră va strage la răspundere în conformitate cu legislația în vigoare a Republicii Moldova.