

**LAW on Labor Migration
nr.180-XVI from 10.07.2008**

The Parliament approves this law.

This Law shall regulate the employment of foreign citizens and stateless persons on the territory of the Republic of Moldova, the requirements for conferring them the right to work and temporary stay for labor purposes, as well as the employment abroad of the Moldovan citizens, permanently residing in the Republic of Moldova.

**Chapter I
GENERAL PROVISIONS**

Article 1. Main Notions

For the purposes of this law the following notions shall be defined:

labor migration means voluntary departure of the Republic of Moldova citizens abroad, as well as voluntary arrival of foreign citizens or stateless persons on the territory of the Republic of Moldova with the purpose of performing temporary labor activities;

immigrant worker means a foreign citizen or a stateless person authorized to perform temporary labor activities on the territory of the Republic of Moldova;

emigrant worker means a citizen of the Republic of Moldova, permanently residing on the territory of the Republic of Moldova, who has voluntarily left for a foreign country in order to perform temporary labor activities;

detached worker means a employee of a foreign legal entity located on the territory of another state, sent to perform labor activities in the Republic of Moldova, or a skilled employee of a foreign legal entity located on the territory of another state, sent to perform labor activities in its representative office or branch based on the territory of the Republic of Moldova;

seasonal worker means a foreign citizen /a citizen of the Republic of Moldova, or a stateless person employed on the territory of the Republic of Moldova /another state, on the basis of an employment contract with a specified term or for a specific work carried out during a certain period of the calendar year;

border worker means a citizen of a state that has a common border with the Republic of Moldova, employed in the border zone on the territory of the Republic of Moldova and a Republic of Moldova citizen, employed in the border zone of the state bordering the Republic of Moldova, who returns every day or at least every week on the territory of the state where he /she permanently resides and whose citizen he /she is;

foreign intermediary means a legal entity, regardless of its organizational-legal form and type of ownership, invested with the right to intermediate and recruit foreign labor force;

agreement on cooperation means an agreement concluded between the employer or authorized intermediary of one party and the employer or intermediary of the other contracting party on the rights and liabilities of parties as regards the provision of selection and employment services.

Article 2. Subject of Regulation

(1) This Law shall regulate the performance of labor activities by immigrant workers, as well as the requirements for conferment, prolongation, and annulment of the right to work and stay temporarily for labor purposes, and the terms for temporary employment of Republic of Moldova citizens abroad.

Article 3. The Scope of this Law

(1) The provisions of this Law shall be applied to foreign citizens and stateless persons, arrived on the territory of the Republic of Moldova to perform temporary labor activities; individuals and legal entities regardless of their type of ownership and organizational legal form; public authorities; citizens of the Republic of Moldova who have temporarily emigrated abroad for employment purposes.

(2) This law shall not be applicable to the following categories of persons:

- a) personnel of diplomatic missions and consulates accredited in the Republic of Moldova and their family members;
- b) foreign correspondents and journalists accredited in the Republic of Moldova;
- c) artists and cultural workers, arrived for a short period of time (up to 90 days);
- d) freelancers (self-employed people);
- e) sailors;
- f) persons who left/arrived for education or professional re-training;
- g) foreign citizens and stateless persons with a permanent residence in the Republic of Moldova;

- h) Republic of Moldova citizens with permanent residence abroad;
- i) servicemen and employees of religious cults;
- j) persons for whom another procedure for employment on the territory of the Republic of Moldova is set, according to the international treaties, which the Republic of Moldova is a party to.

Chapter II

LABOR IMMIGRATION IN THE REPUBLIC OF MOLDOVA OF FOREIGN CITIZENS AND STATELESS PERSONS

Article 4. Requirements for Labor Immigration in the Republic of Moldova

(1) Labor immigration in the Republic of Moldova of foreign citizens and/or stateless persons shall be possible when the vacancies cannot be filled from domestic human resources, in accordance with this Law, other normative acts and the international treaties, which the Republic of Moldova is a party to.

(2) In accordance with the Republic of Moldova Constitution, this law, and the international treaties, which the Republic of Moldova is a party to, the state shall ensure the protection of migrant workers without any discrimination for gender, race, skin color, language, religious beliefs, political opinions, national, ethnic or social origin, nationality, age, property, economic position, marital status or other reasons

(3) The foreign citizens and stateless persons who arrived to work on the basis of individual employment contracts may be employed only by one employer and may occupy only vacancies registered by the relevant employer with the Regional Employment Agency.

(4) Priority of employment shall be given to persons who are highly qualified specialists and/or have been invited by the Government at the proposal of central specialized bodies of the public administration and local public administration authorities.

(5) The foreign citizens and stateless persons shall perform labor activities on the territory of the Republic of Moldova only on the basis of the permit for temporary stay for labor purposes.

(6) The records of the immigrant and emigrant workers shall be kept by the National Employment Agency in the predefined manner.

Article 5. Conferment and Extension of the Right to Work and the Right to Temporary Stay for Labor Purposes

(1) The right to work shall be conferred to foreign citizens/stateless persons through the decision of the National Agency for Labor Force Employment (hereinafter referred to as the National Employment Agency) on the conferment of the right to work. The right to temporary stay for labor purposes shall be conferred through the decision of the Ministry of Home Affairs on the conferment of the right to temporary stay for labor purposes.

(2) The decision on the conferment of the right to work shall serve as basis for the issuance of the decision on the conferment of the right to temporary stay for labor purposes.

(3) The right to work and the right to temporary stay for labor purposes shall be conferred to the following people:

- a) immigrant workers;
- b) detached workers;
- c) seasonal workers;
- d) immigrant workers in sports sector;
- e) border workers;
- f) other categories provided for in the relevant bilateral agreements, signed by the Republic of Moldova with other states.

(4) The right to work and the right to temporary stay for labor purposes shall not be conferred to minors and immigrants enrolled in educational institutions of the Republic of Moldova for the period of education.

(5) The right to work and the right to temporary stay for labor purposes may be extended, provided that the initial requirements for their conferment have been complied with.

(6) The right to work and the right to temporary stay for labor purposes shall end when the decision on the annulment of the right to work and the right to temporary stay for labor purposes is issued or the validity of the permit for temporary stay for labor purposes expired /or is annulled.

(7) Prior to the expiry of the permit for temporary stay for labor purposes the foreign citizen and/or stateless person may apply for the conferment of the right to work and the right to temporary stay for labor purposes to get employed with another employer under general conditions.

Article 6. Submission of Documents and Issuance of Decisions

(1) The manager of the enterprise/organization/institution or its legal representative, empowered in accordance with the laws in force, shall submit to the Ministry of Home Affairs two copies of the documents stipulated in this law with the aim of conferring/extending the right to work and the right to temporary stay for labor purposes.

(2) The National Employment Agency shall examine, within a period of up to 30 days the application for conferment/extension of the right to work, issue the decision on conferment /extension/rejection of the right to work and send it to the Ministry of Home Affairs in the predefined manner.

(3) The Ministry of Home Affairs shall examine the application for conferment /extension of the right to temporary stay for labor purposes and, based on the decision on conferment/extension/rejection of the right to work, issue the decision on conferment /extension/rejection of the right to temporary stay for labor purposes.

(4) The Ministry of Informational Development, based on the decision on conferment of the right to temporary stay for labor purposes, shall issue the permit for temporary stay for labor purposes in the predefined manner.

(5) The permit for temporary stay for labor purposes is prolonged for a new term based on the decision on extension of the right to temporary stay for labor purposes, if the initial issuance requirements were compiled with.

(6) The Ministry of Home Affairs shall inform on a monthly basis the National Employment Agency about the issuance/extension/annulment of the permits for temporary stay for labor purposes.

Article 7. Conferment and Extension of the Right to Work and the Right to Temporary Stay for Labor Purposes to Immigrant Workers

(1) In order to employ foreign citizens and stateless persons in the Republic of Moldova the employer shall register the job vacancies with the Regional Agency for Labor Force Employment (hereinafter referred to as the Regional Employment Agency) and place the announcement about the job vacancies in a national newspaper, indicating the exact qualifications required and the salary to be paid.

(2) If in 15 days the Regional Employment Agency does not identify the Republic of Moldova citizens who may fill the vacancies announced by the employer, the latter shall address the National Employment Agency.

(3) In order to invite foreign citizens and stateless persons in the Republic of Moldova for employment, the employer shall receive a positive notice from the National Employment Agency.

(4) To receive the positive notice, the employer or its representative empowered in accordance with the current legislation shall submit to the National Employment Agency the following documents:

- a) request about the need to invite the foreign citizen;
- b) registration of job vacancies and the copy of the announcement;
- c) copies of documents on incorporation of enterprise/organization /institution (registration certificate, excerpt from the State Register of Enterprises and Organizations);
- d) draft individual employment contract.

(5) The National Employment Agency shall examine the request of the employer and within 30 days shall make the decision on the issuance or refusal of the positive notice.

(6) In case of refusal, the National Employment Agency shall inform the applicant in writing within 5 working days and indicate the reasons for refusal.

(7) The positive notice shall serve as justification for obtaining a long-stay visa in the Republic of Moldova from the diplomatic missions and consulates of the Republic of Moldova or for obtaining an invitation for citizens of the countries that receive their visa based on the invitations issued by the Ministry of Home Affairs in the predefined manner.

(8) The employer shall inform the potential immigrant worker prior to his arrival to the Republic of Moldova, about the payment conditions, the working and rest hours, accommodation.

(9) To receive the right to work and the right to temporary stay for labor purposes, the immigrant worker, employer or its representative, empowered in accordance with the current legislation, shall submit the following documents:

a) the request of the enterprise/organization/institution addressed to the National Employment Agency for the conferment of the right to work and the request addressed to the Ministry of Home Affairs for the conferment of the right to stay for labor purposes;

b) a questionnaire-application of the immigrant worker;

c) a copy of the positive notice issued by the National Employment Agency;

d) copies of documents on incorporation of the enterprise/organization/institution (enterprise registration certificate, excerpt from the State Register of Enterprises and Organizations, activity authorization/license (if needed));

e) documents that confirm enterprise activity (certificate from the Tax Inspectorate on lack of debts to the national public budget, copy of the financial statement for the last reporting period, if this exceeds 3 months);

f) individual employment contract;

g) copy of the foreign citizen's national ID card or the stateless person's ID card with the appropriate imprints about state border crossing in accordance with the laws in force;

h) copy of the education certificate or another document that confirms the qualifications of the specialist who was invited to work, translated into the state language and authorized in accordance with the requirements of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents;

i) medical certificate of the required form and the medical certificate that confirms that the person is HIV/AIDS-negative;

j) document that confirms the existence of dwelling space for the requested period (owner's declaration/leasing contract/sales contract);

k) 2 recent color photos (50×60 mm), on a light and uniform background;

l) criminal record from the country of origin, translated into the state language and authorized or with apostil in accordance with the requirements of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents.

(10) The decision on the conferment of the right to work and the right to temporary stay for labor purposes shall be issued for a period up to 1 year within 30 days since the date of application registration, with the possibility to extend it for a new term.

(11) The conferment of the right to work and the right to temporary stay for labor purposes to immigrant workers in sports sector shall be done in accordance with the terms for labor immigration and conferment of the right to work and the right to temporary stay for labor purposes to immigrant workers without the positive notice of the National Employment Agency.

(12) In order to extend the right to work and the right to temporary stay for labor purposes for a new term, the employer or its representative, empowered in accordance with the current legislation, shall submit the following documents 30 days before the expiry of the permit for temporary stay for labor purposes:

a) the request of the enterprise/organization/institution, addressed to the National Employment Agency for the extension of the right to work, and the request addressed to the Ministry of Home Affairs for the extension of the right to stay for labor purposes;

b) copy of the permit for temporary stay for labor purposes;

c) the documents mentioned in paragraph (8) of this Article, except for the documents mentioned at items a), b), h), and l).

(12) The employer shall pay transportation costs to country of origin of the immigrant worker in case of work accident or death.

Article 8. Conferment and Extension of the Right to Work and the Right to Temporary Stay for Labor Purposes for the Managers of Economic Units

(1) The right to work, without the positive notice, shall be conferred to foreign citizens/stateless persons who have set up an enterprise/organization/institution or to the managers of this enterprise/organization/institution, registered in the Republic of Moldova.

(2) To receive the right to work and the right to temporary stay for labor purposes for foreign citizens/stateless persons, mentioned in paragraph (1), the manager or his/her representative, empowered in accordance with the current legislation, shall submit the documents mentioned in Article 7 paragraph (9), except for the documents stated at c) and h).

(3) The decisions on the conferment of the right to work and the right to temporary stay for labor purposes shall be issued for a period up to 1 year within 30 days since the date of application registration, with the possibility to extend it for a new term.

(4) For the foreign citizen/stateless person or the representative of the foreign legal entity, holding the office of enterprise manager who made investments:

- exceeding USD 250 thousand shall be conferred the right to work and the right to temporary stay for labor purposes for a period of up to 5 years with the possibility of extending it for a new period not exceeding the validity term of the national ID card;

- exceeding USD 100 thousand, but not more than USD 250 thousand, shall be conferred the right to work and the right to temporary stay for labor purposes for a period of up to 3 years with the possibility to extend it for a new period.

- exceeding USD 10 thousand, but not more than USD 100 thousand, shall be conferred the right to work and the right to temporary stay for labor purposes for a period of up to 2 years with the possibility to extend it for a new period.

(5) To receive the right to work and the right to temporary stay for labor purposes, the foreign citizen/stateless person mentioned in paragraph (4), or his/her representative, empowered in accordance with the current legislation, shall submit the documents mentioned in Article 7 paragraph (9), except for the documents stated at item c), h) and j).

(6) The decisions on the conferment of the right to work and the right to temporary stay for labor purposes to foreign citizens/stateless persons, mentioned in paragraph (4) of this Article, shall be issued within 15 working days since the date of application registration.

(7) In order to extend the right to work and the right to temporary stay for labor purposes for a new term for the foreign citizens/stateless persons, mentioned in paragraph (4), the employer or its representative, empowered in accordance with the current legislation, shall submit the documents, listed in Article 7, paragraph (12), 45 days before the expiry of the permit for temporary stay for labor purposes.

(8) The National Employment Agency shall review the application for extension of the right to work and issue a decision on the extension/refusal to extend the right to work within a period of up to 30 days.

(9) The Ministry of Home Affairs shall examine the application for extension of the right to temporary stay for labor purposes within a period of up to 30 days and, based on the decision on extension/refusal to extend of the right to work, issue the decision on extension/refusal to extend the right to temporary stay for labor purposes.

Article 9. Conferment and Extension of the Right to Work and the Right to Temporary Stay for Labor Purposes to Detached Workers

(1) To invite for work detached workers, the employer (enterprise/organization/institution) from the Republic of Moldova shall receive the positive notice for detachment from the National Employment Agency.

(2) To receive the positive notice for detachment, the employer shall submit the following documents to the National Employment Agency:

- a) justified request about the need to detach the foreign citizen;
- b) registration of the offer of vacancies;
- c) copies of documents on incorporation of enterprise /organization /institution (registration certificate, excerpt from the State Register of Enterprises and Organizations);

d) copy of the Work and/or Service Contract, concluded by the legal entity from the Republic of Moldova and the foreign legal entity, translated into the state language, which shall include the following:

- clause stipulating that the works will be performed by detached workers;
- detachment conditions;
- specialties of the detached persons;
- number of detached persons.

(3) The National Employment Agency shall examine the employer's request and within 30 days since the date of request registration shall make the decision on the issuance or refusal of the positive notice for detachment.

(4) If a decision of refusal is issued, the National Employment Agency shall inform the applicant within 5 working days, indicating the reasons for refusal.

(5) To receive the right to work and the right to temporary stay for labor purposes for detached workers, the economic unit from the Republic of Moldova or its representative, empowered in accordance with the current legislation, shall submit the following documents to the NAE:

- a) copy of the positive notice for detachment;
- b) the questionnaire-application of the detached worker;
- c) the request of the enterprise/institution/organization addressed to the National Employment Agency for the conferment of the right to work and the request addressed to the Ministry of Home Affairs for the conferment of the right to stay for labor purposes;

d) copy of Work and/or Service Contract;

e) copy of the document on worker's detachment from a foreign employer-legal entity to an employer-legal entity from the Republic of Moldova, translated into the state language and legalized in the predefined manner;

f) documents listed at item g), i), k) and item l) of paragraph (8), Article 7.

(6) The decisions on the conferment of the right to work and the right to temporary stay for labor purpose for the detached workers shall be issued within a period of up to 30 days since the date of request registration for the period of Detachment Contract, but not longer than one year.

(7) The right to work and the right to temporary stay for labor purposes for detached workers shall be extended for a new period, if the initial issuance requirements were met, but not longer than the period specified in the Work and/or Service Contract.

(8) To extend the right to work and the right to temporary stay for labor purposes for the detached workers, the economic unit from the Republic of Moldova shall submit the following documents 30 days before the expiry of the permit for temporary stay for labor purposes:

a) the request of the enterprise/organization/institution, addressed to the National Employment Agency for the extension of the right to work, and the request addressed to the Ministry of Home Affairs for the extension of the right to stay for labor purposes;

b) copy of the permit for temporary stay for labor purposes;

c) the documents mentioned in paragraph (5) of this Article, except for the documents mentioned at items b) and c).

Article 10. Conferment and Extension of the Right to Work and the Right to Temporary Stay for Labor Purposes to Border and Seasonal Workers

(1) The labor activity of border and seasonal workers in the Republic of Moldova shall be carried out on the basis of the general terms of labor immigration for the immigrant workers and the bilateral agreements, which the Republic of Moldova is a party to.

(2) To receive the right to work and the right to temporary stay for labor purposes for border and seasonal workers, the employer or its representative, empowered in accordance with the current legislation, shall submit the documents, listed in Article 7, paragraph (9).

(3) The seasonal workers, who arrived in the Republic of Moldova for a period exceeding 30 days, shall be conferred the right to work and the right to temporary stay for labor purposes for the requested period, but not longer than 9 months.

(4) To extend the right to work and the right to temporary stay for labor purposes for the border workers, the employer shall submit the documents, listed in Article 7, paragraph (12), 30 days before the expiry of the permit for temporary stay for labor purposes.

Article 11. Refusal to Confer or Extend the Right to Work and the Right to Temporary Stay for Labor Purposes

(1) The applicant shall be denied the conferment or extension of the right to work for a new period provided that:

a) upon examination of the documents, submitted by the applicant, there were found invalid data;

b) not all requirements stipulated in Article 4 paragraph (1), (3), (4) are met when the application is submitted;

c) the documents submitted by the applicant were processed by transgressing the established norms;

d) the applicant is subject to restrictions as regards his/her immigration to the Republic of Moldova.

e) the legal entity from the Republic of Moldova was liquidated or is under bankruptcy;

(2) The decision on refusing the conferment or extension of the right to work for a new period shall be taken within 30 working days since the date of documents registration and the applicant shall be notified about that in writing within 5 working days by indicating the reasons for refusal.

(3) In case of refusal to confer/extend the right to work on the basis of paragraph (1), item b) – item e), the applicant may submit a new application for the conferment/extension of the right to work after the settlement of the issues underlying the decision of refusal.

(4) In case of refusal to confer/extend the right to work on the basis of paragraph (1), item a), the applicant may submit a new application for the conferment/extension of the right to work not earlier than in one year after the date when the decision of refusal was taken.

(5) The decision to refuse the conferment/extension of the right to temporary stay for labor purposes for a new period shall be taken in accordance with the laws in force.

(6) The immigrant workers shall be entitled to appeal in the court of law the decision to refuse the conferment/extension of the right to work and the right to temporary stay for labor purposes in accordance with the laws in force.

Article 12. Revocation of the Right to Work

(1) The right to work shall be revoked if:

a) the employment contract was terminated;

b) a decision to diminish the period of stay for labor purposes was taken;

c) upon the conducted verification and/or notifications received from the competent authorities, it was concluded that the holder does not meet anymore the requirements under which the right to work was conferred/extended;

d) at the holder's request.

(2) The decision to revoke the right to work shall be taken within 15 working days since the date the revocation term was established and the holder and the Ministry of Home Affairs shall be notified about that in writing within 5 working days by indicating the reasons for revocation.

(3) The revocation of the right to work shall serve as a reason for diminishing the period of stay and annulling the permit for temporary stay for labor purpose.

(4) The right for temporary stay for labor purpose shall be revoked in accordance with the laws in force.

(5) The loss, damage or destruction of permit for temporary stay for labor purpose shall be declared to the Ministry of Home Affairs within 3 days since the date of discovery.

(6) The permit for temporary stay for labor purpose, which expired or was annulled, shall be submitted to, as appropriate, or withheld by the Ministry of Home Affairs accompanied, if needed, by the annulment application and the documents that confirm termination of labor relations.

Article 13. Labor Immigration Quota

(1) The foreign citizens and stateless persons may immigrate for work in the Republic of Moldova within the limits of the quota, set by the Government on an annual basis.

(2) The foreign citizens and stateless persons, listed in Article 7 paragraph (10), Article 8 paragraph (4), the border and seasonal workers shall be employed beyond the established quota.

Article 14. Rights and Liabilities of Immigrant Workers

(1) The immigrant workers shall enjoy all rights and freedoms stipulated in the relevant current legislation of the Republic of Moldova.

(2) The immigrant workers shall not be entitled to hold managerial positions in the enterprises/organizations/institutions, specialized in the employment abroad of Republic of Moldova citizens.

Chapter III

TEMPORARY EMPLOYMENT ABROAD OF MOLDOVAN CITIZENS

Article 15. Procedures for Temporary Employment Abroad of Moldovan Citizens

Temporary employment abroad of Moldovan citizens shall be carried out independently on the basis of the individual employment contract concluded with the employer before departure from the Republic of

Moldova, via private employment agencies that hold a relevant license or in accordance with bilateral agreements.

Article 16. Terms for Temporary Independent Employment Abroad of Moldovan Citizens

If Moldovan citizens are temporarily and independently employed abroad, in order to ensure the protection of their rights, they shall meet the following requirements:

- a) receive an individual employment contract;
- b) register the individual employment contract with the National Employment Agency;
- c) register their individual employment contract with the National House for Social Insurance and pay the social insurance contributions;
- d) submit to the National Employment Agency written evidence issued by the competent body for children protection from the residence rayon/district of their parents, regarding the registration of the underage children who will remain in the country.

Article 17. Issuance of Licenses for Activities Related to the Employment Abroad of Moldovan Citizens

(1) The private agency shall select and employ abroad labor force by providing job mediation services.

(2) The private agency shall provide job mediation services on the basis of a license for activities related to the employment abroad of Moldovan citizens.

(3) The license for activities related to the employment abroad of Moldovan citizens shall be issued by the Licensing Chamber provided that the economic unit meets the following requirements:

- a) owns spaces in non-dwelling rooms, easily accessible to all categories of citizens, properly furnished and equipped with telecommunication means (computer, telephone, fax);
- b) holds a license or another document legalized in the predefined manner that confirms the foreign employer's right to mediate or employ foreign citizens;
- c) has signed with employers, legal entities/individuals authorized by the foreign competent body, agreements on cooperation, where valid job offers are stipulated and has coordinated with them the draft individual employment contract, drawn up in compliance with the legislation of the country of employment and that of the Republic of Moldova;
- d) has coordinated with the National Employment Agency the agreement on cooperation with the foreign employer and the draft individual employment contract;

e) has qualified personnel, who are permanent residents of the Republic of Moldova and are endowed with high professional skills necessary to carry out activities provided for in this Law (the manager and the employees of the private agency must be citizens of the Republic of Moldova, hold a higher education degree or have specialized secondary education, know the official state language). Foreign and Moldovan citizens may not operate in the overseas employment area if they have an outstanding or non-expunged criminal record in compliance with the laws in force;

f) has a valid database in terms of supply and demand of job opportunities from abroad, the employment terms, the level of candidates' qualifications that are to be selected for employment;

(4) The workplace offers, provided by the employers, shall be considered valid if they comprise at least the following elements:

a) employment, termination or re-employment terms, employment period and character;

b) professional position or qualifications, salary, working and free time, remuneration for additional working hours, paid holidays, working conditions, labor protection and security measures;

c) granting of compensations in case of work accidents and professional illnesses;

d) living and nutritional conditions;

e) ensuring of formalities, coverage of transport expenses;

f) taxes and other contributions, deducted from the employees' revenues.

(5) Individuals and legal entities that don't have any license but are performing activities related to the employment abroad of Moldovan citizens, including creation of databank, advertisements publication, dissemination of information about foreign employers and intermediaries are held responsible in accordance with the current legislation.

Article 18. Suspension of Licenses for Activities Related to the Employment Abroad of Moldovan Citizens

(1) The license for activities related to the employment abroad of Moldovan citizens shall be suspended by the Licensing Chamber for a period up to 6 (six) months if the holder:

a) operates on the basis of an expired license (or another document that confirms the right to perform activities) of the foreign employer;

b) for 6 (six) months of activity has not registered any individual employment contract with the National Employment Agency, except for the situation when the private agency hasn't concluded any contract;

c) does not submit on time to the National Employment Agency the statistical reports of the predefined format;

d) does not provide the citizens who apply for employment with valid and reliable information about employment opportunities, the terms of the individual employment contract, working, remuneration, weather, and living conditions in the country of employment;

e) does not compensate the prejudices incurred by the applicant for employment as a result of holder's infringement of the job mediation procedure;

f) in any other cases, provided by the Article 20 of the Law nr. 451-XV from 30 July 2001 on licensing various activities.

(2) the license may also be suspended at holder's request if the latter cannot operate any longer.

Article 19. Withdrawal of Licenses for Activities Related to the Employment Abroad of Moldovan Citizens

(1) The license for activities related to the employment abroad of Moldovan citizens abroad shall be withdrawn by the Licensing Chamber if:

a) the law court has proved that the license holder was involved in cases of trafficking in human beings;

b) the license holder provides services of selection and employment abroad on the basis of the license or agreement on cooperation with another foreign employer that is not indicated in the license;

c) the license holder has collected from citizens advance payments for mediation services before concluding the individual employment contract or before processing the documents for entrance on the territory of the country of employment;

d) one of the situation mentioned in Article 18 paragraph (1) recurred;

f) the private agency organizes the employment abroad without any agreements on cooperation with the employer from the country of employment;

g) the private agency provides employment abroad services without concluding individual employment contracts between the emigrant workers and the employer from the country of employment;

h) the license holder directly or indirectly advertises false employment opportunities abroad;

i) the license holder provides job mediation services at another address than the one indicated in the license;

i) in any other cases provided at article 21 of the Law nr. 451-XV from 30 July 2001 on licensing various activities

j) at holder's request.

(2) The holder of the withdrawn license shall have the right to apply for the issuance of a new license for activities related to the employment abroad of Moldovan citizens 3 years after the withdrawal date.

(3) Within 5 working days the Licensing Chamber shall submit to the National Employment Agency the information about re-processed, suspended, and withdrawn licenses.

Article 20. Registration of Emigrant Workers

(1) The National Employment Agency shall register the individual employment contracts concluded between the foreign employer and the Moldovan citizen in case of independent employment.

(2) The private employment agencies shall register with the National Employment Agency the individual employment contracts signed between the foreign employer and the Moldovan citizen before the departure of the emigrant worker from the country.

(3) The registration of data about citizens who applied for a job abroad, as well as of the individual employment contracts or other data shall not involve imposition of certain state or private fees.

(4) Emigrant workers' personal data shall not be used for other purposes than employment abroad. Collection, selection, storage and dissemination or any other use of the information about emigrant workers shall be considered confidential and protected as prescribed by the laws in force.

Article 21. Rights and Liabilities of Private Employment Agencies

(1) The economic units that perform activities related to the employment abroad of Moldovan citizens shall have the right to:

a) perform the activity related to the employment abroad of Moldova citizens in compliance with the current legislation;

b) contribute to or sign individual employment contracts with the citizens who apply for a job abroad on the basis of the employer's power of attorney, legalized in the predefined manner;

c) provide job mediation services by matching the labor supply and demand;

d) create and manage their own database in terms of job offers, applicants' qualifications, publish information about vacancies and the terms for their occupation;

e) incorporate professional associations in compliance with the current legislation;

f) collect a fee in accordance with the mediation contract. The fee for mediation services shall be paid by the emigrant worker after concluding the individual employment contract or after issuance of entrance visa for the country of employment.

(2) The economic units that perform activities related to the employment abroad of Moldovan citizens must:

a) receive the license for activities related to the employment abroad of Moldovan citizens and comply with the licensing terms and the current legislation;

b) sign agreements on cooperation with the foreign employer/intermediary on the basis of the license or another document that confirms the right to employ or mediate, issued by the competent bodies of the country of employment for the respective partner;

c) control the fulfillment of the individual employment contract, concluded between the Republic of Moldova citizen and the employer from the country of destination and get involved in the settlement of occurred litigations;

d) provide free of charge the applicants for jobs abroad with detailed reliable information about the employment opportunities abroad, the terms of the individual employment contract, weather and living conditions, the culture of the country of employment;

d) conclude with the job applicant a contract on the mediation of employment abroad;

f) hand in to the emigrant worker the individual employment contract, drawn up in compliance with the requirements stated in the Annex, before his /her departure from the territory of the country, if this contract is concluded in the Republic of Moldova;

g) provide the emigrant worker information about the data of the foreign employer or its intermediary;

h) register the individual employment contracts/draft individual employment contracts with the National Employment Agency;

i) submit to the National Employment Agency and the National Bureau of Statistics quarterly reports on the persons mediated and employed abroad, in the predefined format;

j) submit to the Licensing Chamber the new Agreements of Cooperation with the foreign partners, accompanied by the copies of licenses or other documents that confirm the right of the partner from the country of employment to intermediate or employ foreign citizens, legalized in compliance with the Republic of Moldova legislation and the legislation of the country of employment, as well as draft individual employment contracts;

k) create and manage their own database by registering all applicants for jobs abroad, vacant jobs, emigrant workers employed via the agency and the validity period of the individual employment contract.

(3) The economic units that perform activities related to the employment abroad of Moldovan citizens shall not be entitled to:

a) operate on the basis of an expired agreement on cooperation with the foreign partner or its expired license;

- b) cooperate with other partners at another address, on the basis of other agreements on cooperation than those indicated in the license;
- c) receive from citizens advance payments before the mediation service contract or the individual employment contract is concluded;
- d) charge the applicant a fee for the entry of personal data in the database of the agency;
- e) force the emigrant worker to transfer on any of its accounts or the account of the foreign intermediary a part of his/her salary earned abroad;
- f) the private employment agencies shall not charge the mediated people or those employed abroad on the basis of an individual employment contract any other fees, besides those stipulated in Article 21, paragraph (1), item f).

Article 22. Rights and Liabilities of Emigrant Workers

(1) The Moldovan citizens, who have applied for a temporary job abroad, shall enjoy the rights stipulated in the Republic of Moldova Constitution, current legislation, international treaties, which the Republic of Moldova is party to, and the rights stipulated in the legislation of the country of employment.

(2) In terms of this Law the emigrant workers shall be entitled to:

- a) choose their temporary workplace abroad in compliance with the current legislation of the Republic of Moldova and the legislation of the country of employment;
- b) be appropriately informed about the characteristics of the workplace, required qualifications, working and living conditions (including living costs) remuneration, social security, dwelling, savings transfer as well as salary deductions for taxes and other fees;
- c) defend their rights and interests in law and administrative courts of the host country and be protected by the state via diplomatic and consular missions;
- d) to have access to information about employment opportunities in the Republic of Moldova
- e) other rights provided for in the current legislation.

(3) In terms of this Law the emigrant workers shall:

- a) comply with the legislation of the country of employment and employer's internal regulations;
- b) comply with the clauses of the individual employment contract;
- c) not exceed the legal term for staying on the territory of the country of employment;
- d) submit to the National Employment Agency the copy of the document that confirms the registration of the underage children who will remain in the country, issued by the competent body for children protection from the residence rayon/district of their parents.

Article 23. Restrictions on Labor Emigration

(1) The Republic of Moldova citizens shall be restrained from emigrating for work in the following cases:

a) they are subjects to criminal sanctions in accordance with the court ruling, or are criminally prosecuted;

b) according to the court ruling, they owe property liabilities to the state, some individuals and/or legal entities;

c) failed to submit the written evidence, issued by the competent body for children protection from the residence rayon/district of the parents, regarding the registration of the underage children who will remain in the country;

d) in other cases stipulated in the legislation.

(2) The intermediaries or the private agency, as appropriately, shall notify the applicant for a job abroad about the limitations stipulated in paragraph (1) of this Article before negotiating the conclusion of the individual employment contract.

Chapter IV

SUPERVISION AND CONTROL OF COMPLIANCE WITH THE LEGISLATION ON LABOR MIGRATION

Article 24. State Supervision and Control

(1) State supervision and control over compliance with the legislation on labor migration shall be carried out by the National Employment Agency within the scope of its competence, in cooperation with other central public authorities.

(2) In order to apply the provisions of this Law, the National Employment Agency shall have the following specific tasks:

a) cooperation with the diplomatic missions of the Republic of Moldova, as well as other foreign specialized institutions to obtain official information in the area of labor migration;

b) monitoring of the activity of private employment agencies and supervision over compliance with the legislation on labor migration.

c) performance of planned controls (once in a calendar year) over compliance with the clauses of the individual employment contract, current legislation and licensing terms.

(3) As a result of the control, minutes shall be drafted in two copies, one of which shall be handed in to the economic unit and the second shall be kept at the National Employment Agency.

(4) Upon detection of infringements of legislation and licensing terms by the license holder, the control body shall notify the Licensing Chamber, submitting justifying documents in attachment.

Article 25. Settlement of Disputes

The disputes arising in the process of enforcement of this Law shall be settled in the manner specified in the current legislation.

Chapter V FINAL AND TRANSITORY PROVISIONS

Article 26

The Government shall harmonize its normative documents with this Law within 6 months since the date of its publication.

**Speaker of the Parliament
Marian LUPU**

ANNEX

Minimal clauses, stipulated in the individual employment contract:

1. Date and place where the individual employment contract was concluded, the date when the contract shall enter into force;

2. Data about the foreign employer or intermediary (name of the enterprise, number and date of registration, name of the state body who authorized/licensed the employer, name and position of the responsible person, registered office address);

3. Data about the worker (name and surname, date and place of birth, citizenship and permanent residence, family status, passport number, education, position to occupy, field of activity).

The “Employer’s Liabilities” section shall include:

4. Worker’s remuneration and its equivalent in conventional currency units, wages deadline and form of payment for the work performed during the working hours (8 hours per day) and if needed, for the work performed overtime, during the night and in unfavorable conditions, allowances for the work performed during weekends and holidays;

5. Paid annual holidays, other supplements and compensations stipulated in the legislation;

6. Form of payment of transport expenses from the country of origin to the country of employment;

7. Provision of dwelling space according to sanitary regulations, and food hygiene regulations;

8. Health insurance policy (duration, who pays it, on the territory of which country);

9. Insurance against work accidents, compensation of damages and prejudices incurred as a result of work accidents, transportation of the casualty or deceased to the country of origin, investigation of work accidents and cases of professional illness, processing and remittance of respective documents to diplomatic missions and accredited consulates of the country of origin.

The “Worker’s Liabilities” section shall include:

10. Compliance with the legislation of the country of employment;

11. Compliance with internal work regulations and the predefined manner of keeping material values and documents;

12. Compliance with the labor discipline, rules of labor protection and technological discipline;

13. Performance of employer's orders regarding labor activity;

14. Keeping of technological and commercial secrets, to the extent provided for in the current legislation of the country of employment;

15. Material responsibility for damages caused to the employer.

The “General terms” section shall include:

16. The terms for extension and termination of individual employment contract before its expiration;

17. Methods for the transfer of the earned income;

18. The liabilities of parties in case of non-compliance with the clauses of individual employment contract, the manner of disputes settlement;

19. Taxation and size of salary deductions;

20. Validity period of individual employment contract, commencement and termination of work relations.