



Macedonian Young Lawyers Association

# Immigration Detention in Macedonia 2016

*This report presents an overview of detention practices in Macedonia of third-country nationals in 2016. All of the persons concerned were detained in the Reception Centre for Foreigners in Skopje and the majority of the persons detained became asylum seekers after their release. The report includes available data on the number of detained third-country nationals, the grounds for detention, conditions of detention and the asylum procedure of those who sought asylum following their release.*

Photo: [www.telegraf.mk/Radovan Vujovikj](http://www.telegraf.mk/RadovanVujovikj)

## KEY FINDINGS

At least 438 persons were detained in the Reception Centre for Foreigners in 2016.

Detention practices vary depending on the gender and age of the persons. Women and children are being detained in smaller numbers.

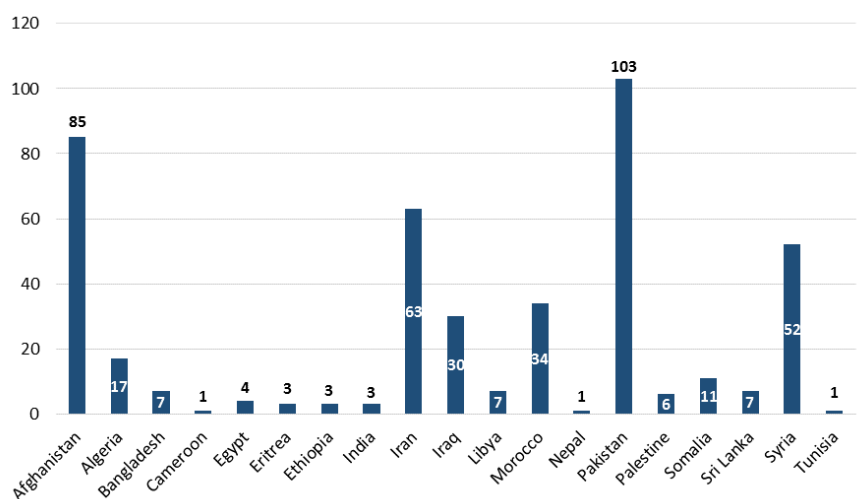
The legal ground for detention is forced removal because of irregular entry to the country.

56% of the total number of asylum seekers in Macedonia in 2016 submitted their applications at the Reception Centre for Foreigners.

## PERSONS DETAINED IN THE RECEPTION CENTRE FOR FOREIGNERS IN 2016

At least 438 persons were detained in 2016, 21 of which were in detention during MYLA's last visit to the Reception Centre for Foreigners on 28 December, 2016. Most of the detainees were male (89,7%), with only 45 (10,2%) female. The vast majority were between the ages of 18-59 (94,2%). During the reporting period 25 children were detained, of which one was separated from his family and another one was unaccompanied. No elderly persons were detained.

The majority of the detainees who sought asylum originated from Pakistan, Afghanistan, Iran, Syria and Morocco, with smaller numbers from other countries (see chart below).



Country of origin of detainees who sought asylum following release

## MYLA'S WORK

MYLA conducted 37 visits to the Reception Centre for Foreigners in 2016. During those visits, 68 detainees were provided with legal information and counseling concerning the right to asylum. MYLA represented 164 of the asylum seekers in the asylum procedure.

## LEGAL GROUNDS FOR DETENTION

Almost all of the detainees interviewed were apprehended while using the services of people smugglers and had been released after giving statements at the trial hearings of the smugglers. They were told by the police that they are held in detention because the Court needs their presence in the criminal procedure against the migrant smugglers.

In the first half of the year, the detainees have not been provided with decisions for detention. They have only been issued with confirmation of personal items taken by the Reception Centre for Foreigners. After intervention from MYLA and the Ombudsman of RM during August, all of the persons detained were provided with copies of

their detention decisions. This practice continued until the end of the year. However, it remained problematic that the persons were not able to understand the content of the document nor had they been properly informed of the right to legal representation and the right to appeal.

According to the decisions for detention, the legal ground for detention is forced removal. As justification it is stated that the persons entered Macedonia illegally, contrary to Article 12 paragraph 2 of the Law on Border Control, and that the persons were detained for the purposes of establishing their identity.

## CONDITIONS OF DETENTION

### FOOD

Many of the detainees complained about insufficient food provided at the Centre for Foreigners. The detainees complained that only one or two meals were provided per day and that they consisted of conserved food and bread. As a result, detainees were forced to buy food from the police officers once a week. This is contrary to the Rules of the Centre, according to which, the foreigners accommodated at the Centre are to be provided with three meals per day.

### HYGIENE

Complaints have been made about the inadequate sanitation, poor access to basic hygiene products like soap and toilet paper, and incomplete hygiene kits given to the detainees. The detainees also reported that the rooms, toilets and showers are unclean and that there are bed bugs.

### ACCESS TO FRESH AIR

Detainees are not allowed to get fresh air outside, even in the yard of the Centre, under any circumstances. This does not meet the requirements of the Rules of the Centre, according to which detainees have the right to walk around the Centre for half an hour in the presence of police officer twice a day. Some improvement was noted since June, when detained women stated that they are sometimes allowed to walk around the yard for one hour in the presence of a police officer.

### HEALTH CARE

A doctor from the Red Cross is often present at the Centre and provides health care free of charge. However, some of the detainees with more serious health issues stated that they were not able to get the proper medicine or care.

### TREATMENT BY POLICE

No complaints have been made about treatment by the police officers.

### TELEPHONE CALLS

Usually, detainees are able to make a phone call once in 7-10 days.

## LENGTH

### OF DETENTION

The average length of detention is 38 days. The longest detention in 2016 was 301 days. Due to the lack of information about the length of their detention, hunger strikes and suicides attempts were reported.

## PUSH BACKS

The interviewed detainees reported that at the time they were caught by the police, they travelled in groups. However, not all of the persons from the groups were detained in the Reception Centre for Foreigners. Specifically, out of 39 groups, 553 persons were returned to Greece, and only 100 (15,31%) were detained. As a result, some cases of separation of families were reported.

## ACCOMMODATION

The Centre has the capacity to accommodate 150 persons. In the reporting period, an average of 20-30 persons were accommodated at any one time. Men and women are generally accommodated separately, with the exception of families who are mostly accommodated together. The average number of detainees accommodated in one room is 10-20.



Photo: [www.telegraf.mk/Radovan Vujovikj](http://www.telegraf.mk/Radovan-Vujovikj)

## ASYLUM PROCEDURE

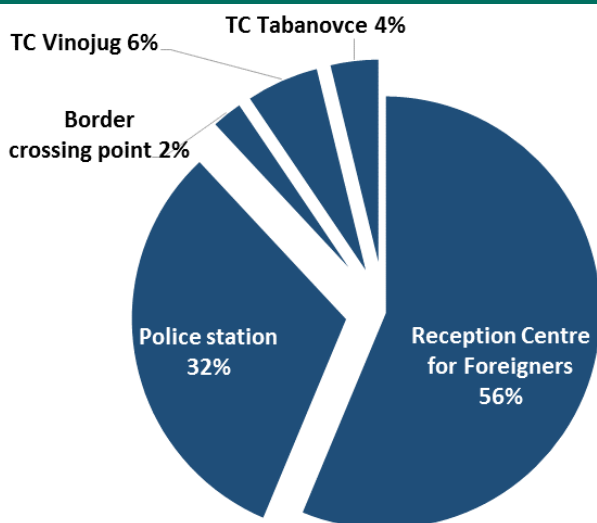
Once the detainees provide a statement before the Court at trial hearings related to people smuggling are by default transferred to the Reception Centre for Asylum Seekers. This means that regardless of whether they have expressed a wish to apply for asylum, they become asylum seekers.

During the reporting period, 429 former detainees became asylum seekers in this manner. Of these, 80 were scheduled a RSD interview after having already departed from the Reception Centre for Asylum Seekers. Therefore, the Sector for Asylum stopped the asylum procedures for these cases.

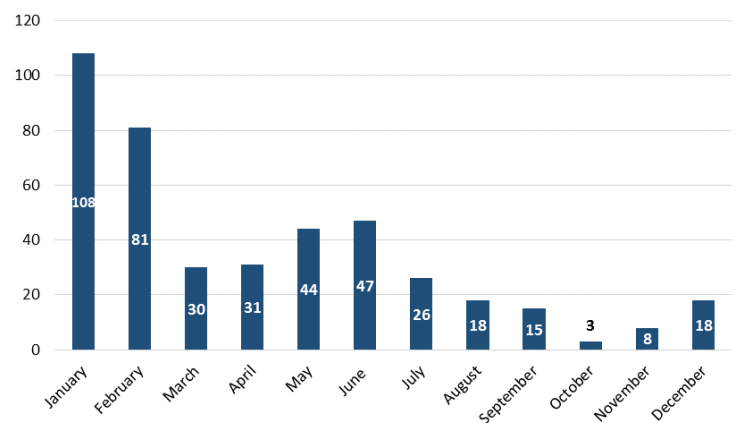
In this regard, the average length of stay of detainees in the Reception Centre for Asylum Seekers is 4 days. Most of them (31,3%) leave the Centre within 1 day of arrival,

18% leave the Centre within 2 days and 11,77% leave the same day of their arrival. In total, 8 persons have stayed longer than a month, with the longest stay being 61 days.

Family separation has also been an issue during 2016. With regard to families, the usual practice of the police was to detain only the men, while the woman and children were transferred directly to the Reception Centre for Asylum Seekers. In the reporting period, seven families were separated at the time of detention. In October, 2016, new facility for accommodation of vulnerable categories of persons (safe house) was introduced. The women and children apprehended were usually taken to this facility. However, these persons were experiencing de facto detention since their freedom of movement was either restricted or deprived.



Number of asylum applications divided by place of submission



Number of asylum applications submitted at the Reception Centre for Foreigners

Macedonian Young Lawyers Association (MYLA) is an independent, non-profit professional organization which provides legal aid and strategically litigates to protect human rights.

Equipped with the knowledge and innovative capacities of young lawyers, MYLA promotes the rule of law and influences policy through research and advocacy. MYLA strives for a society in which the rule of law is established and people proactively strive for the respect of human rights.

MYLA is the only organization in Macedonia that provides free legal aid and represents asylum seekers, refugees, stateless persons and other persons of concern in procedures related to asylum, legal residence and other social rights.

MYLA's work has been generously supported by The United Nations High Commissioner for Refugees.

## CONTACT US

Address:

**Donbas 14/1-6**

**1000 Skopje, Macedonia**

Telephone:

**+389 2 3220 870**

Email:

**contact@myla.org.mk**

Visit us on our website

**www.myla.org.mk**



**Macedonian Young Lawyers Association**

**Legal Assistance and Representation of PoC Project**

