

MYLA FIELD REPORT 2016



Macedonian Young Lawyers Association

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2016



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TC Vinojug

source: MYLA



MACEDONIAN YOUNG LAWYERS ASSOCIATION

When and where does MYLA offer free legal aid and counselling?

Reception Center Vizbegovo

Monday -Friday	2 Lawyers
08 - 16.30	

Transit Center Vinojug

8 hours shifts (24/7)	8 Lawyers
12 hours shifts (24/7)	9 Interpreters

Transit Center Tabanovce

8 hours shifts (24/7)	11 Lawyers
8 hours shifts (24/7)	7 Interpreters



OVERVIEW

Almost all of the developments in the field in 2016 were due to the policy changes of the countries along the Western Balkan Route, which seemed to unfold like dominos and cause the same problems for refugees in each country respectively. While the Transit Center in Gevgelija, TC Vinojug, was operational since late August, the one near the northern border with Serbia, TC Tabanovce, begun developing at the beginning of 2016. In 2016 MYLA Since established a 24/7 presence in all points in Macedonia where refugees, migrants and asylum seekers can be found. The restrictions and policy changes, which greatly affected the situation of the refugees and migrants travelling along the Western Balkans, culminated with the complete border closures on March 07th 2016, coinciding with the EU-Turkey Summit. Due to the restrictions both at the Greek - Macedonian and the Macedonian—Serbian border there was an increase in the number of refugees using smugglers to cross the border. With this increased the vulnerability of the refugees and the risks of attacks and robberies. On March 23rd 2016 the Macedonian Government extended the state of emergency on both the southern and the northern border that had been declared in August 2015, until the end of the year.

2015 AT A GLANCE

With the onset of the increased movements of refugees across the Western Balkans in mid-2015, Macedonia became a point which the refugees transiting had to cross in order to reach Serbia and later on Western Europe. In June 2015, Macedonian authorities began registering all arriving refugees in Gevgelija near the southern border. This created a bottleneck at the Gevgelija Train Station where refugees would register with the police and then board the 4-hour train to Tabanovce near the northern border. With the constant increase of refugees arriving at the registration point, MYLA deployed emergency teams of lawyers who provided information about the registration and asylum procedures to refugees and assisted the police in the registration procedure. With the further developments in the field MYLA established a team of lawyers, interpreters and registration clerks in order to provide legal and registration assistance to the refugees. More about MYLA's engagement in the field in 2015 can be found in MYLA's 2015 Field Report¹.

RESTRICTIVE POLICY CHANGES AND SUBSEQUENT DEVELOPMENTS

As of January 21st 2016 a change was made in the registration process. Namely with this change, when getting registered in Greece refugees had to state their destination country. If they did not state Austria and/or Germany as their final destination they were denied entry to Macedonia. Only a month later, on February 19th, a new registration form was introduced without which no refugee could enter in Serbia. With this change came another one i.e. only refugees from Syria and Iraq were permitted entrance into Serbia, while all of the refugees from Afghanistan returned to the transit center because they were not allowed into Serbia.

As a result of this policy change initially over 1000 refugees were effectively stuck in the transit centers in Tabanovce (among which more than 600 were from Afghanistan)². The refugees from Syria and Iraq were eventually allowed to continue towards Serbia, however those from Afghanistan remained in the transit center. Faced with this situation, the Macedonian authorities began to implement the same measures at the border with Greece. The Macedonian Border Police allowed entry only to refugees from Iraq and Syria coming from war torn regions.

At this point the Macedonian police in the Transit Center Vinograd conducted thorough security, profiling, and documentation screenings, and reduced the number of refugees that were admitted entrance to approximately 30 persons per day. The Serbian Border Police also conducted further profiling of the refugees. After this checks there were reported cases when refugees were refused entrance to Serbia for various reasons for example for having a Turkish stamp, not having a Turkish stamp in their passports, for residing in Turkey for 3-4 days, not being from Damascus or Aleppo etc.

LACK OF ADEQUATE PROTECTION OF UNACCOMPANIED AND SEPARATED CHILDREN (UASC)

Despite the fact that the Macedonian Government had adopted Standard Operating Procedures for Unaccompanied and Separated Children in October 2015, the treatment of the UASC in the field was very problematic. MYLA was concerned that there is no protection-sensitive system in place for screening and referral of different vulnerable groups, especially unaccompanied and separated children. Overall approximately 250 UASC were registered in Macedonia in 2016 but there were issues with appointment of guardians and proper registration. The new registration forms allowed for minors to be registered only with their mother or father. Family relations such as brother/sister, uncle/aunt or grandparents were not possible. The Ministry of Labor and Social Policy arbitrarily assigned guardians to the UASC from the group they were travelling with without informing them and in several cases the guardian continued to Serbia without the UASC, who remained behind without any registration document. In addition those UASC that remained in the country were not processed promptly therefor they were not assigned a guardian and transferred to a Safe House in reasonable time, thus increasing their vulnerability.

1 <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2015-1.pdf>

2 <https://www.wsj.com/articles/thousands-of-migrants-stuck-at-greek-border-after-macedonia-imposes-restrictions-1456155721>

STANDARD OPERATING PROCEDURES FOR PROCESSING VULNERABLE CATEGORIES OF FOREIGN NATIONALS

The lack of standard operating procedures for processing vulnerable individuals, such as pregnant women, elderly and sick persons raised the risk that no appropriate treatment and special considerations for Extremely Vulnerable Individuals on the move is guaranteed. That is why in March and April 2016 MYLA together with UNHCR supported the development of the Standard Operating Procedures for handling cases of vulnerable foreign nationals were developed. The SOP focuses on vulnerable categories of persons (adults, pregnant women, single parents with minor children, victims of trafficking) and was developed in order to create a favorable approach to the identification and establishment of a standard referral system and provide access to international protection for persons in need. The SOP was adopted by the National Commission on Anti- Trafficking, and was adopted by the RM Government. However, in 2016 no case was processed under this SOP.



TC Tabanovce source: MYLA

The last and most restrictive policy change, which was the herald of the closure of the Western Balkan Route, happened after the regional conference hosted by Austria, on February 24th, following which the participating countries agreed to further controls and restrictions, such as entry quotas, as well as engagement of Frontex in critical border zones. During the last days of February the number of refugees that were not allowed entrance in Macedonia or in Serbia, thus returning to the Transit Center in Tabanovce, grew on a daily basis. More and more refugees were denied access and it was not only refugees from Afghanistan, but Iraq and Syria as well. The transit center in Tabanovce became fuller with each day passing and overcrowding was a serious problem since it only had capacity for no more than 500 persons.

On March 07th 2016 Macedonia officially closed its borders to refugees and migrants³. Since Serbia was also not allowing entrance to any refugees and migrants, this closure led to **1389** persons (**1378** TC Tabanovce, **11** TC Vojug) not allowed to be effectively “stuck” in the two transit centers in Macedonia. In a desperate attempt to cross the border to Serbia the refugees staying in the transit center Tabanovce started to leave the transit center in groups and settle in the border zone between the Macedonian and the Serbian border. In the height of their protest the numbers of refugees staying in the fields, in the cold freezing weather grew to around 500⁴. The conditions in which the refugees were staying increased their vulnerability, especially to small children and elderly and sick people. MYLA worked together with all of the other organizations in the field in trying to convince the authorities to find solutions for the current problem, as well help the refugees to understand that the situation will not change if they stay forever in the border zone but that solution must be found in order to enable them to continue their journey towards Europe.



TC Vojug source: MYLA

³ <http://www.telegraph.co.uk/news/worldnews/europe/macedonia/12188826/Macedonia-closes-its-border-completely-to-migrants.html>

⁴ <http://www.dw.com/en/hundreds-of-refugees-stranded-on-macedonian-serbian-border/a-19113466>

As the days went by many refugees had to return to the transit center due to medical and other reasons. By the end of March 2016, **135** persons from TC Tabanovce were transferred to TC Vinojug. Throughout the period March-December 2016 the number of refugees accommodated at the transit centers decreased to **159** persons (**68** TC Tabanovce, **91** TC Vinojug) and most of the refugees that were accommodated at the transit centers were families with small children. Refugees and migrants accommodated there were officially not allowed to exit the center. Restrictions on the freedom of movement were imposed on all persons accommodated there, irrespective of vulnerability, demographics, or legal status. Many of the refugees accommodated in the centers at the end of 2016 have been held there since March, meaning that they have not been able to leave the transit centers for nearly 10 months. The freedom of movement of asylum seekers accommodated at the transit centers was also unlawfully restricted. MYLA noted these cases and intervened to the MLSP.

ADRESSING THE ISSUE

Responding to these developments, on March 16th, MYLA joined forces with 21 other regional and European organizations and issued a joint statement on the border closures in Balkans⁵.

“We spoke out together to condemn the series of discriminatory and dangerous measures adopted by the European countries to deter vulnerable people from seeking safety. We called on European governments to take action to ensure that the immediate humanitarian needs of people on the move are met, and to live up to their obligations under international law. Among other things we asked for an end to the selective admission policy currently in place and fulfill legal obligations to ensure fair and thorough refugee status determination procedures for all nationalities.”

Martina Smilevska – Kcheva,
MYLA President

Since the border closures in early March, the transit centers were officially closed for new persons arriving. However, incidentally refugees and migrants would be allowed to enter the transit centers, particularly if they are EVI. Many of the refugees, while not wishing to go back to Greece and without the possibility of using the previous regularized route to enter Serbia, resorted to the use of smugglers to move further. The use of alternative smuggling routes significantly increased. Refugees and migrants crossed the border in groups of 20-40 persons while there were cases of larger groups of 100 persons. Those apprehended by the police were taken to Transit Center Vinojug where they were fingerprinted and photographed by the police, and subsequently pushed back to Greece. In villages near the northern border, such as Vaksince and Lojane, smuggling networks were very active throughout 2016. Refugees were often held in houses and tents in this area by the smugglers as part of an extortion scheme. On March 14th 2016 it was reported that some 2.000 – 3.000 refugees were headed to cross the border and enter in Macedonia, in the village Moin⁶. However the police and military forces managed to intercept the crossing point of the refugees. This attempt ended tragically and 3 persons lost their lives in their effort to cross the river and reach Macedonian side of the border. All of the refugees were pushed-back to Greece within one day. It was reported⁷ in the media that this initiative was encouraged by a flyer given to the refugees that convinced them to enter in Macedonia through this alternative route as it was neither fenced nor protected from the police and military. Later, the Greek authorities began investigation on this case, particularly the leaflets distributed among the refugees showing them how to enter in Macedonia and avoid encountering the Macedonian authorities.

5 <http://myla.org.mk/european-council-summit-letter-17-18-march-international-and-national-organisations/>

6 <http://vecer.mk/makedonija/begalcite-go-napushtaat-kampot-vo-idomeni-baraat-dupka-vo-ogradata>

7 <http://time.com/4261105/refugees-escape-greece-macedonia/>

DEPORTATIONS AND PUSH BACKS

In 2016 MYLA recorded that a total of **8.524** refugees were caught by the Police and pushed back to Greece within few hours after being detained. According to the statistics provided by Ministry of Interior for the news agency Anatolia, a number of **11.803** persons have been deported since the closure of the Western Balkan Route⁸.

MYLA'S WORK THROUGH NUMBERS

From January until March 2016, **91.907** refugees arrived at the Transit Centre Vinojug. The registration process was done by the border police and assisted by MYLA data entry clerks, and a total of **89.152** intentions to seek asylum were issued from January 01st until March 07th, which shows that **97%** of the refugees that arrived in the country were registered and issued an intention to seek asylum. MYLA's field lawyers, working together with **8** interpreters from Arabic, offered free legal aid and informed the refugees staying in both transit centers. From January until December 2016, **96,656** refugees were informed about their rights and obligations and the asylum procedure in Macedonia.

ON CALL LEGAL ASSISTANCE (0800 1 7777)

In 2016 MYLA maintained and continued to provide legal advice on the free of charge green phone line available 24/7. In 2016 there were a total of 50 calls on the green line. Most of the calls were made by the refugees themselves, while 5 of the calls were made by activists and humanitarian workers that were with the refugees at the time of the call. The information provided on the phone was regarding the possibility to apply for asylum in a police station, referral to field lawyers in cases of push backs from Serbia and lost registration documents, as well as referral to the Red Cross Family Links in relation to separated family members.

During the registration period, when a particular intervention was needed, like priority registration or assistance with transportation due do medical reasons, MYLA intervened, assisting approximately **1930** vulnerable individuals and **821** persons during the registration process. In addition to this assistance MYLA's lawyers assisted the refugees in terms of registration of births and deaths.

TC Tabanovce source: Pablo Tosco

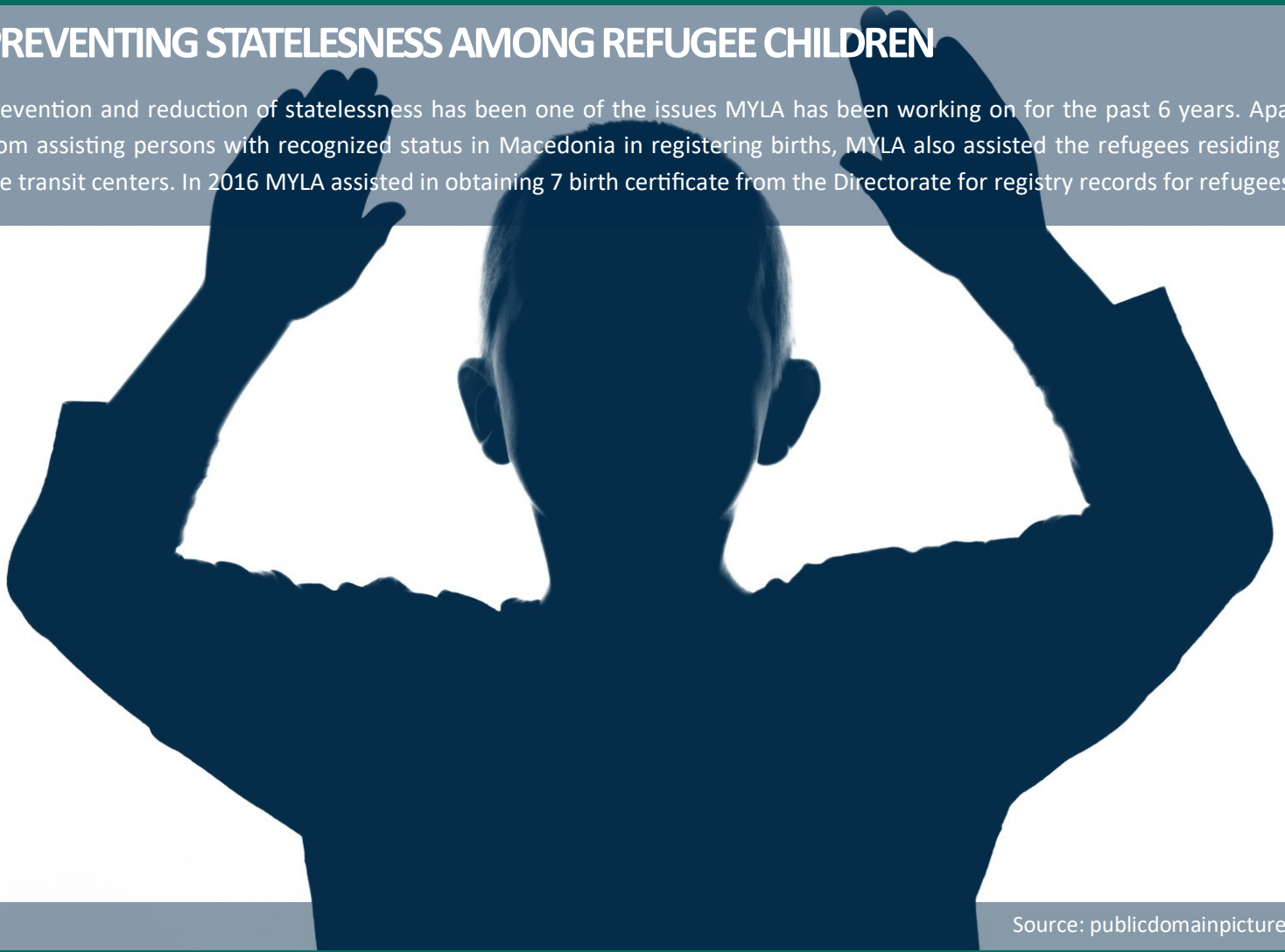


TC Vinojug source: Pablo Tosco

8 <http://telegraf.mk/aktuelno/region/ns-newsarticle-balkanska-ruta-od-makedonija-vo-grcija-vrateni-okolu-12000-begalci.nsp>

PREVENTING STATELESSNESS AMONG REFUGEE CHILDREN

Prevention and reduction of statelessness has been one of the issues MYLA has been working on for the past 6 years. Apart from assisting persons with recognized status in Macedonia in registering births, MYLA also assisted the refugees residing in the transit centers. In 2016 MYLA assisted in obtaining 7 birth certificate from the Directorate for registry records for refugees.



Source: publicdomainpictures.net

ACCESS TO ASYLUM PROCEDURE

In 2016, MYLA identified significant obstacles in access to the asylum procedure. Since the border closures in early March 2016, the police in TC Vinojug and TC Tabanovce has regularly refused to register all asylum applications. Namely, there were **135** refugees whose applications were not registered by the police in the transit centers according to the Law on Asylum and Temporary Protection (LATP). Of these, **35** asylum seekers were pushed back to Greece after expressing their wish to apply for asylum, **24** asylum seekers left the transit centers on their own after expressing their wish, **37** asylum seekers were registered as asylum seekers after MYLA's intervention to the Sector for Asylum, and for **39** asylum seekers MYLA submitted written asylum applications through the Ministry of Interior - Central Archive, since the police refused to register their asylum claims and the Sector for Asylum refused to intervene. Additionally, MYLA noted that all of the asylum seekers who experienced obstacles in accessing the asylum procedure in the transit centers were not treated according to the LATP in terms of accommodation. Namely, these asylum seekers were not immediately transferred by the police to RC Vizbegovo, according to the established practice. Most of them were held in the transit centers with limited freedom of movement, without the possibility to leave the transit centers. After approximately 60 days of submitting their applications they were transferred to the Reception Center for Asylum seekers in Vizbegovo, only after MYLA intervention letter was sent to the Ministry of Labor and Social Policy. As of December 30th 2016, **762** asylum applications were submitted. Subsequently, the response to the massive influx that was mostly done through provision of humanitarian assistance, the border closure transformed MYLA's response in daily advocating for access to asylum



During 2016 MYLA provided legal assistance to 762 asylum seekers in the Reception Center for Asylum seekers in Skopje. All asylum seekers were informed on the asylum procedure and their rights as asylum seekers in Macedonia. Furthermore, MYLA provided direct legal assistance and obtained the power of attorney of 502 asylum seekers, assisted 51 asylum seekers in accessing the free legal aid procedure, and indirect legal assistance to 260 asylum seekers. In 2016 one person, female from Iraq was granted a recognized refugee status and only 6 persons were granted subsidiary protection in Macedonia in 2016, all unaccompanied and separated children.

The high figures of persons that arrived or transited through the country in 2016, resulted in continuation of promotion of a system for an easy transit of the people instead of exploring possibilities for setting up protection mechanisms or providing *prima facie* recognition of refugee status. Significant gaps have been identified in terms of the protection of refugees and positive engagement with the local population that is currently affected by the refugee crisis.

The capacities of the engaged staff to identify and address the needs of the refugees is often limited, due to the frequent overcrowding and later due to the limbo in which the refugee found themselves at the reception sites. On the other hand, the Macedonian asylum system even though had some positive developments before the massive influx, which was mostly due to the improvements of the capacity of the Sector for Asylum, Ministry of Interior, the current situation put its further development on hold.

IMMIGRATION DETENTION

In 2016 at least 438 people were detained in the Reception Centre for foreigners in Gazi Baba. The legal basis for detention is deportation because of irregular entry in Macedonia. The detention conditions do not meet international standard and most there are serious issues in terms of information available to the detainees and lack of information on the right to legal aid. For more information read MYLA's Annual Report on Immigration Detention in Macedonia for 2016⁹.

ANTENNA LAWYERS

The network of 9 attorneys "Antenna Lawyers" continued to work in the field of monitoring migratory movements in seven regions throughout the country. The activities of the attorneys included monitoring visits near the borders in places where according to the available data the largest migrations movements have been observed. Therefore, three villages near the Macedonian-Greek border were visited- Selemlija, Nikolikj and Moin. The key findings from these are that the movements of migrants and refugees are still frequent in this region. Furthermore, it was reported during one of the visits that in the village of Selemlija police vehicle with thermal camera is placed 24/7, in order to prevent migrant smuggling.

⁹ <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-2016-Report-on-Immigration-Detention-in-Macedonia.pdf>

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

MYLA is the only organization in the Republic of 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.

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