

Access to education of refugee and migrant children as a key process for their integration

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Introductory notes

Since declaring its independence until today, the Republic of Macedonia has faced three major refugee crises. The first was the Bosnian refugee crisis, when 40 000 individuals sought shelter in Macedonia from the war in ex-Yugoslavia. The second was the 1999 Kosovo crisis, when 360 000 individuals were provided with international protection. The refugee context in the Republic of Macedonia has significantly changed with the events from the Arabian Spring and the war in Syria. Until then, the refugees arriving in Macedonia were from the region and only a small number from the Near East and Africa, but in 2010 the number of refugees from North Africa and the Near East gradually begun to increase, reaching its peak in 2015 when around 2000 individuals transited daily through the Republic of Macedonia. In 2015, in just one day, around 8000 individuals entered Macedonia, of which the largest number were refugees from Syria, as well as Iraq and Afghanistan.

At the time, the reception and transit centers Vinojug and Tabanovce were opened, but also many new questions were opened, such as: the need for amendments to the Law on Asylum and Temporary Protection, the need of interpreters, the problem of unaccompanied minors, the closing of the Balkan route, and similar. Naturally, the question of integration of refugees and foreigners was imposed, which is not unfamiliar to Macedonia and for which there is a separate project unit within the Ministry of Labor and Social Policy – the Center for Refugees and Foreigners, as well as a separate document - Strategy for Integration of Refugees and Foreigners 2008-2015. The system of refugee integration

in the Republic of Macedonia has until recently referred mainly to individuals to whom the right of asylum due to the Kosovo crisis was recognized and considered their culture, language, problems and needs. Today, the Republic of Macedonia is considering ways to provide successful integration of the refugees coming not only from the neighboring countries or the region, but also of those who come from completely different geographical areas and bring bigger cultural, linguistic, traditional, religious, and other differences.

It is a complex process which implies different aspects, but the focus of this document will be placed on a single aspect of that process and on a single specific category of persons – education of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children.

Therefore, the objective of this analysis is to give a clear picture of the current legal frame in the Republic of Macedonia on the given subject, and additionally, to make a comparative review through the experiences of several other countries, as well as to draw certain conclusions and specific recommendations for amendments to the appropriate laws and bylaws, whose objective is to guarantee these children a complete and continuous access to education.

1. Research subject

In 2015 there was a huge increase of migrants, including refugees, who arrived in the Republic of Greece and transited through the Balkan route in the North towards the countries of their desired destination. According to the United Nations High Commissioner for Refugees - UNHCR, more than one million refugees and migrants passed the Mediterranean in 2015.¹ During this period, Macedonia was a country of transit and none of the migrants and refugees wished to remain longer, nor to integrate in the Macedonian system. The reasons for this might have been of various nature, but mostly due to:

- family relations in third West-European countries;
- insufficient knowledge of the culture and society in Macedonia;
- lack of accurate solutions;
- action strategy for the persons wishing to integrate, and similar.

Republic of Macedonia has accepted its role as a transit country in the beginning, but the possibility for a new refugee wave opened the question about what would happen with those who wanted to remain in the country and integrate in the Macedonian society? Although Republic of Macedonia has a procedure for refugees' access to integration in practice, there are several technical and substantive challenges, especially for the education of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children.

The existence of a diverse society is becoming a bigger reality, and proper access to education for everyone facilitates the acceptance of differences and overcomes the barriers of learning new cultures and habits. Education is public good and a human right, and the access to an inclusive, fair and quality education should be ensured for all students of any age.² The 2016 UN Human Rights Council Resolution³ invites all countries to expand their options for education and make them accessible to everyone without discrimination. The inclusion of

the right to education for displaced persons within the national laws and policies is the first significant step.⁴ The same has been underlined

in the new Draft -Proposal Strategy for Integration of Refugees and Migrants for 2017-2027, where it has been stated that the right to education plays a key role in the process of integration of this target group.⁵

The right to education is guaranteed with Article 44 of the Constitution of the Republic of Macedonia and it is accessible to everyone under equal conditions. According to the Law on Primary Education, every child has the right to education, and according to the Law on Secondary Education, foreign citizens and stateless persons can obtain education in compliance with the conditions predicted by this law. According to the Law on Asylum and Temporary Protection, asylum seekers and persons under temporary protection have the right to education and the possibility for inclusion in the educational system in Macedonia, while the Law on Foreigners states that each person who is a holder of a residence permit for the Republic of Macedonia has the same rights as the citizens of the Republic of Macedonia, including the right to education.

¹ http://myla.org.mk/wp-content/uploads/2016/09/Closed_Borders_MAK_low.pdf p.4

² <http://illplatform.eu/ill/wp-content/uploads/2015/10/LLL-Platform-Policy-Paper-Refugees-and-migrants-and-inclusive-education-Sept-2016.pdf> p.4

³ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.33

⁴ <https://documents-dds.ny.un.org/doc/UNDOC/LTD/G16/135/58/PDF/G1613558.pdf?OpenElement> p.3

⁵ <http://unesdoc.unesco.org/images/0024/002448/244847E.pdf> p.11

⁵ <http://www.mtsp.gov.mk/content/pdf/strategij/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0%20D0%B7%D0%B0%20D0%B8%D0%BD%D1%82%D0%B5%D0%B3%D1%80%D0%B0%D1%86%D0%B8%D1%98%D0%B0%20D0%BD%D0%B0%20D0%B1%D0%B5%D0%B3%D0%B0%D0%BB%D1%86%D0%B8%20D0%BA%D0%BE%D0%BD%D0%B2%D0%B5%D1%80%202017.pdf>



2. Reason for conducting the research

The objective of this research is to find the appropriate solutions regarding laws and bylaws that will make education accessible to the target group. This research should provide recommendations and solutions for the manner of providing complete access to public education on all levels. Through analysis of the current legal regulation in this country, collecting and selecting necessary information and data, conclusions and recommendations will be drawn, leading to the improvement of the legal frame that regulates the question of education regarding refugee and migrant children in the Republic of Macedonia.

3. Question of the research

Which legal solutions, bylaw solutions and policies would contribute to the improvement of the legislation and would facilitate the access to education of refugee and migrant children in the Republic of Macedonia, and how has this been resolved in the Republic of Slovenia, the Kingdom of the Netherlands and Kingdom of Norway?

4. Research objectives

This Analysis has the assignment to attain the following research objectives:

- To make a critical review of the relevant Macedonian legislation and to discover the legal gaps and inconsistencies, i.e. the possibilities for supplementing and improving the access to education of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children;
- To propose quality and applicable legal and bylaw solutions that will lead to the implementation of an accessible and efficient educational system for the refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children in Macedonia.

5. Methodology of the research

For the purposes of this research, primary and secondary sources were used:

Primary Sources

1. Interviews/Advisory Meetings with an Expert Group

The project within which this analysis has been conducted has organized six advisory meetings with an expert group responsible for the final preparation of the analysis. The expert group consisted of three representatives of the Ministry of Labor and Social Policy, one representative of the Ombudsman's Office of the Republic of Macedonia, as well as two representatives of the Macedonian Young Lawyers Association. The shared views and opinions among the experts at these meetings were used as primary sources for collecting data during the preparation of the final document. What is important is that all views and opinions of the group-members were taken in consideration, however they have been solely used as an indicator of the conditions, while their interpretation has been carefully made and perceived along with the data collected from the secondary sources and the current legislation.

Secondary Sources

For the purposes of this analysis we will use previously conducted researches and analyses on the subject of education and/or integration of refugees and migrants by civil organizations, national institutions and international organizations. In attachment to this analysis is the bibliography of this type of sources.

Research of Secondary Sources – This analysis is based on previously conducted and accessible researches, as well as other types of primary sources, such as legal acts and strategy documents. The research of secondary sources herein means "summarizing, collecting and/or joining existing literature researches, and it is different from the primary research where data is collected from the research subjects, or by conducting experiments."⁶

Descriptive Research - The descriptive research marks the current state of the subjects. By using this method of research, this analysis describes the phenomena of the access to education of refugee and migrant children, as well as its characteristics.⁷ However, this method does not enter into discovering the reasons for the existence of this phenomena or the condition appointed as subject of this research. The actual research will describe the institutional arrangement and the competencies of different levels of government, as predicted by law. The descriptive research uses different methods, including comparative and correlational methods.⁸

Comparative Method - After describing the conditions, the comparative method will be used in order to find parallel conditions in other jurisdictions.⁹ The comparative method is based on comparing previously identified and explained systems of education in the countries of interest, which should serve as good practices. This analysis will use a combined method by joining the functional and the structural method for comparative legal research. The functional method, as a way of conducting comparative analysis, observes the "current social problem and the way in which it has been resolved in different jurisdictions, in a similar or in a different way, with similar or different results."¹⁰ Yet, from another point of view, the structural method provides a view of the way individual norms and laws have been integrated within the wider system.

According to the initial analysis of countries implementing various educational programs for refugee and migrant children, the policies implemented in Slovenia, The Netherlands and Norway will be taken in consideration. However, in the process of conducting the comparative legal analysis, language knowledge is one of the key issues, therefore the analysis of the policies in the abovementioned countries will depend on the accessibility of documents in the language understandable for the research team.

⁶ Watkins, D., Burton M. *Research Methods in Law* (Routledge 2013) p. 13

⁷ Vibhute K., Aynalem F., *Legal Research Methods* (Justice and Legal System Research Institute 2009) p.16.

⁸ Ibid.

⁹ Ibid p. 32.

¹⁰ Hoecke, M. 'Methodology of Comparative Legal Research' (2015) *Law and Method*, p.28

6. Definitions

Child: Every person under 18 years of age.

Refugee: A person who, due to justified reasons for fear of exile under one of the listed specific reasons contained in the 1951 Convention Relating to the Status of Refugees, is out of the country of citizenship and cannot, or due to such fear, does not wish to be under the protection of that country.¹¹

Migrant: A person who changes place of residency, not due to a direct threat from exile or death, but in order to improve his or her life by finding a job, or in some cases because of education, family reunion, or other reasons.¹²

Asylum seeker: an alien who seeks protection from the Republic of Macedonia and has filed a request for recognition of the right to asylum, for which a final decision has not been reached, in the procedure for recognition of the right to asylum.

Recognized refugee: an alien who, after examining his/her request, is established to fulfil the requirements set out in the 1951 Convention Relating to the Status of Refugees, i.e. a person who, owing to a justified fear of being persecuted for reasons of his/her race, religion, nationality, membership of a particular social group, or his/her political opinion, is outside the state of his/her nationality and is unable or, owing to such fear, is unwilling to enjoy the protection of that state, or who, not having a nationality is outside the state of his/her habitual residence, is unable, or, owing to such fear, is unwilling to return to it.

Stateless Person: A person who does not belong, i.e. has not established legal relation to any country.

Person under subsidiary protection: An alien, who does not qualify as a recognized refugee, but to whom the Republic of Macedonia shall recognize the right to asylum and allow him/her to stay within the boundaries of its territory by reason of believing that if he/she returns to the state of his/her nationality or, if he/she is a stateless person, to his/her state of former habitual residence, he/she shall face a real risk of suffering serious harm.

Person under temporary protection: a person which is a part of a mass influx, to whom the Government may grant temporary protection if coming directly from a state where their life, safety or freedom have been threatened by war,

civil war, occupation, internal conflict with violence or mass violation of human rights.

Foreigner: a person who is on the territory of Macedonia, but who is a citizen of another country.

Stateless Person: A person who does not belong, i.e. has not established legal relation to any country.

7. Limitations during research

This research mainly relies on observing the current legal frame regarding the access to education of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children. In the process of formulating the recommendations and choosing the comparative practice, the opinions and recommendations of the selected expert group have been taken into consideration. Yet, despite the participation of the expert group in the final preparation of this research, it does not provide complete data concerning the number of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children who have obtained access to education and/or have participated in the educational process in the last five to ten years in the Republic of Macedonia. This research contains data for the academic year of 2017/2018 only (and in some parts for one half of the year 2016, as well as 2012 and 2013) provided by the Center for Integration of Refugees and Foreigners and the Ministry of Labor and Social Policy. The Ministry of Education and Science did not provide any additional data for the number of included children until the end of the research. Therefrom, it does not entirely represent the practical application of the current legal norms, but only concerning the year of 2017. Also, it is important to emphasize that, during the preparation of the comparative examples, they have been based on data mainly obtained from documents and other relevant internet sources in English, accessible over the period of preparation of the research.

¹¹ The UN Convention Relating to the Status of Refugees (1951)

¹² <http://www.unhcr.org/55df0e556.html>

Access to education

According to the Constitution of the Republic of Macedonia, everyone has the right to education and education is accessible to everyone under the same conditions. Elementary education is compulsory and free.¹³ With the ratification of the 1951 Convention, the Republic of Macedonia is bound to provide refugees with an equal treatment as its citizens, regarding access to elementary education. As for other levels of education, the state is bound to provide refugees with the most beneficial treatment possible, in any case not less beneficial from the treatment provided for foreigners. The country will especially pay attention to the access of university studies for refugees, recognition of foreign certificates, diplomas and vocations, abolishment of expenses and awarding scholarships.

1. Pre-primary education

Pre-primary education is not compulsory in the Republic of Macedonia; however, it is of an exceptional importance for child development and socialization. For the major part of the Kosovo refugees, the Ministry of Labor and Social Policy offered support based on projects by enrolling the children in several kindergartens in the municipalities of Shuto Orizari, Tetovo, Karposh and Chair. However, this initiative was unsustainable as it ceased due to closing the externally financed projects.¹⁴

According to data from the Center for Integration of Refugees and Foreigners, through this institution, in 2012 there were 20 children integrated in the pre-primary educational process, 9 of which were male and 11 were female, while in 2013 there were 16 children included, 8 of which were male and 8 were female. The covered municipalities were those of Shuto Orizari, Karposh, Gazi Baba, Tetovo and Chair.

2. Primary and secondary education

2.1 Current Regulations in the Republic of Macedonia

In the Republic of Macedonia, elementary education is compulsory and guaranteed to all children in compliance with the Constitution¹⁵ and the 1989 Convention on the Rights of the Child. The States Parties, with ratification of the Convention, recognize the right to education of every child, declare elementary education as compulsory and free for everyone, in order to exercise this right based on equal opportunities. Going one step further, the Convention prescribes that the child's education should aim towards promotion of the respect of the human rights and fundamental freedoms, the cultural identity of the child, the differences, as well as it should provide to prepare the child for a responsible life in a free society in the spirit of understanding, peace, tolerance and equality. In the basis of the Convention lay the commitment of the States Parties to respect and ensure the rights of every child regardless of race, colour of skin, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child or his/her parent or legal guardian, as well as the commitment to protect the child from all and any form of discrimination.

¹³ Article 44, Constitution of the Republic of Macedonia („Official Gazette of the Republic of Macedonia“ n. 52/1991, 1/1992, 31/1998, 91/2001, 84/2003, 107/2005, 3/2009 and 49/2011)

¹⁴ More information on this question can be found in the Draft Strategy for Integration of Refugees and Foreigners of the RM 2017- 2027, p.28, available at: <http://www.mtsp.gov.mk/content/pdf/strategija%20za%20integraciju%20refugejima%20i%20stranincima%20iz%20Kosova%20i%20otd%20vojne%20parolacije%201999%20-%202017.pdf> (accessed on 20th July 2017)

¹⁵ Article 44 of the Constitution of the RM: Everyone has a right to education. Education is accessible to everyone under equal conditions. Primary education is compulsory and free.

The general principles for access to education are included in the **Law on Primary Education** where it is explicitly stated that every child has the right to elementary education, and it predicts prohibition of discrimination in exercising the rights from elementary education on several grounds: sex, race, colour of skin, national, political, religious, property and social affiliation.¹⁶ The Law indicates the following as objectives of elementary education: education on mutual toleration, collaboration, respect of the differences, the fundamental human rights and freedoms, and education on general cultural and civilizational values originating from the world traditions. The general provisions of the Law encourage tolerance and inclusion of every child, through activities that contribute to the development and promotion of multiculturalism, interethnic integration and tolerance, which are also prescribed by the school.¹⁷ The Law considers children with foreign citizenship and stateless children who reside in the RM and have the right to elementary education under equal conditions as the children citizens of the RM, however there is no mention of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection and children under temporary protection, as persons of a separate category, with their distinct needs and characteristics.¹⁸

According to data from the Center for Integration of Refugees and Foreigners, through this institution, there were eight refugee children included in first grade in the academic year of 2017/2018, - twelve in second grade, - four in third grade, - eight in fourth grade, - six in fifth grade, - three in sixth grade, - five in seventh grade, - six in eighth grade and seven in ninth grade.

The included schools are located in the following municipalities: Shuto Orizari, Karposh, Gazi Baba, Chair, Chucher Sandevo, Centar (ES "Ramiz Hamid Brothers", ES "26th of July", ES "Strasho Pindzur", ES "Dame Krapchev", ES "Krum Toshev", ES in the village Kucheviste and ES "Cyril and Methodius").

According to the **Law on Secondary Education**, it is compulsory for every citizen, under equal conditions and it is free in the public secondary schools. Discrimination is prohibited on the grounds of sex, race, colour of skin, national and social origin, political and religious opinion, property or social position. Foreign citizens and stateless persons can obtain secondary education in a manner and under conditions determined by law.¹⁹ The law does not include refugee children as a separate category, who can certainly be foreign citizens or stateless persons, however, the concretization of each status is important due to the fact that each refugee has a distinctive status according to the national legislation and the ratified international agreements. The law predicts that schools organize activities that contribute to the development and promotion of multiculturalism, interethnic integration and tolerance.

According to data from the Center for Integration of Refugees and Foreigners, in the academic year of 2017/2018 there were eleven refugee children integrated in secondary school.

The Law on Asylum and Temporary Protection, among other rights, guarantees the asylum seekers the right to education in compliance with the regulations for primary and secondary education.²⁰ This law guarantees foreign citizens and stateless persons who reside in the RM the right to elementary education under equal conditions as the children of Macedonian citizenship. According to this law and according to the ratified international agreements, there are classes organized in their native language for them. By rule, this education is organized and implemented in primary schools, as well as in health and social establishments, correctional facilities and youth detention facilities.

¹⁶ Article 2, Law on Primary Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

¹⁷ Article 38-b Law on Primary Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

¹⁸ Article 8 Paragraph 1 Law on Primary Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

¹⁹ Article 3 paragraph 1, 2 and 3 and Article 5 Law on Secondary Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

²⁰ Article 48 Law on Asylum and Temporary Protection of the RM

2.1.1. Nostrification

The Law on Primary Education determines that foreign citizens and stateless persons have the right to request nostrification or recognition of equivalency of a certificate obtained abroad, however, once again, refugees have not been included as a separate category.²¹ Furthermore, the law regulates the procedure for nostrification and all required documents which are attached to the request for nostrification and recognition of the certificate obtained abroad, which include: an original copy of a birth certificate for persons who were not born in the Republic of Macedonia, or a notarized copy of it, and a copy translated by an authorized court translator, as well as an original copy of a proof for citizenship to another country and a copy of the proof translated by an authorized court translator. According to the law, for acting upon the request for nostrification, it is required that all listed documents in set order are submitted; if a certain document is omitted, within 15 days upon receiving the request the Commission should send a written notification to the person to submit the omitted document. Bylaws in correlation with the Law on Primary Education and nostrification are: The Rulebook for the amount for compensation of expenses in the procedure of nostrification, based on the real cost, where 2.000,00 denars have been predicted. The Rulebook for the form of the request for nostrification and recognition of the certificate and diploma for secondary education obtained abroad and the requested documentation determines in detail which documents should be submitted.²²

The Law on Secondary Education predicts the same legal solution as the Law on Primary Education, which states that foreign citizens and stateless persons have the right to request nostrification or recognition of equivalency of a certificate obtained abroad, as well as determination of the necessary documents that should be attached to the request for nostrification and recognition of the certificate and diploma obtained abroad. Among the documents necessary for submission, there should be an original copy of the proof for citizenship to another country, if the person is not a citizen of the Republic of Macedonia, and two copies of the proof translated by an authorized court translator, one of which notarized, and an original copy of a birth certificate for persons who were not born in the Republic of Macedonia or a notarized copy of it, and two copies translated by an authorized court translator, one of which notarized.²³ In this law, as well, the provisions regarding nostrification are disputable. Bylaws concerning nostrification are the Rulebook for the form of the request for nostrification and recognition of certificate or diploma for secondary education obtained abroad and the requested documentation where all documents are listed, and the Rulebook for the amount for compensation of expenses in the procedure for nostrification based on the real cost, with a predicted amount of 3.000,00 denars.²⁴

It is disputable that in the provisions of the Laws on Primary and Secondary Education, stateless persons have the right to request nostrification of certificate, meanwhile they are obliged, among the other documents, to submit their birth certificate and proof of citizenship.

²¹ Article 150 Paragraph 2; Article 153, Article 154 and Article 155 Law on Primary Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

²² <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/pravilnici>

²³ Article 43, Article 78 paragraph 2, Article 83 Paragraph 1, 2 and 5, Law on Secondary Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

²⁴ <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/pravilnici>

2.2 Other laws and international agreements

The Law on Child Protection protects the best interests of the child and provides minimum standards for every child under the same conditions, it excludes any form of discrimination, respects the child's right to freedom and security of personality, the right to his or her own opinion and free expression, joining and education, the right to a healthy life and the exercise of other social rights and freedoms of the child. This law also emphasizes the prohibition of discrimination on the grounds of race, colour of skin, sex, language, religion, political or other opinion, national, ethnic or social origin, culture or other affiliation, property position, disability, birth, or other status of the child, or his or her parent, or legal guardian. Furthermore, this law imposes on the state and institutions of the system the commitment to take all necessary measures in order to ensure the rights of the child and to prevent all forms of discrimination and abuse, regardless of the place these actions have taken place, their difficulty, intensity and duration.

According to the **Law on the Bureau for Development of Education**, the Bureau is competent for supervision of expert insight, researches, improvement and development of the educational activities within the frames of pre-primary, primary and secondary education, art education, general education subjects in the secondary vocational education, specialist education and education of adults, education of children with special educational needs, education activities in student homes, as well as education of children of citizens of the Republic of Macedonia who are abroad and are learning their native language and culture.²⁵ The law does not include all children, i.e. refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children.

The Law on Foreigners regulates the rights and obligations of foreigners in the RM and it predicts that, during their legal stay in the Republic of Macedonia, foreigners have the same rights and obligations as the citizens of the Republic of Macedonia, unless otherwise predicted by law. According to the law, a foreigner is a person who is not a citizen of the Republic of Macedonia, and a stateless person is a person who

is not considered a national by any country under the operation of its law. During their legal stay in the Republic of Macedonia, foreigners have the same rights as the citizens of the Republic of Macedonia, unless otherwise predicted by law.²⁶ The law regulates the rights of the minor foreigner who, during his or her stay in the reception center, will be provided with legal, social, medical and psychology assistance, as well as with the right to education in the educational institutions of the Republic of Macedonia.²⁷

According to the **Law on Personal Identification Number** the term "foreigner" has the same meaning as the term "foreigner" determined by the Law on Foreigners, and the terms "person with recognized refugee status in the Republic of Macedonia" and "person with status of a person under subsidiary protection in the Republic of Macedonia" have the meaning determined by the Law on Asylum and Temporary Protection.²⁸ According to the Rulebook for the manner of determining and annulling personal identification numbers of foreigners, the form and the contents of the forms, as well as the manner of keeping record of the personal identification number of the foreigner, in case his or her right to asylum has not been recognized according to a separate law, when a personal identification number has not been determined to the foreigner, the foreigner submits a request for determination of a personal identification number for a foreigner to the Ministry of Internal Affairs. After receiving the request, the personal identification number is determined within eight working days from the day of reception.²⁹

²⁵ Article 5 Law on the Bureau for Development of Education, <http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

²⁶ Article 2 and Article 4 Paragraph 1 Law on Foreigners, <http://www.mvr.gov.mk/zakon/21>

²⁷ Article 112 Paragraph 4 Law on Foreigners, <http://www.mvr.gov.mk/zakon/21>

²⁸ Article 2 Law on Personal Identification Number, <http://www.mvr.gov.mk/zakon/17>

²⁹ <http://www.mvr.gov.mk/zakon/17>

These regulations foresee the rights and obligations of the persons who are not citizens of the Republic of Macedonia, and are in compliance with and in direct correlation with the right to education, which is guaranteed to all children, regardless of their status in the Republic of Macedonia.

Concerning the right to education, particularly of refugee children, there are provisions in the Macedonian legislation, as well. Beginning with the **1951 Convention Relating to the Status of Refugees** and the **1967 Protocol, regarding public education**, the Republic of Macedonia is bound to treat refugees equally as its own citizens, concerning primary education. The **Convention on the Rights of the Child** pays special attention to refugee children in a manner that States Parties are bound to take appropriate measures so that the child who requests the status of a refugee or is considered a refugee, whether he or she is with his or her parents, or with another person, or without, is provided with appropriate protection and assistance towards exercising his or her rights recognized by international law and in compliance with the national law. According to the Law on Asylum and Temporary Protection³⁰, asylum seekers, among other rights, are guaranteed the right to education, according to the provisions for primary and secondary education.

³⁰ Article 48 Law on Asylum and Temporary Protection, <http://www.mvr.gov.mk/zakon/22>



2.3. Strategy for integration of refugees and foreigners in the Republic of Macedonia

Regarding education, the Strategy for Integration 2008-2015 proposes developing a dialog with the local self-government in order to identify, analyze and propose appropriate solutions and models for the education of refugees. The Strategy considers an option for organizing a pre-primary establishment intended for the needs of refugee children and the children of the resident population of the local self-government. The Strategy predicts that the teaching in the public secondary schools is in one of the international languages. Additionally, it is predicted that persons whose status in the country has been recognized should have the opportunity to learn the language of the country of residence, i.e. Macedonian language.

National Action Plan

The National Action Plan predicts the following activities regarding education and science: taking measures for providing books and resources for regular school attendance, targeted programs for support of extracurricular and shortened educational programs, researching the justification of the promotion of pre-primary education, compulsory learning of Macedonian language for children and adults, including the target group in the Program for Lifetime Learning, promotion of university education, organizing informative campaigns for communication with the target groups in order to facilitate the access to their rights and obligations. Here, once again, the activities have been listed only in principle, without any further processing. The expenses for the activities are predicted to be covered from the national budget and by the participation of donors.

The Draft-Proposal Strategy for Integration of Refugees and Foreigners 2017-2027, gives a review to the education of refugees. Based on the UNHCR Strategy for Education 2012-2016, this Strategy, as well, focuses on the continuous provision of education for refugees as the first condition for successful integration. This document states the following problems which limit the access to education of refugee children coming from different geographical areas, do not speak the language, do not own documents and have been absent from school: the children don't speak the language, they have insufficient knowledge in certain subjects, there is lack of examination mechanisms for knowledge evaluation, and there is a limited number of adjusted mentorship activities. The new Draft-Proposal Strategy declares that education and language learning will be top priorities. Therefore, it is expected as a responsibility of the Ministry of Education and Science to prepare curriculums for learning Macedonian language, as well as to certify the program for different levels of language skills and knowledge which will be recognized within the frames of the educational system and the vocational training system in Macedonia, as well as to formally issue assignments for their implementation and to certify the recommended service providers.

The new Strategy also proposes appliance of different methods of mentorship through the use of the capacities of the regular schools. It also recommends innovative approaches, on-line based mentorship models, interactive video materials, as well as engaging culture mediators and volunteers. Some of the strategic recommendations significant for this analysis are the following:

- To create a certified curriculum for learning Macedonian for children and adults;
- To prepare curriculums for integration, or orientation courses, which will include information on the social and cultural life, history and political system in Macedonia;
- To include children from the defined target group within the frames of the current institutions where pre-primary education takes place;
- To enable enrollment of children into the regular programs for primary and secondary schools;
- To provide trainings for teachers and professors of all educational levels in order to influence the quality of education and the creation of a friendly educational environment;
- To identify the necessary support in education and mentorship programs for assisting the children;
- To provide possibilities for access to the various levels of high education;
- To consider the options for the use of innovative teaching methods for promotion of quality education.

Based on these recommendations, in the Draft-Proposal National Action Plan 2017-2027 there are specific measures defined for attaining the priorities in the education of the given target groups. The more significant ones are the following:

- to prepare curriculums for learning Macedonian;
- to define the levels of knowledge and the mechanisms for examination for specific needs;
- to prepare a methodology and a program for learning Macedonian for children aged 3 to 5 within the frames of the programs for early childhood development;
- to provide support for the municipalities in the process of development of new pre-primary capacities (convenience bank loans and grants);
- to prepare curriculums for preparatory school programs for primary and secondary education;
- to prepare mechanisms for examination in order to determine previous knowledge for enrollment;
- to implement all changes that require amendments to the legal or administrative rules and to enable regular enrollment of refugees in the schools;
- to identify pilot-schools and to implement a mentorship project in the schools;
- to prepare mechanisms for recognition of diplomas in order to facilitate university enrollment;
- to prepare a document for the policy that will recommend various methods of use of the computer-based tools for improvement of the quality of education - courses for remote learning, e-books, e-learning, e-mentorship, etc.

2.4 Access to education in the Reception-Transit Centres in the Republic of Macedonia

In September 2016, the Ministry of Labor and Social Policy passed the Standard Operative Procedures for implementing educational activities for children and youth for 2016/2017. Their objective is to enable obtaining education and to improve the conditions under which the educational activities for children take place, and which activities can and will be implemented by organizations that have signed a memorandum of collaboration with the Ministry of Labor and Social Policy. Despite their contribution as the basis for approval of certain organizations to conduct educational activities, they are of no use in terms of guaranteeing quality and continuous education of children and youth in the transit and reception centers in the country.

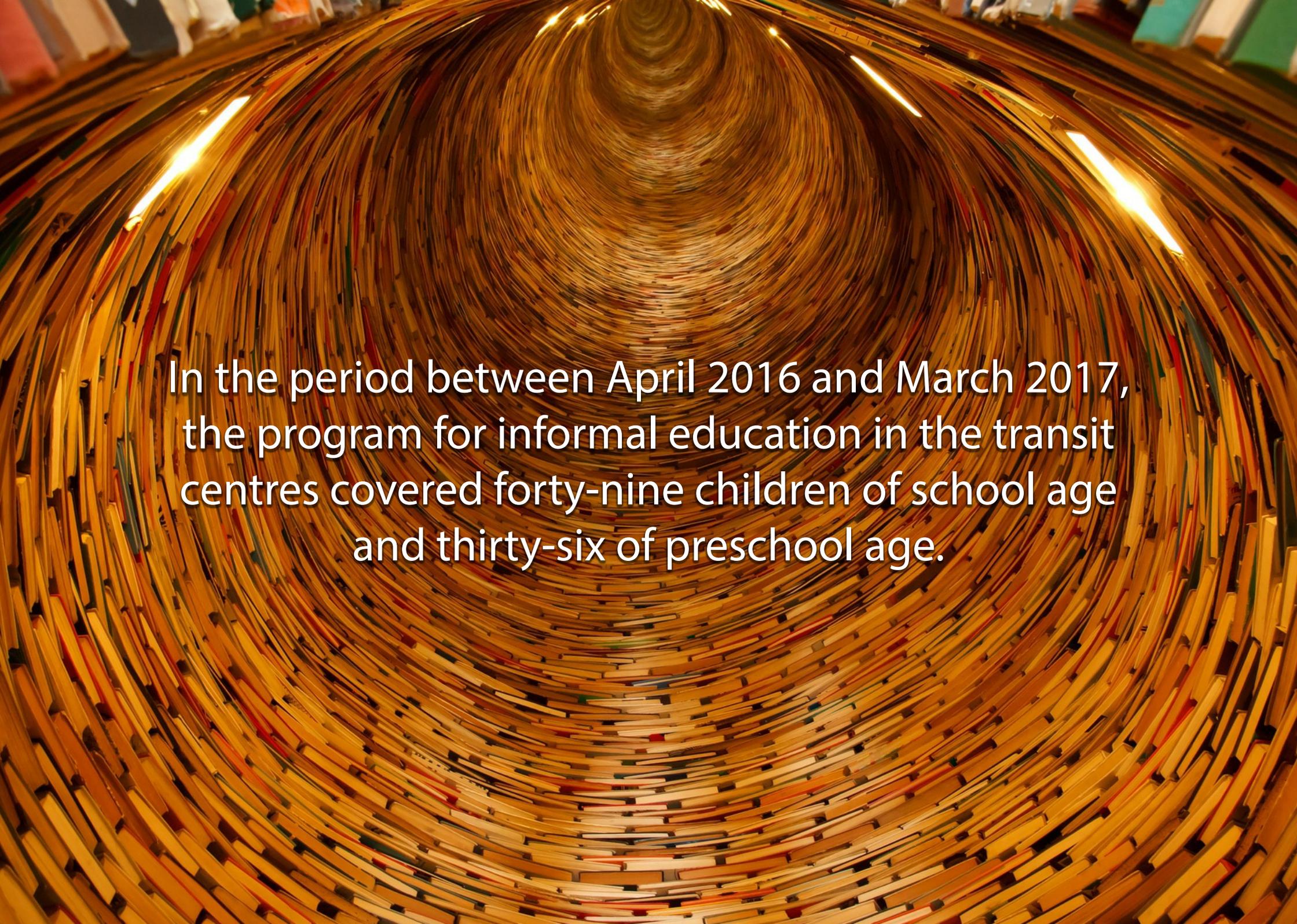
The preparation of an appropriate program for informal education of children aged 0-6 and for those of school age initiated after closing the borders in March 2016. Considering that the state does not have an appropriate specific program for education of refugee and migrant children, UNICEF, in collaboration with the Ministry of Labor and Social Policy and the Ministry of Education and Science, adapted the national curriculum for pre-primary education and the curriculum for the following school subjects: mathematics, science, civic society, information technology and languages (German, English and Macedonian). The NG SOS Children's Village and Open Gate-La Strada signed Memorandums of Understanding with the Ministry of Labor and Social Policy in the direction of implementing the program. The selected field workers from the abovementioned organizations received an appropriate training for implementing the program, and were provided with mentorship by experienced teachers from the local schools in Kumanovo and Gevgelija.

Additionally, UNICEF provided teaching and didactic materials, as well as schoolbags for the children settled in the transit centers and the Center for Asylum Seekers in Vizbegovo. Classes in the transit centers and the Reception Center Vizbegovo took place every day from Monday to Friday, from 09.00 to 13.00. The program was enriched with creative workshops and sports activities. In October 2016, the children from the RTC Tabanovce were allowed to exit the center for the first time, in an organized visit to the Zoo in Skopje, as part of the curriculum. In the end of 2016, in December, 16 (sixteen) children of school age from the RTC Vinojug

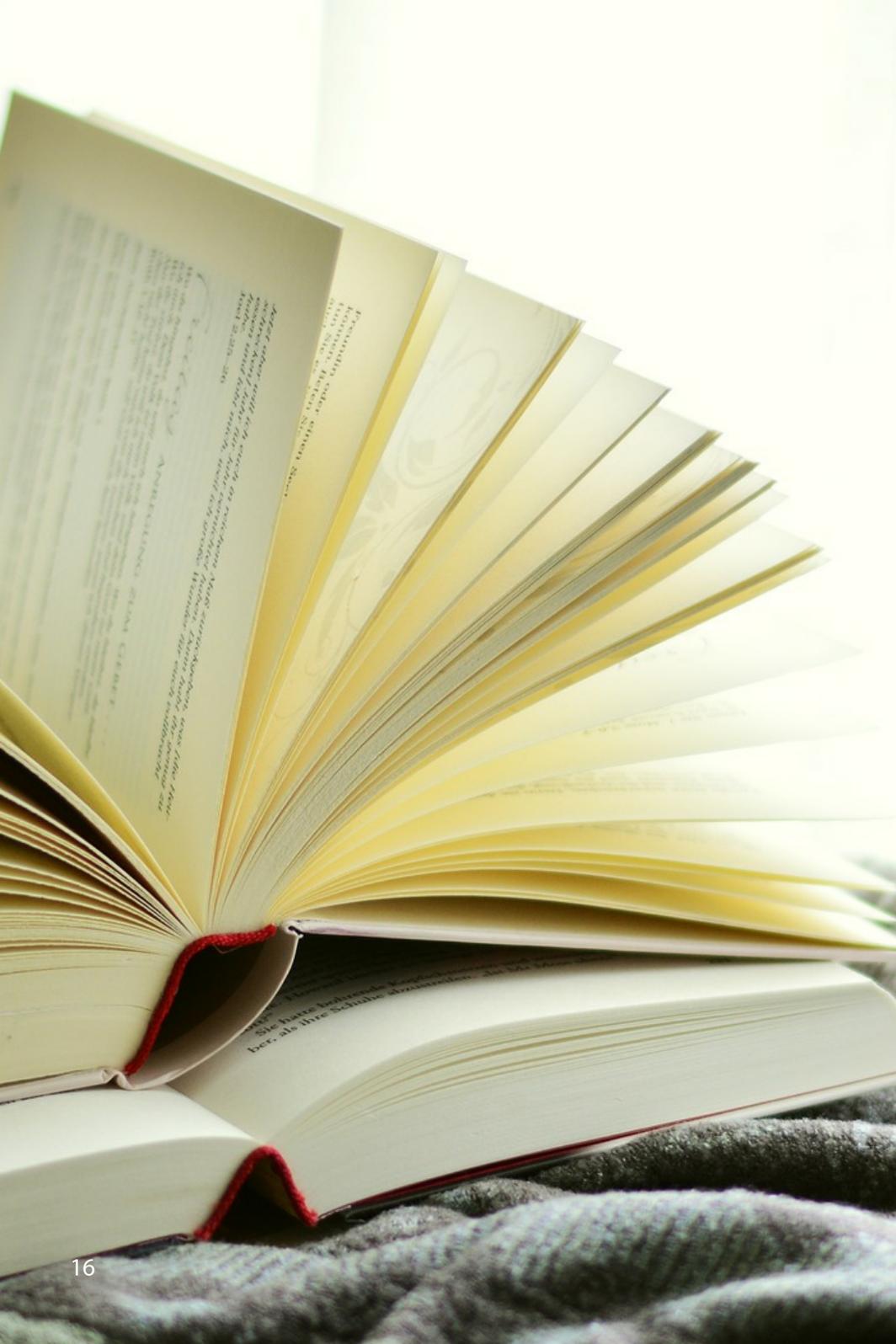
attended school classes for the first time with their peers in the Elementary School "Vlado Kantardziev" in Gevgelija

By deporting the larger group of refugees from the RTC Tabanovce, that took place on February 9th 2017, which included 24 children, the education program in this center gradually ended due to the decreasing number of children. With the new events, the focus in the RTC Tabanovce was put on work with the adolescents when staff trainings were organized, again by UNICEF. Even today, in the RTC Vinojug the program for informal education is implemented with a minimal number of children. In the process of implementing the curriculum, mentors from the Bureau for Development of Education and the Ministry of Education and Science visited (2-3 times per month) in order to advise the professional teaching staff in compliance with the rules and standards established in the educational system of the RM.

The curriculum included the following age groups: early childhood development for children 1 to 6 years of age and curriculum for children 7 to 15 years of age. For the purposes of English and German classes, professional profiles, such as teachers from local schools in Skopje, were engaged. For the purposes of Arabian language classes, the organizations responsible for the teaching used their own resources, i.e. the hired interpreters who followed books used in Syria and issued by the Ministry of Education in Syria. The Macedonian language classes, sciences and civic society were held by teachers from the SOS Children's Village, while computer classes were held by the licensed company SEMOS. The evaluation of the student's achievements was made on the principle of evaluation adopted in the Macedonian school system.



In the period between April 2016 and March 2017,
the program for informal education in the transit
centres covered forty-nine children of school age
and thirty-six of preschool age.



Formal determination of the level of education

Concerning primary and secondary education obtained abroad, foreign citizens and stateless persons have the right to request nostrification³¹ or equivalency.³² These procedures take place in the Ministry of Education and Science, and the decision-making process includes consideration of the educational system of the country where the certificate has been obtained, the duration of the educational process, the followed curriculum, and the rights granted to the holder of the certificate in the country it has been obtained.

Nostrification and equivalency are procedures that can be conducted when the child has a certificate/diploma obtained abroad for a certain level of education. But, in practice, it is very possible that there are (and will be) cases when the children won't have these documents with themselves, and it will still be necessary for them to continue their education, from the point where it ended in their own country of origin. Therefore, it is necessary to predict a suitable way which will help to formally determine the level of education of these children so they could continue their education, and to appropriately take in consideration and evaluate their previously obtained knowledge. There are other ways for determining the levels of the child's education, such as through age-appropriate exams and by the formation of a competent body to conduct the examination and evaluation of the child's knowledge in order for him or her to be included in the educational system of the country whose curriculum can more or less differ from the curriculum of the country of origin, or the country of previous stay of the child.

³¹ Recognition of certificate obtained abroad regarding the rights of the certificate holder for continuation of his or her education

³² Equalization of certificate obtained abroad with a corresponding certificate obtained in the RM

Accessible educational programs

In the Republic of Macedonia, there is a deficiency of curriculums for learning Macedonian language for children or adult foreigners and refugees. Apart from that, there is a need of examination mechanisms in order to enable determination of knowledge and levels of education of refugee children, so that they could be included in our educational system. There is a limited number of adjusted mentorship activities, a deficiency of appropriate trainings for teachers and a deficiency of trained staff, in general, for preparing refugee children to be included in the educational process, as well as deficiency of mechanisms for promoting high education through scholarships or student loans. For this reason, in 2016, the Ministry of Labor and Social Policy initiated a collaboration with the Ministry of Education and Science and UNICEF in order to initiate the introduction of legislative, operative and program amendments which will entirely facilitate the access to education for all persons under international protection.

The Bureau for Development of Education, in collaboration with UNICEF, within the frames of mutual project activities, has started the preparation of a beginner program for learning Macedonian and Albanian language intended for refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, foreigners and stateless children and is preparing a Manual for the teachers as support in the implementation of the curriculum.

There have also been tests prepared for determining the level of knowledge in primary education, from third to ninth grade, for the refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, foreigners and stateless children, which are mainly based on knowledge in the subjects of mathematics and sciences (based on international standards of achievement of students of certain age), in order to determine the knowledge of the children and enable their easier transfer into an appropriate grade in the educational system of the Republic of Macedonia.

It is necessary that these programs and examinations are pilot-studied and thereupon decided on their final version, which, after provision of the legal frame (amendments to the Law on Primary Education, the Law on Secondary Education, the Law on the Bureau for Development of Education), would be passed by the Minister of Education and Science, upon a proposal by the Bureau for Development of Education.

Comparative practices

Slovenia

The Slovenian Constitution guarantees free education to Slovenian citizens. Primary education is compulsory and is financed with budget funds, while the state is responsible for providing its citizens with proper education. Public universities and professional colleges are autonomous. The members of ethnic minorities have the right to education and further schooling in their native language. Concerning the educational integration of refugee children and asylum seekers, their rights and obligations regarding schooling have been regulated with separate provisions in documents for public policy, which regulate the position of the persons with the status of international protection and have not been mentioned in the general documents and laws in the field of education. Children and minors who have obtained the status of international protection are treated equally as the Slovenian citizens regarding primary and secondary education. Those with the status of a refugee have the same rights as Slovenian citizens and therefore have the right to pre-primary education, as well as to higher and high education.

The Slovenian education system consists of:

1. Pre-primary education (kindergarten);
2. Primary education (a structure of primary and lower secondary education);
3. Secondary education;a. Vocational and technical education;
6. Secondary general education;
4. Higher vocational education; and
5. High education

Pre-primary education includes children of one to six years of age. It is provided by pre-primary establishments, and it is not compulsory. The migrant children's right to pre-primary education, including the children asylum seekers and refugees, has not been predicted in any of the relevant documents. Yet, although the Law on Kindergartens (Zakon o vrtcih, Official Gazette of RS 62/2010-3УПЈС) does not mention

"foreign" or "migrant" and similar children, it contains the conclusion that pre-primary education follows the principles of equality and observes (accepts) the differences between children and their right of choice and distinction.

Primary school is free and compulsory. Children of six years of age in a certain calendar year enroll in first grade in that same year. The nine-year primary education is divided into three cycles of three years each. Primary schools provide a compulsory and an extended curriculum. The compulsory curriculum must be provided by the schools and followed by all students. It consists of compulsory subjects, optional subjects, starting periods and days of activities (culture, science, sports, technology). The optional curriculums for primary education must be provided by the schools and the children are free to decide whether to participate or not. They include educational assistance for children with special needs, correction classes, additional classes, afterschool care and other forms of care for the students, recess activities and special interest activities, as well as afterschool classes. This primary education curriculum, as well as its implementation in practice, is especially relevant for the integration of refugee children and asylum seekers.

The Ministry of Education, Science and Sport offers additional classes of professional assistance for teaching Slovenian language at the schools (universities) where immigrant students enroll in the first and second year. The current legislation is establishing a normative basis for providing funds from the state budget for learning Slovenian language and native languages for the students in primary and secondary schools, as part of the regular curriculum for primary and secondary education.

The Ministry determines the number of these students who attend the first and second year of school in Slovenia, based on applications received from the schools for financing classes of additional professional assistance for teaching Slovenian language. Additional professional assistance for learning Slovenian language has been provided for immigrant students in the first year of schooling in Slovenia since the end of the 1990's, and since the beginning of the academic year of 2011-2012 it has been provided for immigrant students in the second year. Based on the applications received for approval of language classes, it can be seen that in the first year of primary education around one-thousand children enroll annually, and five-hundred to eight-hundred children with a migrant status stay in the second year, with a tendency for an increase. Along with providing funds for education in Slovenian, the Ministry provides and supports classes in the native languages and cultures of immigrant students. The classes have taken place for several years in different primary schools for immigrant students in Albanian, Bosnian, Croatian, Dutch, Finnish, German, Macedonian, Russian, Serbian and Ukrainian.³³

In 2008, there was a provision added in the Rulebook for knowledge examination, evaluation and progress of primary school students, which predicts the possibility for grade adjustment of the immigrant students. According to this Rulebook, the methods and deadlines for knowledge evaluation, the number of assessments etc. of students who are foreign citizens, or are stateless persons and live in Slovenia, can be adjusted in accordance with their parents. The knowledge of immigrant students can also be evaluated regarding their progress in attaining the objectives or standards of knowledge defined in the curriculum. The Teachers' Council decides upon the adjustments. The adjustments of knowledge evaluation are made over the period of maximum two academic years. It is possible that, in the end of the first year of primary school, migrant children do not get grades in the separate subjects and still advance to the following year. The advancement to the following year is decided upon by the Teachers' Council based on a proposal by the homeroom teacher.

Children of migrants whose native language is not Slovenian and who have enrolled in the first year of primary school in Slovenia, at the age of six or nine, take the national exam of knowledge on voluntary basis at the end of the academic year. The successful completion of primary education enables students to continue their education by choosing a secondary school. Students who meet the requirements for compulsory education and successfully complete at least seven classes in the nine-year primary education, can continue their education within a program for short-term vocational education. The success on this level opens the doors towards other more productive secondary school programs. Secondary education follows after general compulsory primary education. Secondary education includes vocational and technical schools³⁴ which prepare the students mainly for the labor market, and the general secondary schools (gymnasiums)³⁵ prepare them for further studies. Programs in secondary education differ in contents, duration and objectives.

³³ https://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0ahUKEwjG6KbSkMvXAhXLIIAKHOctAdYQFgg_MAO&url=http%3A%2F%2Fwww.rtv.slo.si%2Fnews-in-english%2Fthe-integration-of-immigrant-children-into-the-slovenian-education-system%2F400843&usg=AOvVaw2_AlyB428qNAA6I57Eb3qu (accessed on 19th of November 2017)

³⁴ Planning, programming and providing vocational education is a mutual responsibility of the social partners (employers and syndicates) and the state. Short-term vocational programs should last one and a half years for the students and trainees who completed primary education, and two and a half years for those without completed primary education. A final exam marks their completion. The Certificate for completed final exam enables the students to enter the labor market or to continue their education in the first year in any other (secondary) secondary vocational school.

³⁵ The general secondary school (gymnasium) prepares students for further studies. The Gymnasium programs are of 4-year duration and terminate with an external/exit exam, called "matura" exam (exam of maturity). Gymnasium students who for different reasons do not wish to continue their education, have the opportunity to enter the labor market by attending a vocational course and obtaining qualifications in their selected profession. The objective of the vocational courses is to provide a bridge between the general and the vocational education and to enable the holders of a diploma from general, classical or technical gymnasium to obtain initial vocational qualifications on the level of corresponding secondary vocational and technical schools. The educational objectives are the same as in vocational and technical education. The course leads towards vocational qualification necessary for the labor market or for further studies at the higher vocational and professional colleges.

Article 16 of the Rulebook for norms and standards for implementation of curriculums and school programs in secondary education regulates the obligation to offer Slovenian language classes to secondary school students who need or want assistance due to gaps in their knowledge or insufficient knowledge of the Slovenian language, where the teacher's professional assessment of their knowledge and understanding of the language is taken in consideration. The criteria for formulating the groups are the number of enrolled secondary school students and the teacher's professional assessment of the level of their knowledge and understanding of the Slovenian language:

- up to 6 students, regardless of their level of knowledge: mixed group – intensive course of 35 classes;
- 7 to 12 students, regardless of their level of knowledge: mixed group – course of 70-classes;
- Up to 16 students with an equal (previous) knowledge of the language: homogenous group – course of 70-classes.

Schools offer these classes only in the first two years to secondary school students who attend school in Slovenia.

In 2016, 2275 migrant children in primary school and 1121 migrant children in secondary school benefitted from this assistance throughout the academic year. Furthermore, the Ministry provides and supports lectures in their native languages and cultures in the primary and secondary schools. This academic year there were nine languages learned and 420 children who participated.³⁶

Higher vocational education is conducted through programs at the vocational colleges which are significantly practical and closely connected to the labor market. This kind of vocational education has a duration of two years and concludes with a diploma which enables the students to start work in certain occupations. Students who graduate in this way are capable to enroll in the second year of professionally oriented programs in high education, if the institution that provides this type of studies allows such engagements.

High education includes academic university studies and professionally oriented studies. In the ethnically and linguistically mixed areas of Prekmurje and Slovenian Istra, children from this area attend bilingual pre-primary school, primary school and secondary school. Classes are mixed and the teaching languages are Slovenian

and Hungarian in Prekmurje, while in Istra the students must learn Italian as a second language in the schools where the teaching language is Slovenian. Children in schools where Italian is the teaching language must learn Slovenian as a second language. Except their native language, these children learn the history and culture of both nations.

In order to ensure continuous provision and development of teaching resources and other tools for teaching and learning Slovenian, as well as development of a specialized curriculum and learning Slovenian as a second foreign language, where all advanced levels and modules according to target groups should be included, in November 2014 the Ministry announced an open call for applications co-financed by the European Social Fund, titled Development of Teaching Resources for Slovenian Language as a Second Foreign Language Through Classes for Different Target Groups and Seminars for Teachers. The objective of this call for applications was the priority for provision of necessary curriculum resources and other tools for teaching and learning Slovenian as a second foreign language, considering the experiences that indicate that these resources can be of service to different target groups (migrants, Roma people, Slovenians from the diaspora) and therefore contribute to the development of this field.³⁷

In Slovenia, asylum seekers and refugees can enroll different educational programs for economic migrants and refugees, such as Slovenian language courses, literacy classes, legal counseling, computer courses, photography courses, and creative workshops for children and adults in English. These are available at the Asylum Center.³⁸ Most of them are provided by the nongovernmental organizations, although some of them are provided by the migrants out of the Asylum Center, such as the NGO Por.

³⁶ More on this:

http://www.vlada.si/en/media_room/newsletter/slovenia_weekly/news/article/on_the_inclusion_of_migrants_into_the_educational_system_in_slovenia_58064/ (accessed on 19th of November 2017)

³⁷ More information at:

https://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0ahUKEwjG6KbSkMvXAhXLIIAKHQctAdYQFgg_M_AQ&url=http%3A%2F%2Fwww.rtv.slo.si%2Fnews-in-english%2Fthe-integration-of-immigrant-children-into-the-slovenian-education-system%2F400843&usq=AOvVaw2_AlyB428qNAA6i57Eb3gu (accessed on 19th of November 2017)

³⁸ <http://www.mnz.gov.si>

The Netherlands

In the Netherlands, education is compulsory for children aged five to eighteen. Parents are those who choose primary schools for their children. The educational level of the child in secondary school is determined according to his or her achievements when the child is in the eighth grade. The administrative bodies of the schools and municipalities are responsible for organizing the education of new-coming migrant children. As a result, there are different educational systems for the newcomers, as it is a case in countries such as Belgium, the Czech Republic, Denmark, Norway, Sweden, and the United Kingdom (Eurydice, 2009). This type of structure can have its advantages, because the coming and going of the so-called newcomers is unpredictable and, moreover, the decentralized organization enables flexibility and possibility for the capacity to adjust to the changes and fluctuations. Still, this type of structure can also cause obstacles when considering further integration of the new-coming migrant children in the society regarding their career. For example, the expertise of the teachers could be disproportional. Additionally, in The Netherlands, there aren't any national laws or instructions for ways of obtaining additional teaching skills for the teachers of the new-coming students of different native languages.

When the status of refugee children has been set, there are four possible scenarios for children between the ages of 4 and 12:

- The City can request the School Council to establish a school in the Asylum Center. Students visit this school until they get a definite answer to their application for asylum. (According to the classification made by the Inspectorate: type 1);
- The City can request the School Council to establish a school in order to provide education for the so-called new-coming asylum seekers. In this specific scenario, students will be enrolled in this school immediately after they settle in the city/town (education type 2);
- The City can request the School Council to organize classes for the new-coming students in the regular schools. In this situation, regular schools create separate groups for the newcomers who speak a foreign language, in order to help them participate in the regular classes in a period of one year. After attending classes for newcomers of a different native language, they can integrate in the regular classes in primary schools. In some cases, the students also attend regular classes during the day. Often, the School Council decides which schools should be specialized regarding education of newcomers, meaning that future students should often search for schools out of the region they live in. According to the Inspectorate, there is a difference between schools with three or more groups for foreign students and schools with only one or two such groups. The prior type of schools belong to education type 2, as described above, and the latter type of schools have been listed as education type 3;
- In the last case, a new-coming student can be immediately enrolled in regular school. In this case, the student is not additionally supported. This scenario can often take place in the rural regions and is called education type 4.

The Netherlands has almost 200 groups for newcomers of a different native language. While some of these groups are regional, others are centralized around an area, village or town. Asylum seekers, migrants in the EU and holders of resident permits have the opportunity to enroll these groups. They remain there until their Dutch language skills become satisfactory for them to attend a (regular) school in their area. Most of the classes for new-coming students are part of their regular school and take place in the same building where regular school takes place, or they take place in their own building. Insofar, each asylum center works along with a school. In some cases, schools are located in the Center for Asylum Seekers, such as in the towns of Leersum, Katwijk and Dronten. Yet, in Utrecht, the school is located out of the Center for Asylum Seekers.³⁹

There aren't any precise protocols for deciding which level of education is suitable for the student. Sometimes, the student's age is used as criteria for determining the level of education, with an additional note that the student should be sufficiently fluent in Dutch. Therefore, regarding classification of the newcomers in the primary education system in the Netherlands, there are two perspectives: classifying the students according to their age or classifying them according to their Dutch language knowledge. The method of the latter perspective is always a matter of changes, because the first method is used for the so-called PRISMA-method, and the method used today is called *Mondeling Nederlands Nieuw*. Still, both methods consist of four levels and last four weeks. The students start with Level 1 and then transfer to a higher level until they begin to attend regular school. In some schools, students of the same level attend the same class. On the other hand, in other schools, students of different levels attend the same class again. Schools that do not classify newcomers in a specific class according to their fluency in Dutch, as described above, often deal with the students' age. However, due to the lack of mutual coordination regarding classification of students in the classes for newcomers in different schools, it is oftentimes difficult for students to transfer from one school into another.⁴⁰

Schools with solid educational structure register the initial conditions of each student and they also interview the parents, during which the student's family conditions, personal data and school record are observed. During this interview, the schools also attempt to find out if the student has previously attended a Dutch school. Besides that, the initial conditions of the students are determined by testing their motor skills, reading skills (such as literacy, the level of understanding while reading in their native language and familiarity with the Latin script), math skills

(such as work with numbers and arithmetic skills) and their vocabulary (knowing Dutch words). These schools also determine which skills the student should develop in order to start attending regular school. With this, it is possible to transfer the student to a class with students of the same age. Finally, aspects such as didactic conditions, learning efficiency and the student's social and emotional development are also taken in consideration when the student is transferred to a regular school. "(Le Pichon, Baauw & Erning, van., 2016, page. 15-16)

In secondary education, which is often intended for students aged 13 to 18, international transition classes, also named ISK, are a part of schools specialized for private primary education. This type of education in secondary schools has been organized on a national level and varies minimally on regional levels.

The international transition classes (ISK) are always linked to a mainstream secondary school, because these are not a separate form of education. There are four separate scenarios for admission of new students that arrive in secondary schools:

- the school has a separate department within the premises of the regular secondary school;
- the school has a separate department within the premises of another school;
- the school has a separate department within several buildings;
- the school has a separate department within the Center for Asylum Seekers;

³⁹ T. Tudjman (Risbo) A. van den Heerik (Risbo) E. le Pichon (Utrecht University) S. Baauw (Utrecht University), "Multi-country Partnership to Enhance the Education of Refugee and Asylum-seeking Youth in Europe Refugee Education in the Netherlands", October 2016, p.13

⁴⁰ Le Pichon, Baauw & Erning, van., 2016, p. 14-15

Besides this, students get a profile with underlined objectives that they should attain before they are admitted into a regular school. The schools have different points of view when discussing the maximum age of a new student admitted in their classes (12 to 18 or 12 to 16) and the length of the admission classes (1 to 3 years). In reality, the admission class provides educational support for 30 weeks approximately. Yet, this varies from one school to another. Admission classes provide educational support for about two years. (Le Pichon, Baauw & Erning, van., 2016, page14).

In secondary education, classification of newcomers is not based on their age, but on the expected level of education they have achieved after finishing attendance at the admission program/class. This considers their school competency and fluency in Dutch. (Le Pichon, Baauw & Erning, van., 2016) At this moment, there are 85 ISKs in the Netherlands. Some of them are based on the Asylum Center. Newcomers can enroll these admission classes at the age of 12 and upper. These programs are not attended by refugees only. They are also attended by new-coming children of migrant workers, those who come to reunite with family and Dutch individuals from oversea territories of the Netherlands. The aim is to admit the students in the regular program for secondary education or, if they are a bit older, in the program for secondary vocational education after around 2 years of ISK.

LOWAN⁴¹, in collaboration with the Knowledge Institute for Language Development (Institute for Language Research and Language Education of Foreign Language Speakers) (ITTA), is creating a curriculum for ISK. This offers the students an appropriate level of education of a 4-week duration (Primary admission of foreign language speakers, EOA).

At the age of 16, young people in the Netherlands can enroll higher secondary vocational education in order to prepare themselves for a profession. There are four levels of higher secondary vocational education: (1) assistant training, or beginner training for young people without a certificate, (2) basic vocational training for practical work performance, (3) professional training for becoming an independent

professional, and (4) middle-management training, or specialized training for qualifying as an independent professional. In 2014-2015 the Netherlands had 65 higher secondary vocational schools with 484 985 students, of which the majority were under 18 years of age. Due to the current refugee inflow in the Netherlands, the local authorities requested the schools providing higher secondary vocational education to admit refugees and to prepare them for the labor market. The focus here is on the 16 and 17-year-old newcomers who, in practice, are not always well integrated into the ISK, because these classes include much younger children, as well. Therefore, efforts are made to place these young adults into the secondary vocational education system. Besides this, higher secondary vocational schools provide language support and/or courses for civic integration for refugees aged 18 or older.

According to the law, admission in the higher levels of secondary vocational education is possible only if the person has at least a certificate of middle-level prior to secondary vocational education. Upon instructions given by the Ministry of Education, Culture and Science, the Cooperation Organisation for Vocational Education, Training and the Labour Market (SBB) determines the value of foreign certificates compared to the Dutch certificates for completed secondary vocational education. If a refugee who owns a foreign certificate wishes to enroll higher secondary vocational school, SBB can determine the value of the certificate for free. Within a week, SBB renders an opinion for the level of the refugee's education via e-mail. This enables the school to admit the students at an appropriate level for them. However, it is more difficult for the higher secondary schools if the refugee still doesn't own an ISK certificate. Higher secondary vocational schools are cautious with the admission of ISK students into their programs if they have not been assured that the students have completed the admission education at the necessary level for enrolling secondary vocational education.

⁴¹ Agency for assistance in education, the Netherlands



Higher secondary vocational education does not have the required resources in order to provide appropriate language support for these newcomers. Of obvious reasons, it is impossible for the newcomers to achieve, over the course of one or two years in the ISK education, the objectives that other regular students work on for 10 years. However, the competent authority of the higher secondary vocational school can decide upon providing an admission exam for the student without a certificate in order for him or her to be admitted at level 2, 3 or 4 of the program. Yet, not every school uses this option in the case of refugees, because the admission based on this method can have a negative impact regarding performances and rates of leaving school. That is why there is the risk children massively enroll programs of level 1 (beginner or assistant trainings) because the admission requests do not relate to these programs.

Norway

Norway guarantees access to equal educational opportunities for migrants, refugee children and children asylum seekers under equal conditions as for its own citizens. Since 2004, the new-coming refugees aged between 18 and 55 who obtained legal status have not only had the right, but also the obligation, to learn Norwegian language. These courses are free and come with additional financial support, usually for two years.⁴²

The compulsory education in Norway is in duration of ten years, and children begin school at the age of six. The educational system consists of primary school (Barneskole), lower secondary school (Ungdomsskole) and upper secondary school (Videregående skole), which are based on the principle of a unified school system which allows equal and adapted education for all, based on a unique national curriculum. Children in Norway begin primary school at the age of six, and finish at the age of thirteen, which covers the period from first to seventh grade. In first grade, children pass their school days playing educational games, learning social skills and basic education (such as learning the alphabet, basic addition and extraction and basic English). From second till seventh grade, children learn a wide specter of subjects: mathematics, gymnastics, English and social subjects.

Children are not given formal grades during primary school, but teachers often write comments and give informal grades in order to show progress. All municipalities in Norway are legally bound to provide daily capacities before and after school classes for the children who attend the first four grades. These day-care capacities must provide the students with playing objects, as well as their participation in cultural and recreational activities appropriate to the age of the children, their level of physical ability and interests. These day-care capacities must also provide satisfactory conditions for development of children with physical disabilities.⁴³ Norwegian lower secondary school starts at the age of 12 or 13 and is of a three-year duration. It covers eighth through tenth grade. Through the period of secondary education, students are graded and are expected to keep good grades in order to choose optional subjects, which are usually languages (such

as German, French or Spanish), or additional English or Norwegian language classes. The Norwegian upper secondary school consists of another three years of "optional" schooling. However, according to the Norwegian legislative and the labor market (there are almost no working positions for the young people who leave lower secondary school) it means that this secondary education is practically unavoidable. The lower and upper secondary schools in Norway are separated. This means that all students must enroll again and start a new school every time they enroll secondary education.

Upper secondary education in Norway usually takes place in public schools. In 2006 a reform was introduced, named Kunnskapsløftet. This reform helps students to follow the studies for vocational studies in secondary school. Within the frames of these options, students can choose among many other alternatives, depending on the subjects they would like to specialize in. The reform also assigned informatics as a compulsory subject.⁴⁴

⁴² Vox, Norwegian government agency which is responsible for supervision of education of the adults in the country

⁴³ More at: <https://www.regjeringen.no/en/topics/education/school/the-norwegian-education-system/id445118/>

⁴⁴ More details at: https://www.udir.no/Upload/Brosjyrer/5/Education_in_Norway.pdf?epslanguage=no



When refugee children reach the age of four, the municipality gets a contribution from the state, which allows the children to obtain a permanent position in local kindergartens. For children aged 2 to 4, this offer can be given in the reception centers. For children under two years of age, the Reception Center must provide planned activities, while the parents/legal guardians are engaged in compulsory activities. The Norwegian Act on Kindergarten and the 2011 Framework Plan for the Contents and Tasks of Kindergartens state that children have the right to participate in compliance with their age and abilities. This means that children in kindergartens have the right, and not the opportunity, to express their personal views on every-day kindergarten activities and routines. Children are regularly given the opportunity to participate in the planning and assessment of the kindergarten activities, and the children's assessments are given appropriate degree according to their age and maturity.⁴⁵

The procedure for recognition of the education of refugees has two phases. The first is to establish an educational portfolio of the applicant by collecting accompanying proofs and a reconstruction of the description of courses. The second phase is to evaluate the applicant's education, comparing it to the Norwegian system for high education through evaluation interviews. While the first phase can be conducted by administrators, the second phase must involve academic employees in the high education institutions.⁴⁶

⁴⁵ Kunnskapsdepartementet, 2005

⁴⁶ Recognition of the education for refugees: the Norwegian experience, available at: <https://ejournals.bc.edu/ojs/index.php/ihe/article/viewFile/7876/7027>

More on the children's right to expression:

https://brage.bibsys.no/xmlui/bitstream/handle/11250/269599/539753_FULLTEXT01.pdf?sequence=1&isAllowed=y

Conclusions

From a formal legal aspect, we can conclude that in the RM, access to education is guaranteed to every child. However, if we observe the legal condition for primary school admission, i.e. that in the process of enrolling the child in first grade, the parent is obliged to submit a confirmation of immunization for the child, issued by a competent health institution, we can see that, in practice, there are certain challenges for some categories of persons. Refugee children asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children are of interest to this analysis, therefore, from the practical experiences of MYLA, as an organization which has been working for years in the field of refugee rights, i.e. persons with recognized status of asylum in the RM and their integration, it has been noticed that most of the persons of interest do not own such a document. The reasons for this are different and they not only relate to the proof for compulsory immunization, but generally to personal documents that have been lost, destroyed, damaged or are inexistent in the required legal form. In such a situation, the enrollment of a child in primary school would be disabled, which would contradict the general principles to which the RM has bound to and the legal provisions regarding access to education of the child, regardless his or her status, i.e. the guaranteed right to education to every child. Although, as a condition for enrolling primary education, there hasn't been another condition predicted, except the proof for compulsory immunization, in some of the primary schools on the territory of the RM, during the procedure of enrollment, the parent is required to submit a birth certificate, which is not in compliance with the current law.⁴⁷

For the Kosovo refugees who obtained basic literacy in Macedonian language, and most of the children were born in Macedonia, the regular school enrollment was not a problem. The measures for encouragement and support of the Kosovo refugees were provided through donation-financed project activities in combination with scholarship and mentorship support.⁴⁸ Besides that, all refugee

children, users of transfers for social protection, received secondary school scholarships financed by the state.⁴⁹ However, the real challenge followed in the next period. The persons who arrived in the Republic of Macedonia with the refugee/migrant crisis, come from geographical regions that have a different cultural and linguistic background. A significant number of these arrive without proper documents to prove their level of education. According to the current legal provisions, in practice, the requested documents will be difficult to be provided by the refugees, because they have been lost, or left during the escape. In such a situation, nostrification or equivalency will practically be impossible. Additionally, not speaking the language, as well as the inability to attend school while in movement, and insufficient knowledge in certain subjects are additional challenges which aggravate their integration in the environment.

What is missing in our legal system are programs for proper inclusion of the target group into the educational system. These deficiencies must be taken in consideration by the state if it is bound to attaining the objectives it has set regarding the integration of refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children, in Macedonia. The initial step is harmonization and amendments to the laws and bylaws that regulate this field, preparation of programs and effective implementation by assigning a competent body which will follow and provide the appliance of adopted regulations.

⁴⁷ Article 46 Paragraph 2, Law on Primary Education,

<http://www.mon.gov.mk/index.php/2014-07-24-06-34-40/zakoni>

⁴⁸ A major part of these activities was conducted by the support of the Red Cross and financial aids provided by UNHCR

⁴⁹ More information on this question can be found in the Draft Strategy for Integration of Refugees and Migrants of the RM 2017- 2027, p.27, at:

<http://www.mtsp.gov.mk/content/pdf/strategii/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0%20%D0%B7%D0%B0%20%D0%B8%D0%BD%D1%82%D0%B5%D0%B3%D1%80%D0%B0%D1%86%D0%B8%D1%98%D0%B0%20%D0%BD%D0%B0%20%D0%B1%D0%B5%D0%B3%D0%B0%D0%BB%D1%86%D0%B8%20%D0%BA%D0%BE%D0%BD%D0%B2%D0%B5%D1%80%202017.pdf> (accessed 20th July 2017)

Recommendations

Recommendation 1

In order to ensure inclusion of all children, especially refugee and stateless children, in the provision of Article 2 from the Law on Primary Education, the discrimination bases can be extended by including 'language', 'ethnicity', 'disability', 'birth' and 'other status'. In Article 8, which predicts that children with foreign citizenship or stateless children residing in the Republic of Macedonia, have the right to primary education under equal conditions as the children citizens of the Republic of Macedonia, it is necessary to include refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection and children under temporary protection.

In Article 3 Paragraph 3 from the Law on Secondary Education it is necessary to extend the discrimination bases by including 'language', 'ethnicity', 'disability', 'birth' and 'other status'. According to Article 5 from the Law on Secondary Education, foreign citizens and stateless persons can obtain secondary education in a manner and under conditions determined by the law. It is necessary to include refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection and children under temporary protection, as well.

No child shall remain outside the system and shouldn't be deprived of the access to all rights, including the right to education. Regarding inclusion, children residing in the reception-transit centers (Vinojug and Tabanovce) must not be excluded from regular education. Rather, they should attend school along with their peers in public schools. Hence, their integration would be drastically facilitated, as we can observe in the foreign experiences processed in the comparative part of this Analysis.

Recommendation 2

In the process of nostrification, predicted by the Laws on Primary and Secondary Education and the Rulebooks for requesting nostrification and recognition of certificates and diplomas for primary and secondary education obtained abroad and the required documentation, we must consider that foreign citizens or stateless persons have the right to request nostrification or recognition of equivalency of a certificate obtained abroad (Article 150 Paragraph 2 from the Law on Primary Education, and Article 78 Paragraph 2 from the Law on Secondary Education).

Considering the such determined right regarding stateless persons, the predicted necessary documentation, which includes proof of citizenship for foreign citizens and a birth certificate, and which should be submitted to the request for nostrification, is in contrast to the provision that determines that a stateless person has the right to request nostrification. These legal provisions must be changed and amended according to what is guaranteed in the said laws. Proof of citizenship or a birth certificate cannot be requested from stateless children.

Additionally, the category 'foreigner' or 'stateless person' can include a refugee child, which requires amendments in that part, as well. It is, in practice, difficult and almost impossible, for the refugees to provide the requested documents, mostly because they have been lost, burnt, or similar. The Minister in competency of matters concerning education and the Minister of Information Society and Administration should take this in consideration when prescribing the form of request for nostrification and the required documentation. The prescribed amount of expenses for nostrification should be revised, i.e. if they are real expenses, should it be taken in consideration that the child may come from a socially impaired family or may be a refugee. Also, the requested notarization of the documents can be a financial burden, and therefore, in some cases, the possibility for exemption from these expenses should be considered, according to the Convention on the Status of Refugees where exemption from expenditure has been determined.

Recommendation 3

In the Law on the Bureau for Development of Education (Article 5, which refers to the competency of the Bureau for supervising educational activities) refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children can be included.

Recommendation 4

When formally determining the level of education, it is recommendable to formulate a competent body (for example a commission) within the frames of the Ministry of Education and Sciences or the Bureau for Development of Education, consisted of experts who, by conducting appropriate tests (previously prepared) and by the assistance of a translator/interpreter, if necessary, will determine the level of education of the child who doesn't own any proof for his or her education, will issue a confirmation /proof for the completed test where the determined level of education will be stated. This confirmation will enable the child to enroll in the next level of education and get appropriate certificates or diplomas in future, depending on the achieved grades. This procedure should be regulated by a bylaw, as well.

Recommendation 5

The proof of immunization, which is a necessary condition for primary school enrollment, should be adjusted to the refugee children, asylum seekers, children with recognized refugee status, children under subsidiary protection, children under temporary protection, foreigners and stateless children. Perhaps the list of compulsory immunization is different in their country, or some children might not carry the list with them and similar. Therefore, instead of this proof, a possible solution would be if the refugee child who is enrolling in primary school, is issued a confirmation for his or her general health condition by a pediatrician or competent health institution in Republic of Macedonia, which would further be used for this purpose.

Recommendation 6

In order to introduce clear and accurate amendments to the current regulative concerning education of all children, it is preferable, apart from the remaining recommendations and proposals for amendments, to include a separate chapter within the frames of the laws (which can consist of several articles) which will regard the fundamental rights of refugee children, contain imperative provisions for preparation of programs (educative and for learning Macedonian language), as well a test, with a reference for preparation of necessary rulebooks concerning examinations and programs by the competent institutions. Ideally, the process of learning Macedonian according to this program and the determination of the level of education would be two parallel processes taking place simultaneously, in order to formally include the child into the educational system after the completion of this period.

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