



Macedonian Young Lawyers Association

Immigration Detention in North Macedonia through numbers

January - September 2020



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Publisher: Macedonian Young Lawyers Association

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Skopje, December 2020

CONCLUSIONS

- The number of detained persons in 2020 (317) is higher compared to the same period in 2019 (225).
- The number of detained children in 2020 (76) has more than doubled, compared to the same period 2019 (30).
- The number of days that children spent in dentention has increased significantly (average 20 days, maximum 55 days) compared to the same period in 2019 (average 10 days, maximum 19 days).
- All of the children had timely appointed legal guardian by the Center for Social Work. However, practices vary, the guardians of the children detained in TC Vinojug were not always given access to talk to the children.
- According to the decision number 16.1.2-693/1 about public information dated 08.06.2020 of the Ministry of Interior, "Temporary transit centers Vinojug and Tabanovce are open type facilities that are not under the jurisdiction of the Ministry of Interior".
- In 2020, persons were detained at two locations in the RC for Foreigners and in TC Vinojug.
- TC Vinojug was used as quarantine accommodation during 2020.
- Despite the 21 requests submitted by September, MYLA was not allowed access to persons detained at the RC for Foreigners.
- The detainees in TC Vinojug did not have the opportunity for legal aid and consultation. MYLA lawyers were not allowed to talk to these people in the period until September 2020.
- Most of the detainees were returned to Greece outside the formal deportation procedure after testifying as witnesses against the smugglers.
- There is a continuous increase of persons (24153) who are prevented from entering the territory of RNM illegally or are pushed back/returned to Greece outside the formal procedure.
- The persons detained in TC Vinojug or placed in TC Vinojug in isolation expressed dissatisfaction with the conditions in the center.

Number of detained persons because of immigration reasons: 317

**Number of detained persons in the RC
for Foreigners : 100**

**Number of detained persons
in TC Vinojug: 217**

Number of detained children: 76

**Number of unaccompanied children
detained: 46**

Number of detained women: 18

**Average length of detention
in TC Vinojug: 17 days**

Longest detention in TC Vinojug: 55 days

**Average length of detention of children
in TC Vinojug: 20 days**

**Longest detention of a child
in TC Vinojug..... 55 days**

Number of expelled persons: 20

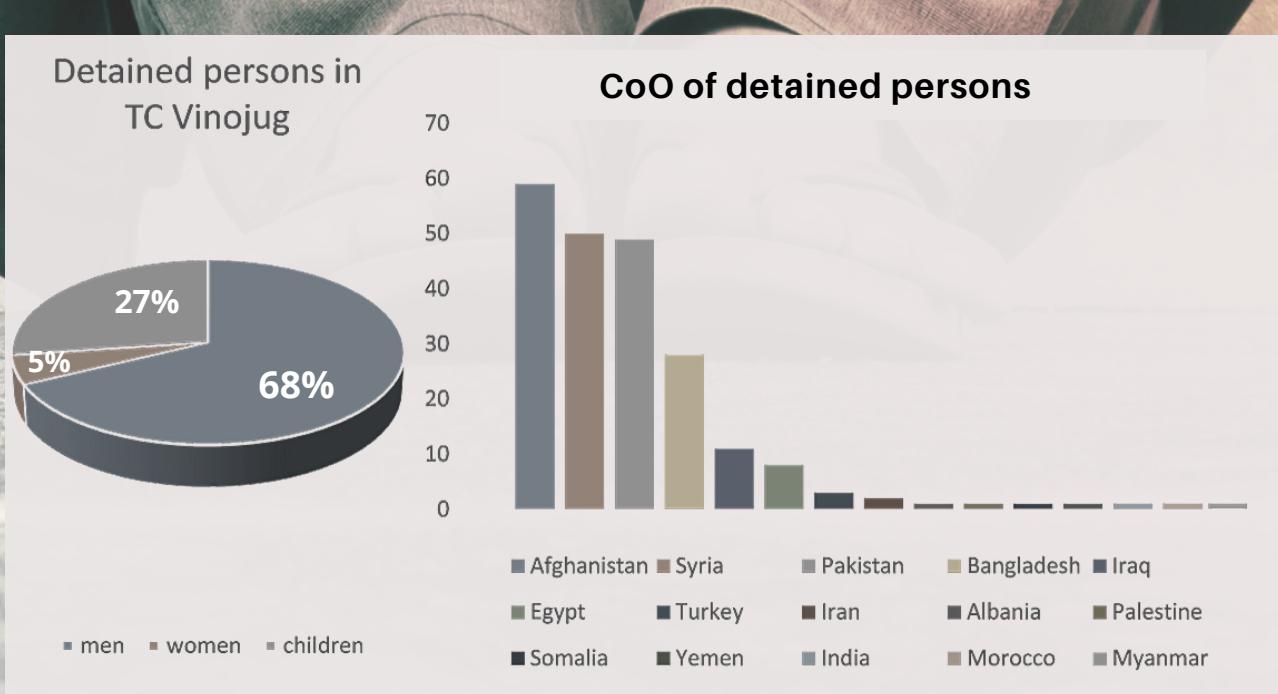
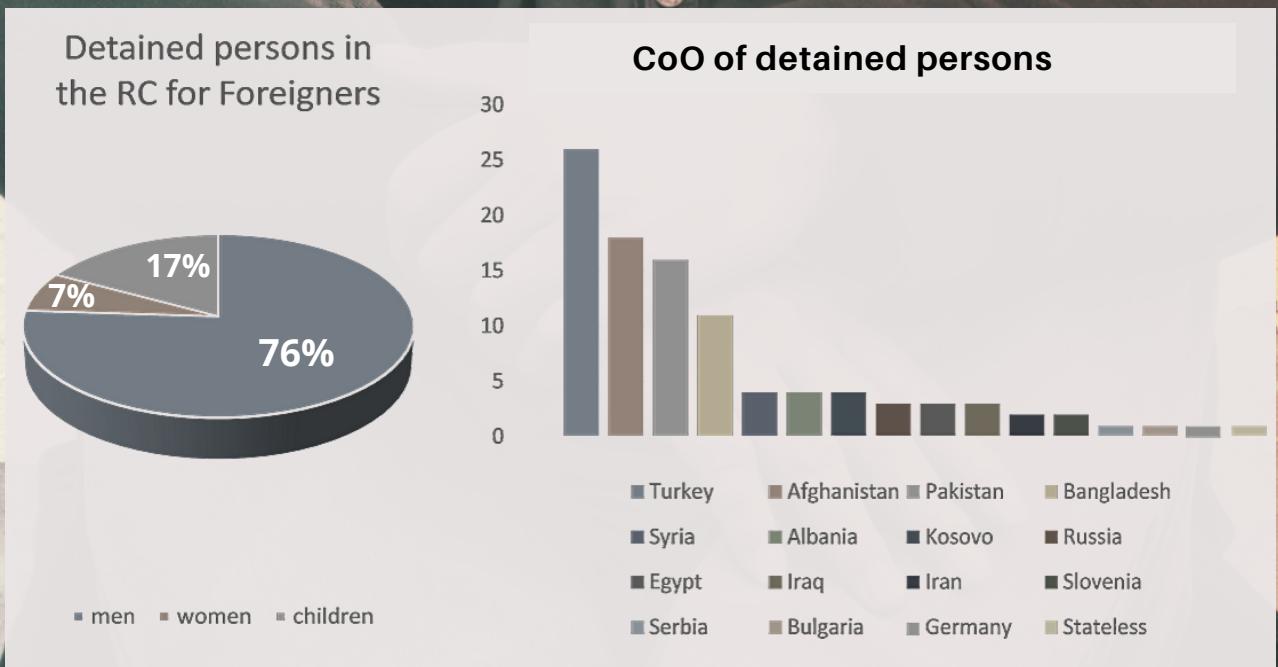
Number of criminal charges against smugglers: 56

Number of smuggling victims (prevented by the police): 2700

**Number of persons that were prevented from
illegal entry in RNM: 24.153**

Number of asylum requests submitted in the RC for Foreigners: 83

**Number of Decisions for deprivation of freedom of movement
to asylum seekers: 11**



Presence of witnesses in criminal proceedings is still the main reason for immigration detention in North Macedonia, although according to the positive legal provisions and norms this is not a ground for detention.

The detainees did not understand the reason and the length of their detention, taking into account the fact that they were kept in quarantine for 25 days before being brought out to testify, and because of the lack of access to legal aid they addressed their complaints directly to the Ombudsman of RNM.

In 2020, the immigration detention is still treated as a part of an administrative procedure and it is not reviewed by a judge after 12 hours.

Detention Conditions with focus on children

Some of the children who were kept in the RC for foreigners and TC Vinojug were placed in a room together with other adults.

Most of the detainees in TC Vinojug, including children and women, did not have access to fresh air outside the center, except during the breaks for going to the toilet, when a police officer accompanied them. Considering the fact that the TC is playing a role of a refugee camp, the detained persons didn't have the right of walk and fresh air even in the camp, outside of their containers.

The detainees in TC Vinojug were not issued a detention decision.

All of the children had timely appointed legal guardian by the Center for Social Work. However, practices vary, the guardians of the children detained in TC Vinojug, unlike those detained in the RC for Foreigners, were not always given access to the children.

During their detention in TC Vinojug, the children were not involved in education, nor did they have access to educational and interactive programs.

The detention conditions for children in TC Vinojug and the RC for Foreigners do not meet relevant domestic and international legislation and standards.

Despite the active presence of MYLA in TC Vinojug and the experience in the work and representation of children, the detainees in TC Vinojug did not have the opportunity for legal aid and consultation in the period until September 2020.





RECOMMENDATIONS

- **No child should be held in immigration detention and alternatives to detention should be available in law and implemented in practice.**
- **Child detention can be considered as a last resort only if all other alternatives are not appropriate and applicable. Even then children have the right to education, interactive activities and fresh air.**
- **Detention conditions should meet relevant domestic and international legislation and standards. Special attention should be paid to the conditions of child detention. Under no circumstances should children be placed with adults.**
- **Securing the presence of witnesses in criminal proceedings by detaining them is against the law. Appropriate alternatives should be considered;**
- **Effective legal assistance and the opportunity to adequately challenge the legality of the decision are crucial in ensuring that the rights of the detained persons are respected and fulfilled.**
- **Even in the event of a state of emergency, there must be no discriminatory approach to dealing with the period of isolation of refugees and migrants. In times of pandemic, refugees are one of the most vulnerable groups, and proper assessment of their needs and risks they face is necessary and plays a key role.**

All of the presented information in this report are based on received public information, as on data available to MYLA for the persons detained in TC Vinojug and data obtained from the children who were detained in the RC for Foreigners, after they were released and accommodated in the RC for Asylum Seekers or other alternative care arrangement. As of the beginning of 2019, MYLA doesn't have access to the RC for Foreigners and that is not changed until the publication of this report.



Macedonian Young Lawyers Association

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

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

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This publication was supported by the UNHCR Representation in North Macedonia. The opinions and views expressed in the publication are opinions of the author and do not necessarily reflect UNHCR official positions.