

THE STATE OF ASYLUM IN
THE REPUBLIC OF
NORTH MACEDONIA IN 2023

**The State of Asylum in the
Republic of North Macedonia in 2023**

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Translator

Maja Atanasova

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Editor

Zoran Drangovski

Author

Teodora Kjoseva Kostadinovska

Design

Haris Murikj

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Abbreviations

UNHCR	_____	United Nations High Commissioner for Refugees
ECHR	_____	European Convention on Human Rights
EU	_____	European Union
ECtHR	_____	European Court on Human Rights
PIN	_____	Personal Identification Number of the citizen
LATP	_____	Law on Asylum and Temporary Protection
LITP	_____	Law on International and Temporary Protection
LFLA	_____	Law on Free Legal Aid
LC	_____	Law on Citizenship
LCP	_____	Law on Criminal Procedure
LGAP	_____	Law on General Administration Procedure
LAD	_____	Law on Administrative Disputes
IOM	_____	International Organization on Migration
MYLA	_____	Macedonian Young Lawyers Association
MLSP	_____	Ministry of Labor and Social Policy
MoI	_____	Ministry of Interior
NPM	_____	National Preventive Mechanism
UMCF	_____	Unaccompanied minor – Child Foreigner
Reception Center	_____	Reception Center for Asylum Seekers – Vizbegovo
TC	_____	Transit Center
RNM	_____	Republic of North Macedonia
RAE	_____	Roma, Ashkali and Egyptians
the Sector	_____	Sector for Asylum
CSW	_____	Centers for Social Work
CMC	_____	Crisis Management Center
FRONTEX	_____	European border and coast guard agency

This report is a comprehensive overview of the various practices, policies, and procedures in relation to the asylum system in Republic of North Macedonia in 2023. The Report emphasizes the key challenges faced by the asylum seekers and the refugees during the asylum procedure and during realization of other rights.

In order to produce this document, we used: a) data gathered during representation of asylum seekers, refugee and migrants, persons under subsidiary protection and recognized refugees in North Macedonia; b) data gathered through monitoring of the condition and treatment of the authorized bodies towards the refugees and migrants in the Transit Centers where MYLA has accessible offices and c) data gathered during the attendance in the Reception Center for Asylum Seekers in Skopje. Furthermore, in order to prepare this Report, we gathered public information, as well as numerous available reports and literature.

This publication is supported by the UNHCR Representation in Skopje. The opinions and standings stated in this publication are solely belonging to the author, and do not necessarily reflect the official standings of the UNHCR.

INTRODUCTION

The Macedonian Young Lawyers Association (hereinafter referred to as: MYLA), supported by the United Nations High Commissioner for Refugees Office in Skopje (hereinafter referred to as: UNHCR) has been continually conducting the project for representation and provision of free legal aid to the asylum seekers and persons under international protection in the procedures before the state bodies and courts. For more than twelve years, MYLA has been successfully protecting the rights of these persons and their full realization, and regularly participates in conduction of the asylum procedures, guaranteed as per the legal provisions that are in force in the Republic of North Macedonia.

MYLA represents the asylum seekers coming from countries from or outside the region who would submit an application for asylum in the Republic of North Macedonia (RNM). MYLA provides legal advice for the submission of the application for asylum and for the procedure following the application for all foreigners who intend to submit an application. After the opening of the Transit centers (TC) – Transit center Vinograd (south) and Transit Center Tabanovce (north), MYLA possesses its own venues in both centers and monitors the freedom, provides initial advice and information on the application procedure, supports, directs and intermediates for the persons wanting to submit an application before the authorities.

MYLA also has its offices in the Reception center for asylum seekers in Skopje, providing daily attendance and representation of the asylum seekers, legal advice and consultations, and intervening for issues related to their rights as asylum seekers and in procedures regarding their status. MYLA also conducts legal counseling and represents persons under international protection in all procedures before the authorities. As of April 2021, MYLA has returned to visiting the Reception center for foreigners and provides legal aid for some of the migrants accommodated there. In addition to this, MYLA represents the 1999 Kosovo crisis refugees who are still in the country and enjoy international protection and provides legal assistance in the procedures related to their status and the rights belonging to them.

Based on the experience and practice in providing free legal aid to asylum seekers and persons under international protection, MYLA has prepared this Report that provides a comprehensive analysis of the access to the asylum procedure, the asylum procedure itself, and the work of the authorities, the integration procedure and the (dis)respect of the rights of the people concerned. This Report also shows the faults in the application of the domestic laws and bylaws regulating asylum, as well as the international documents adopted per the Constitution of RNM. With this approach, we strive to establish an efficient system for asylum and integration of persons under international protection that will respect their guaranteed rights to the greatest extent. This document holds real examples, available data, and recommendations for overcoming specific weaknesses and problems in the asylum system in RNM.

BRIEF OVERVIEW OF THE SITUATION IN THE COUNTRY

Macedonia is one of the central transit points in the Balkan route towards the desired final destinations. The state of emergency in a part of RNM territory, proclaimed on August 19, 2015 is still valid. With it, two temporary transit centers were established near the southern and northern border. Perceiving RNM as a transit country instead of a destination, the average time the refugees stay in the transit centers is several days.

February 2022 brought the invasion of Ukraine by Russia, and the conflict provoked mass emigration to more than 8 million Ukrainians in just one month. By the end of 2023, there were 9,7 million Ukrainians in forced migration.¹

By the end of 2022, Macedonia was the only country in the region and Europe that didn't anticipate providing temporary protection to the Ukrainians under the Law on International and Temporary Protection, as the other countries did. Instead, the Ukrainians were sent to apply for a permit for a temporary stay due to humanitarian reasons. This permit deprived the Ukrainian refugees from free access to rights, and they faced many challenges. First and foremost, they couldn't receive work permits and find employment, they couldn't enroll their children in school, they didn't have health and social insurance, etc. The City Red Cross of Skopje covered some of the services. Very few people have decided to submit an individual application to grant refugee status. In 2022, 4 Ukrainians applied for asylum,² and in 2023 only one person, who later received subsidiary protection but left the country nonetheless. In August 2023 the Government of RNM adopted a decision to grant all persons from Ukraine with temporary protection as per the Law on International and Temporary Protection.³ By this decision, the Ministry of Labor and Social Policy and the Ministry of Interior were obliged to undertake all the necessary measures within their authorities to implement the decision. However, until the end of 2023, the decision was not implemented, and these persons were left without access to fundamental rights in the country. The biggest problem was that the persons under temporary protection, as stated in the LITP, are not entitled to personal identification numbers (PINs), and these numbers are necessary in our country to be recognized by the systems. The persons from Ukraine were in an unfavorable position, not knowing how to act, and most of them were left with the status of foreigners with temporary residence due to humanitarian reasons by the end of the year. MYLA offered free legal aid to every Ukrainian who needed information on how to regulate their status in the country. The aid included information regarding rights related to social protection, education, work, accommodation, and everything else associated with their residence and status in the country.

The Transit centers Vinojug and Tabanovce continued to operate as temporary centers without a regulated status, and the persons accommodated in these centers were processed without any legal procedure and without establishing their status in the country. As of April 2023, FRONTEX - European Border and Coast Guard Agency⁴ started operating at the southern border and the airports. With their operations, all detention of persons on the move for the purpose of being witnesses in proceedings at the Vinojug Transit Center was discontinued, and all of them were transferred to the Reception Center for Foreigners. However, informal returns continued, mainly after 4 p.m., that is, after the end of the working shift of Frontex officials.⁵

¹ Global trends report 2023, UNHCR, pg. 9, Global Trends report 2023 | UNHCR, <https://www.unhcr.org/global-trends-report-2023>

² This is one submitted application for asylum which concerned a family of four that was represented by MYLA

³ Decision of the Government, Official Gazette of RNM nr. 168 from 8th of August 2023.

⁴ Agreement RNM and the European Border and Coast Guard Agency (FRONTEX), available at: <https://data.consilium.europa.eu/doc/document/ST-12896-2022-INIT/en/pdf>

⁵ 2023 MYLA Field Report, available at: www.myla.org.mk

The practice of retaining migrants for the purpose of criminal proceedings, i.e., for the purpose of their being witnesses in these procedures, remained despite it not being listed as a legal ground for retention. A judge did not revise their illegal deprivation of freedom within the shortest possible timeframe, and they were not allowed to appeal this retention. There were children and other vulnerable categories of children among the retained people.

The practice of informal refoulement of migrants in the countries from which they arrived continued, and people mainly were returned to Greece, and fewer returned to Serbia, outside the legal procedures. In 2023 there were 11.332 cases of persons returned to Greece without excluding the possibility that this number includes some people being returned more than once. The number has visibly decreased compared to 2022, when there were 24.134 such returns. This practice has been ongoing for years, and the number of persons who have returned to another country without procedure, without following the legal refoulement procedure, and without obeying the readmission contracts is significantly high. Although many of the migrants were caught or found on RNM territory, the state treats these cases as preventing an illegal entry to its territory.

In this reporting timeframe, the asylum seekers still couldn't enjoy the right to work that is granted to them by law if the Sector of asylum failed to decide within 9 months upon their request, since for them to be registered in the Employment agency, they need a PIN, and the authorities continued to refuse to issue PINs to asylum seekers even after many interventions by MYLA and other state bodies.⁶ So, despite being able to work by law, the asylum seekers were deprived of enjoying this right.

The reception center for asylum seekers in Vizbegovo (Reception center) remained the only center to accommodate all asylum seekers, and it is under the authority of the Ministry of Labor and Social Policy (MLSP). As an exception, there is the possibility for unaccompanied children under the age of 12 to be accommodated in foster homes or individual private accommodation at their own cost with prior written approval by MLSP.

The child protection system, especially when it comes to accommodation, remained non-functional for the child migrants and asylum seekers without parents or parental care. The children were kept in immigration detention as witnesses for the criminal proceedings against smugglers or as victims, and this year, there was a significant decline in the number of requests for asylum by guardians of unaccompanied children because it was not in their best interest, thus leaving them outside the care system. As per the Law on Social Protection⁷, apart from the foster homes, protection, and accommodation in separate housing units, institutions, or other forms of protection should also be taken into consideration. This especially regarding the older children, who are most present and who are always accommodated in the reception/transit centers with the other migrants and asylum seekers, and some parts of these centers provide conditions that resemble detention centers. Hence, an urgent introduction of alternatives and a well-functioning of the child protection system and mechanisms are necessary. This would help to avoid the practice of detention of children in inappropriate conditions, and the internationally recognized principle that no child should be kept/detained due to immigration reasons could be respected.

⁶ In a brief sent by the MLSP to MYLA as a response to the request for a solution to the PINs issue, MLSP responded that the Ministry had issued a Recommendation for solving this issue and granting a PIN to the other institutions.

⁷ Law on Social Protection ("Official Gazette of RNM" no. 104 from 23.05.2019)

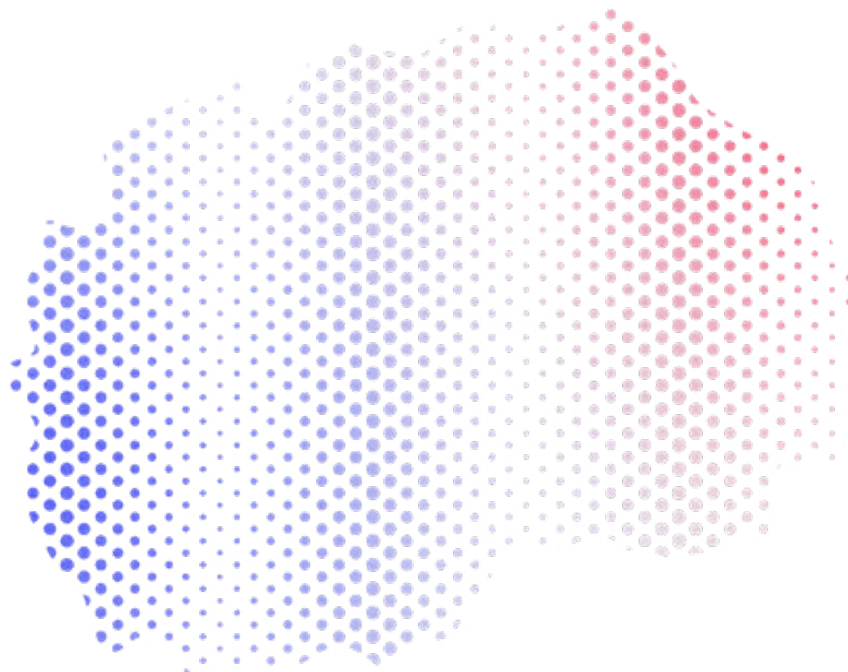
In 2023, for the first time since the adoption of the Law on Free Legal Aid in 2019, secondary legal aid was assigned by the Ministry of Justice in two cases involving asylum seekers from Cuba. However, legal aid still mainly depends on the financial support of international organizations, which provide it through civil society organizations.

Towards the end of 2023, amendments to the Law on Foreigners were proposed by MYLA, and the Assembly adopted them in December,⁸ thus providing the opportunity for final and systemic solutions for the refugees from the Kosovo crisis who have stayed in this country for more than 24 years.

Some of the problems in the registration procedure continued, with most of the asylum seekers being obliged to go to the police station 20 km away from the Reception center on their own in order to be fingerprinted. The lack of a state-funded system for translation/interpretation services at any phase of the asylum procedure on any language continued, which is the main gap in the asylum procedure.

In 2023 not even one status of a refugee was granted⁹, a state lasting from 2016 until the moment of writing this Report. Most of the asylum seekers left before the interview was conducted or before the Sector reached a decision.

Due to all this, with this Report, we aim to encourage the institutions to provide the fundamental guaranteed rights and procedural and material protective measures for the refugees in RNM.

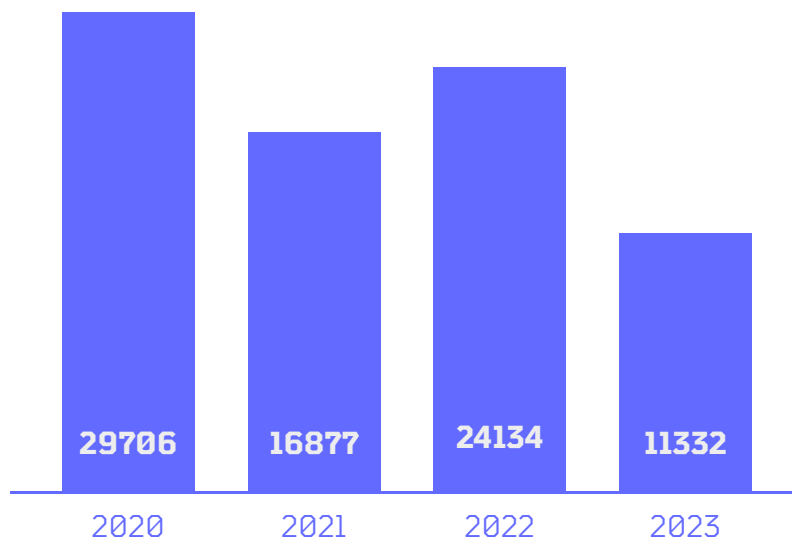


⁸ Law amending the Law on Foreigners, Official Gazette of Republic of North Macedonia nr. 284 from 28.12.2023, available at <https://www.slvesnik.com.mk/Issues/4fab85048cc24a228e1c6747aa74c9f1.pdf>

⁹ The last refugee status in North Macedonia had been granted in 2016.

ACCESS TO TERRITORY AND NON-REFOULMENT PRINCIPLE

The *non-refoulement* principle is one of the ground postulates both in international¹⁰ and in domestic law¹¹ regarding the treatment of refugees and asylum seekers. This principle protects not only the persons with the refugee status but also those who still have not formally received such status. **As per the data possessed by MYLA, in 2023, 11.332 persons were caught and deported back to some of the neighboring countries – mainly Greece- but there were some push backs at the border with Serbia, too.**



Persons pushed back to Greece outside the formal procedure

This practice has been ongoing through the years and is still present, and the number of persons returned without conducting and obeying the formal legal procedure and the readmission treaties is significantly high. Apart from persons caught at the southern border, during the year, a trend was noted of persons caught near the northern border being pushed back to Serbia outside the formal procedure. Furthermore, the police had occasionally transported persons accommodated in TC Tabanovce to the Greek border, where they were left on some unofficial points. According to data from MYLA, at the southern border, individuals have no choice but to return to Greece or submit an asylum application.¹²

From the group of persons caught on the RNM territory, a small part was taken in the Reception center for foreigners to serve as witnesses in the criminal proceedings against the smugglers. After giving a statement, they were allowed to leave the Center, usually through filing an application for asylum.

¹⁰ Article 33 from the 1951 UN Convention on the Status of Refugees. The Convention is available on the UNHCR website: <https://www.unhcr.org/3b66c2aa10>

¹¹ Article 14 from the LITP.

¹² All information are directly collected through MYLA's presence in TC Tabanovce and Vinograd.

In 2023, MYLA intervened in various cases related to conforming to the nonrefoulement principle by the state bodies. The need to obey to this principle was also stated before the Sector for Asylum during the official interviews with asylum seekers.

With the commencement of FRONTEX operations at the southern border of North Macedonia, people on the move are informed about their right to asylum, and an individual assessment is conducted for each of them. However, in practice, these individuals are left to choose whether to submit an asylum application or return to Greece. The police carry out informal returns to Greece after FRONTEX officers' work shift ends, i.e., after 4 p.m. As of the date of submission of this report, MYLA has no specific information on how and with what competencies FRONTEX operates in the country.

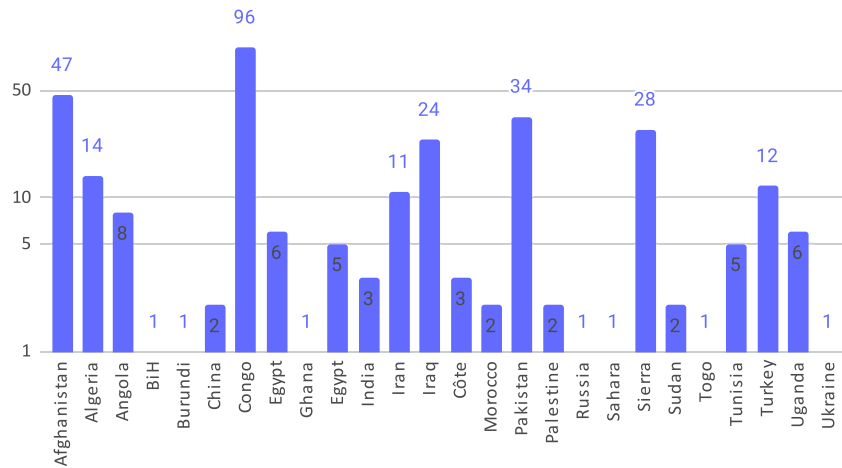
What is lacking in this part is the mechanism for control and established protective mechanisms to prevent the violation of the rights of these persons. The 2023 European Commission Report on North Macedonia: *“Registration of migrants needs to be done in a systematic manner and protection-sensitive profiling needs to be improved. The country should establish a proper system for managing irregular movement and stop the practice of returning migrants outside a legal framework. A contingency plan to manage large migratory flows must be finalized and adopted.”* It is further stated that: **“ more systematic registration and protection-sensitive profiling is required. The fragmentation of tasks between the multiple institutions dealing with migration makes migration management less effective “**¹³



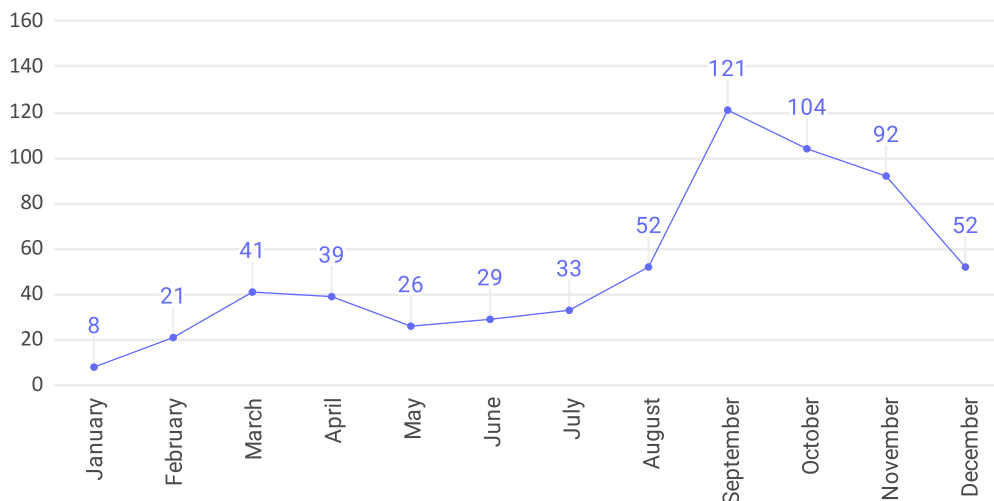
¹³ EC Report on North Macedonia 2023, available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf

ACCESS TO PROCEDURE

The LITP prescribes in detail the procedure for a foreigner entitled to request asylum in RNM. These persons may do so at the border, at the nearest police station; in the Reception center for foreigners, or at the Sector for Asylum.



Submitted requests for asylum per country of origin



Submitted requests for asylum per months

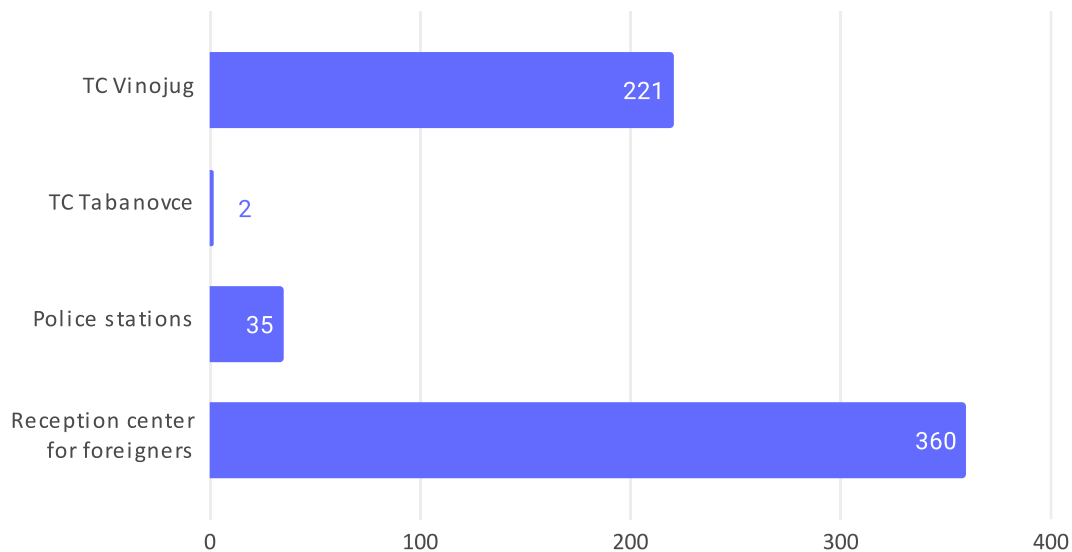
Although in 2023, there was no official registration of an intention to submit an asylum application, during this period, there were cases where individuals orally expressed their intention to apply for asylum. However, their requests were not processed promptly due to justifications related to technical reasons, such as the unavailability of a vehicle for their transfer to the Reception Center. In some cases, the justification was that the chief police officer needed to be present to process and register the applications, among other reasons. MYLA appropriately reacted to the responsible authorities regarding such practices to ensure unhindered access to the asylum procedure.

The main reason for the delay in the transportation process was the need to provide a vehicle to transfer the individuals. As a result, some applicants were held in the center for longer than anticipated. On occasion, the police waited for a larger group of applicants to be formed to transfer them to the Reception Center together.

ASYLUM PROCEDURE

ADMINISTRATIVE PROCEDURE

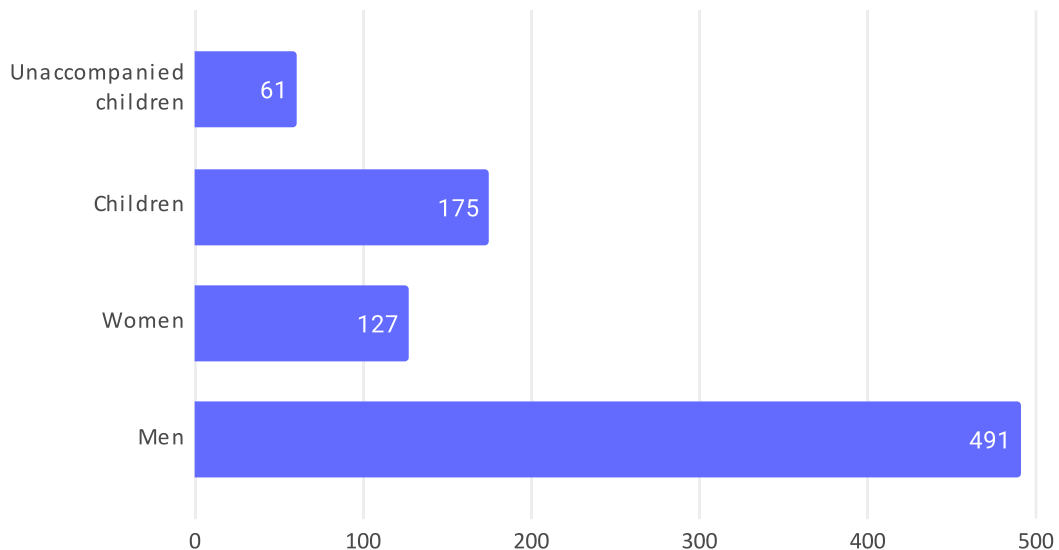
The asylum procedure in RNM starts with submitting an asylum application. The sector for asylum in the Mol is the authorized body to conduct the asylum procedure. The procedure is administrative and one-instance, which means that against the Decision reached by the Sector, an appeal is not allowed and the asylum seeker is entitled to file a lawsuit before the Administrative court. In **2023, 618 persons applied for asylum in North Macedonia, 495 male and 123 female, applied for asylum in North Macedonia. There were no cases in urgent procedure upon submitted an application for granting the right to asylum.**



Submitted requests for asylum per place of submission

The increase in the number of asylum seekers is because, after the arrival of FRONTEX at the TC Vinojug, the detention of individuals as witnesses in criminal proceedings ceased entirely. All procedures related to this criminal offense were decided by the Skopje Public Prosecutor's Office. For this reason, most individuals were held in the Reception Center for Foreigners, where the most straightforward way for them to leave the center was through the mechanism of submitting an asylum application. Consequently, the number of asylum seekers is significantly higher compared to previous years. After being transferred to the Reception Center, their stay lasted, on average, two to three days.

Before the COVID-19 pandemics, the asylum seekers were able to have direct contact with representatives from the Sector for Asylum, scheduled for every Wednesday in the Reception center. In 2023, the practice of the Sector for Asylum to be absent from the Reception center continued. However, in order asylum seekers to uninterruptedly enjoy their rights regarding issuance of acts and documentation, issuance and continuance of identification documents and other communication, MYLA visited the Sector for Asylum every Wednesday and was obtaining the necessary documentation for them, and then they were delivered to the asylum seekers in the Reception center, where most of them were accommodated. Still, the presence of the Sector in the Reception Centre is necessary in order for the direct communication and exchange of information with the asylum-seekers to be continued.



Sex and age of the asylum seekers

During the year, there was a continuation of conducting the interviews online in the Reception Centre with the help of MYLA. In 2023, 7 interviews with asylum-seekers were conducted. The average time after conducting the interview and until there is a final decision is 44 days. In doing so, any translation services for the interview are usually covered by UNHCR and hired by MYLA.

In 2023, the practice of classic questioning of asylum seekers during official interviews before the Sector for Asylum continued. There was no opportunity for asylum seekers to express themselves freely; in some cases, leading questions were used. In some cases, it was observed that there was a greater focus on questions related to the asylum seeker's journey rather than their fear of persecution or the situation in their country of origin. This practice constitutes a serious violation of their rights as provided by the applicable legal regulations.

In 2023, MYLA received 12 negative decisions (1 for the refugees from the 1999 Kosovo crisis and 11 for new asylum-seekers). Meanwhile, the Sector made 87 decisions to stop the procedure for new asylum-seekers. These data indicate a decrease in the number of individuals being detained in the country and a reduction in the number of procedures conducted before the Sector for Asylum. This reflects a decline in the number of applicants who await the outcome of the procedure.

The decisions rejecting applications for the recognition of the right to asylum are lacking in reasoning, with no use of country-of-origin information and without a comprehensive analysis of the factual situation. In the process of deciding upon the asylum application, it can be noted that the Sector often pays attention to the technical aspects of the applications and to facts that are irrelevant to the examination of the asylum application, and in some cases, it does not conduct an essential and detailed examination of the need for international protection in the country. In the lawsuits filed against the decisions, better elaboration of decisions is often sought, as well as the need for the Sector to take into consideration the relevant statements and facts for fear of expulsion and to determine the facts for each case punctually. In addition, in some cases, the summaries of the decisions do not contain sufficiently determined facts for the condition of the asylum seekers or sufficient reasons for the rejection of some of the statements and vice versa. Due

to this, MYLA, in some cases, identified breaches because neither the relevant facts, the relevant laws, and provisions from the country of origin, nor the relevant statements or documents for individual conditions of the asylum seekers were considered and examined in detail.

In December 2019, during the Global Refugee Forum in Geneva, the Republic of North Macedonia pledged to increase the capacity for the protection of asylum seekers and persons under international protection through strengthening asylum case management by forming a complete database for conducting more effective procedures.¹⁴ However, from this pledge until the end of 2023, the Sector still does not use the platform for more efficient conducting of procedures.

PROCEDURE BEFORE THE ADMINISTRATIVE COURTS

Upon reaching a Decision by the Sector, the asylum seeker is entitled to file a lawsuit before the Administrative court of RNM. **In 2023, MYLA on behalf of the asylum seekers and persons under protection filed 8 lawsuits. At the same time, the Administrative court has decided in 10 cases that were submitted in previous years. Despite the procedure before the court being urgent under the LITP, on average, the Administrative court decides within 262 days of a filed lawsuit. However, we shall note increased efficiency in the deciding upon cases this year. This year, the Administrative Court also did not rule with full jurisdiction in any case. At the end of 2023, there were 9 cases in front of the Administrative Court.**

On the other hand, the Higher administrative court needs almost 525 days on average to reach a decision upon appeal against a Verdict reached by the Administrative court. MYLA has 7 appeals submitted before this Court. During 2023, the Higher Administrative Court decided on 18 cases for persons represented by MYLA. At the end of 2023, in front of the Higher administrative court, there were 9 active cases.

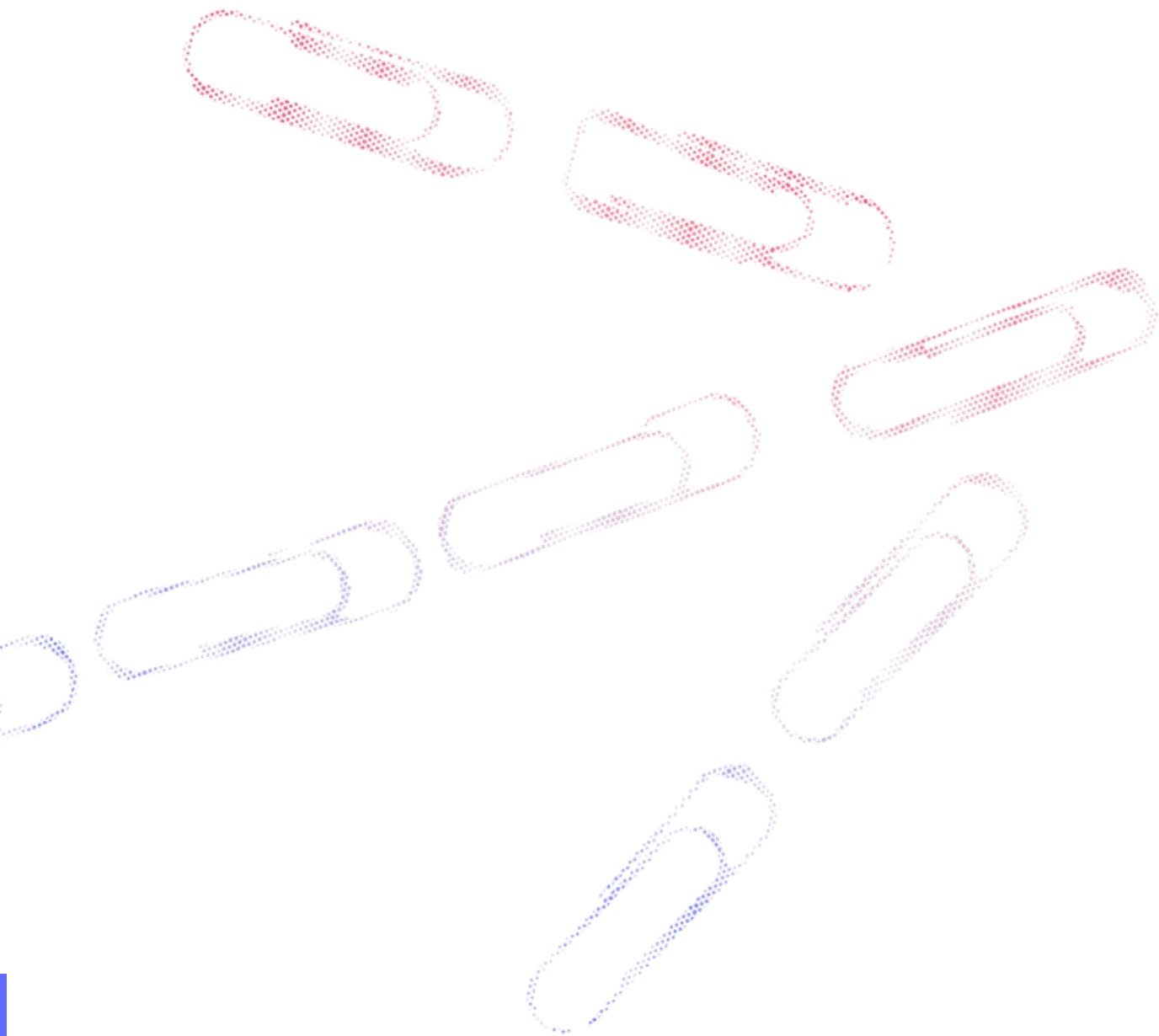
From all the verdicts, it can be concluded that in the procedures in which the administrative courts reached positive verdicts, the practice continued, and they returned the case for repeated deciding and did not reach substantial verdict as prescribed by the law. Also, the positive verdicts were adopted primarily due to technical reasons.

The Administrative Court continued holding oral hearings under the Law on Administrative Disputes and in the procedures for asylum. In the procedures for persons represented by MYLA, eight oral hearings were held in the procedures upon newly submitted applications for asylum, and nine hearings in procedures for persons with recognized protection whose right had been terminated by a Decision reached by the Sector for Asylum (regarding 1999 Kosovo crisis refugees).

¹⁴ Statement given by Svetlana Geleva [Director for International Relations and Security Cooperation in the Ministry for Foreign Affairs of RNM] during the Global Refugee Forum, Geneva, 18.12.2019.

In most cases, the Administrative court does examine the cases regarding the lawfulness of the Decision, which may be considered a legal and formal failure to provide international protection when the conditions for it to be granted are fulfilled. One flaw that is still visible is the scarce application of the ECtHR's decisions and the Court's statements therein. It is unacceptable that the judges use the verdicts from the ECHR only in exceptional cases as an essential corrective of the system and, therefore, fail to develop positive case law as a mechanism through which the authorized bodies will be directed towards complete obeying to the legislative and will act carefully when undertaking an action.

Furthermore, although RNM is not yet a European Union member, following the aspirations for entry and harmonization of the domestic legislation with the EU law, the domestic courts should use the verdicts of the European Court of Justice when acting and applying the EU law, but also as a legal reasoning guide.¹⁵



¹⁵ Although the ECtHR is not a "court for asylum" and the right to asylum is not directly stated in the ECHR, each signatory state is obliged to guarantee the rights stated with the ECHR to all persons at its territory. Hence, the rights of all citizens are also rights of the asylum seekers, of the persons under international protection and migrants and ECtHR has developed certain practice regarding this issue throughout the years.

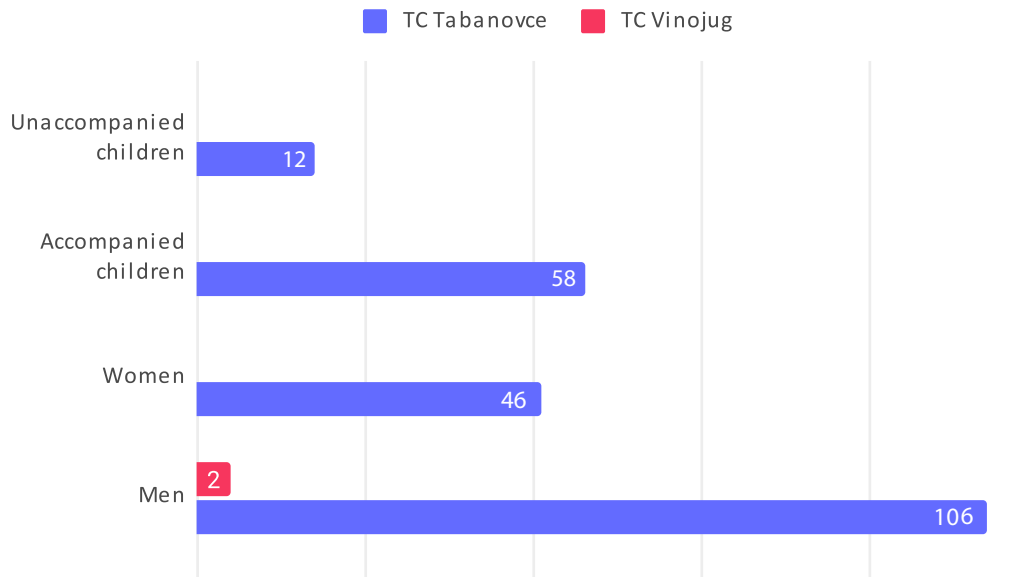
RECEPTION AND TRANSIT CENTERS IN REPUBLIC OF NORTH MACEDONIA

The Transit Centers Vinojug and Tabanovce continued to operate in 2023 under the control and management of the Crisis Management Center (CMC). The centers are situated near the northern and southern border of the state, where it is most likely for the migrants and refugees to seek illegal entry into the country. These centers are in an area where the country has declared a state of crisis, which is continued every six months. The two centers operate in a manner to register the persons that transit throughout RNM. The entry in these centers is not fully defined and is dependent mainly on the will of the police to grant or reject entry.

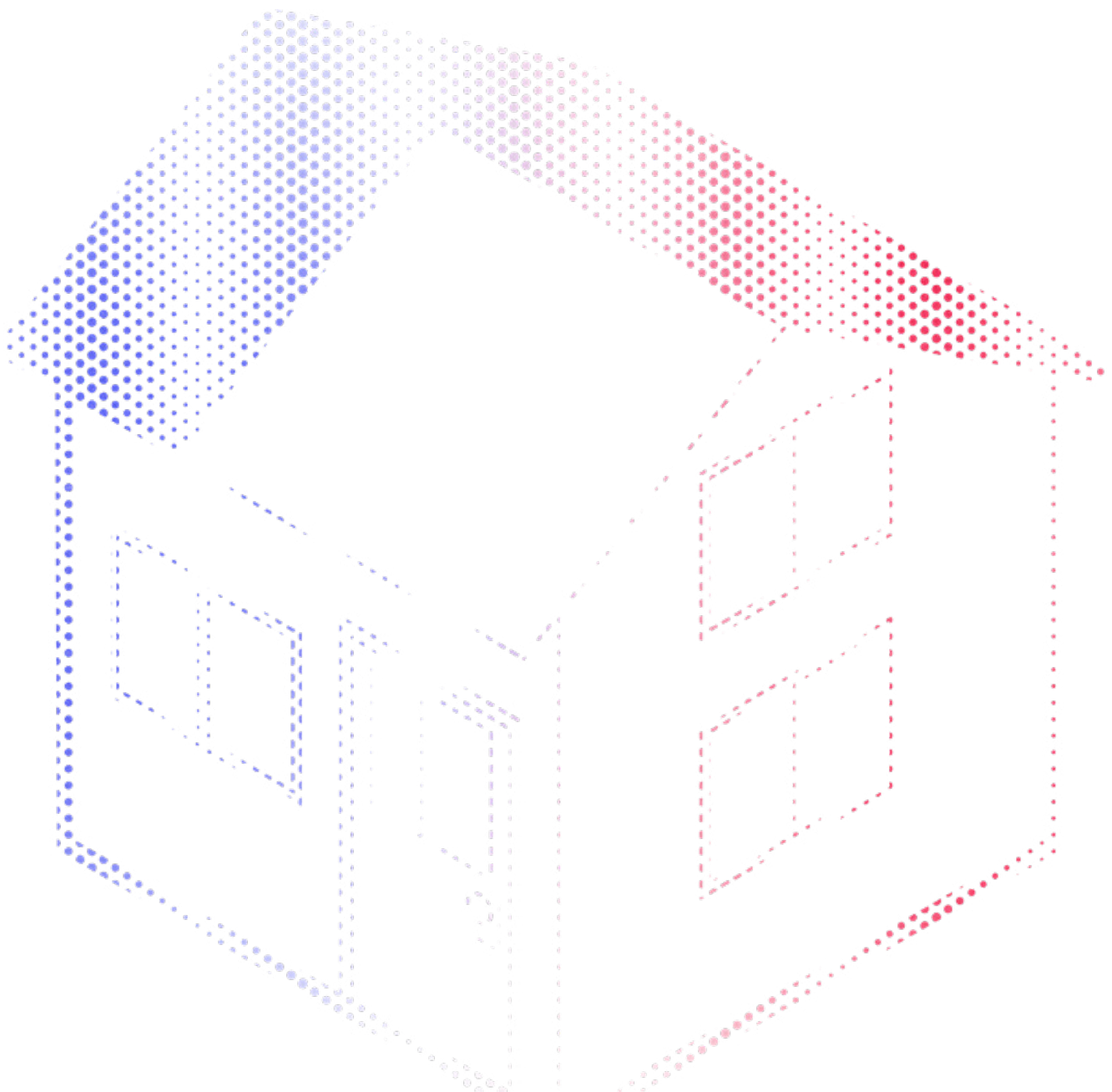
An issue that remains to be solved is the manner and the procedure for reception in the Transit centers, the status and type of these centers, and the status and the position of the persons accommodated there. Due to this, it is highly important to regulate the status and actions of the centers, for example with a specific act, rulebook on the status of the centers and the persons or, standard operative procedures for the manner of reception and their accommodation, rights, obligations, etc. MYLA has raised this issue for several times. The 2023 report of the National Preventive Mechanism (NPM) of the Ombudsman of the Republic of North Macedonia for the Tabanovce Transit Center states that: «From discussions with representatives of the Ministry of Interior, it was established that rules have not yet been prescribed regarding which individuals are allowed entry and stay in the Center. This leaves room for the potential misuse of the (to some extent) discretionary powers of the police officers on duty.»¹⁶ Furthermore, the report also highlights the practice of penalizing all foreigners for illegal entry and stay if a person on the move possesses a travel document. In contrast, those who claim not to have any documents are allowed to leave the center freely and move across the Republic of North Macedonia territory. It was established as follows: «Unlike individuals who have no documents, those who are found in possession of personal documents through which they can be identified are handed over to the competent inspectors for foreigners. These inspectors then initiate procedures to determine potential illegal entry and stay in the country. This approach results in a paradoxical situation where individuals who have documents and can be reliably identified are denied a stay in the Temporary Transit Center, unlike those who have no documents or claim not to have any form of identification.»

The public institution «Reception Center for Asylum Seekers» in Skopje remains the only facility for accommodating asylum seekers in the country.

¹⁶ 2023 Annual report of the NPM of the State Ombudsman, page 63, available at: <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/NPM-dokumenti/2023/NPM%20Godisen%20izvestaj-2023-Mk-Alb-Ang.pdf>



Sex structure of asylum seekers



CONDITIONS IN THE TRANSIT CENTERS IN REPUBLIC OF NORTH MACEDONIA

In 2023, MYLA was present in the TC Tabanovce and TC Vinojug, where it provided free legal aid, information to the present persons about the right to asylum and the asylum procedure, assisted in the submission of the application, and provided support in the realization of the rights of these persons in the asylum procedure.

In 2023, there were no changes in the conditions in the center compared to previous years.¹⁷ This means that the basic conditions for the accommodated persons were met, such as food, hygienic materials, and access to healthcare services. These centers provided constant presence of a doctor with pre-set working hours. Those seeking medical aid and accommodation in an institution were provided with transportation, lodging and appropriate treatment. However, the conditions in the centers are not suitable for longer-term accommodation, although some of the migrants were accommodated there for more than a month.

There was a lack of psychologists who would offer psychosocial support to the persons accommodated in these centers, especially to the vulnerable categories. Children accommodated in these centers were still not included in formal education. The centers lacked any recreational or occupational activities for the persons accommodated there, except for the kid's corner in TC Vinojug, where non-formal education is provided. Apart from the lack of formal regulation of the status of the centers, the persons accommodated in TC Vinojug are not allowed to leave the center freely, and they are de facto deprived of freedom of movement.

Nevertheless, it can be observed that the coordination between institutions and organizations on the ground is satisfactory in the Vinojug Transit Center. With the cessation of detention at this center and the change in policy following the arrival of FRONTEX, all people on the move are classified as accommodated persons, and an improvement in their treatment has been noted. Access to the asylum procedure was provided without obstruction, although a delay in the registration period for the actual application was observed.

Among the persons accommodated in the center, there were unaccompanied children that were mostly caught in smuggling processes and were accommodated here as belonging to a vulnerable category. Alternatives to detaining children due to immigration were not used in 2023, with which the children did not have access to the rights and services that need to be provided to them. The NPM, in its report on this center, noted that: «Regarding material conditions, the NPM team continues to hold the position that the Vinojug Temporary Transit Center (PTC) should not be used for long-term accommodation. The need to find alternative accommodation for particularly vulnerable categories of migrants remains in effect.»¹⁸

¹⁷ More info regarding 2018, 2019 and 2020 can be found in the Report on the State of Asylum in Republic of North Macedonia, available in Macedonian and English at: www.myla.org.mk

¹⁸ Annual Report of the NPM at the National Ombudsman for 2023, p.65

After being accommodated, a guardian from the Center for Social Work was appointed, who is responsible for ensuring the best interests of the child. In 2023, the trend of a reduced number of asylum applications submitted on behalf of unaccompanied children continued. This was because guardians assessed that, for some children, it was not in their best interest to submit an asylum application, leaving them outside the protection system. A total of 28 asylum applications were submitted on behalf of unaccompanied children.

During 2023, one guardian was appointed for all children accommodated in each center, and discussions were held with most of them. However, in general, no specific steps were taken to ensure the further protection of these children. Most of them were left to fend for themselves on irregular migration routes. Still, they had no access to protection mechanisms that exist for children under the Law on Social Protection and other applicable regulations in the country.

In 2023, 2 asylum applications were submitted at the Tabanovce Transit Center, while 221 were submitted at the Vinojug Transit Center during the same period.

RECEPTION CENTER FOR ASYLUM SEEKERS

The public institution for accommodating asylum seekers Reception center for asylum seekers – Vizbegovo is the only institution of this type, and its primary goal is accommodating and sheltering asylum seekers. The asylum seekers have three meals a day, every day of the week. All of the asylum seekers have access to a doctor, which was present every working day of the week in certain hours of the day. The venue was regularly disinfected and cleaned.

MYLA was continuously present in this center, and through providing free legal aid, it conducted legal counseling and consultation, protected the rights of asylum seekers, and represented them during their asylum procedures. Their requests and appeals were fulfilled and realized through everyday communication with the asylum seekers and referring their needs to the center.

In 2023, activities for psychological support for asylum seekers continued, including implementing various activities and exercises, increasing the level of engagement, and working with children and adults in the center. The center also had a teacher available to work with children on learning the Macedonian language, as well as with adult asylum seekers.

During 2023, asylum seekers at the Reception Center stayed for a very short period, typically leaving within 3 to 7 days. On the other hand, fewer asylum seekers were accommodated continuously throughout the year, some of whom had submitted asylum applications as early as 2022.

DETENTION DUE TO IMMIGRATION

In 2023, the migrants continued to transit through RNM, by using irregular and smugglers' routes. As a response to this, the detention of foreigners due to immigration was increasing, which consequently increased the concerns regarding the possible violations of human rights to the foreign citizens who were detained.¹⁹ In 2023, the detention was conducted at three locations – the Reception Center for foreigners, TC Vinojug and TC Tabanovce.

Detention at the TC Vinojug continued until April 2023, as representatives of FRONTEX began operating at the center from that month onward. From that point, all individuals apprehended with smugglers were immediately taken to the Prosecutor's Office in Gevgelija, informally returned to Greece, or transferred to the Reception Center for Foreigners, where they were detained as witnesses. As a result, the number of detained persons at the Reception Center for Foreigners increased this year compared to previous years. Until April 2023, 41 individuals were detained at TC Vinojug in connection with criminal proceedings against smugglers. Most of them were men (20), but there were also 3 detained women and 18 children, 16 of whom were unaccompanied minors with an appointed guardian.

At TC Tabanovce, the detention of migrants was for a shorter period, during which the individuals were brought before the Public Prosecutor. After giving their statements, they were returned to the Tabanovce Transit Center, from where they left on their own. As per MYLA's statistics, 64 individuals were detained in 2023. Of these, 40 were men and 11 were women. During this period, 13 children were also detained, 5 of whom were unaccompanied minors.

By the end of the year, MYLA conducted legal counseling for the asylum procedure for 10 migrants detained in the RC for foreigners. Here, most of the arrested migrants came from Turkey, Congo, Syria, and Pakistan. All the persons received decisions for detention, but on other grounds, since there are no legal grounds for detention of witnesses in a procedure against smugglers. In detention decisions, the most common reason cited for detention was the identification of the person's identity. The issue remains for individuals detained for migration-related reasons who, according to MYLA's data, still do not have effective access to legal aid regarding their detention. As a result, they are de facto unable to challenge any irregularities in the procedures or the detention itself. MYLA did not have access to the individuals before they gave statements to the Public Prosecutor, and MYLA's presence at the center was mainly of a formal nature. If any of the migrants wished to submit an asylum application after giving a statement – which was generally the most common method for them to leave the Reception Center for Foreigners – MYLA provided brief information on the asylum procedure and their rights and obligations.

After submitting an asylum application, individuals stayed at the Reception Center for Asylum Seekers for a very short time, most leaving the facility on the same day.²⁰

¹⁹ In the 2021 EC Report on North Macedonia, on page 51, the following is stated: "The arbitrary detention of the persons collected while passing the border illegally continued in the reception center for foreigners in the municipality of Gazi Baba, in order to secure their statement as witnesses in the court cases against the smugglers. There are 78 persons (37% out of all requests for asylum) are detained in the center for foreigners in Gazi Baba before being let and accepted in the Reception Center for asylum seekers in Vizbegovo."

²⁰ For more information regarding detention, please consult the 2023 MYLA Report on Detention due to Migrations, available at: www.myla.org.mk

Some individuals detained in the Reception Center for Foreigners complained that their rights were not adequately explained, nor did they understand the language spoken by the competent authorities. In conversations with a few of them, they stated that they were unaware of what they had signed, nor had anyone explained the documents to them. In 2023, detention for immigration-related reasons was still treated as part of an administrative procedure and was not subject to review by a judge in an urgent procedure. This year, children were once again detained in the center, prompting several interventions by MYLA. On the other hand, alternative care mechanisms (such as foster families, small group homes, and similar arrangements), which are prescribed by the Law on Social Protection, are not being applied to foreign children. This can also be considered discriminatory treatment of children based on their status. However, it should be noted that in 2023, the duration of migrant detention, particularly for children, was significantly reduced compared to previous years. Children were generally detained for a short period, sometimes for only one to two days.

Regarding the conditions, detained individuals have access to medical assistance through the presence of a doctor provided by the Red Cross. They also receive three hot meals a day.

The 2023 EU Commission Report on RNM states the following regarding the detention: “Regular reception capacity was unchanged and is appropriate to current needs. **The arbitrary detention of persons apprehended in irregular movements for the purpose of taking statements as evidence before the Criminal Court remains an issue of concern.** The percentage of asylum applications registered at the reception centre for foreigners in Gazi Baba significantly increased to 62.5% in the first quarter of 2023, from just 8% in 2022. Since the attempt to build a new EU-funded reception centre for foreigners was blocked by a government decision in October 2021, no improvements have been made in the existing reception centre, where living conditions are poor and basic rights are not respected. The National Preventive Mechanism within the Ombudsman repeatedly pointed out that this facility does not meet the required standards for hosting persons with restricted freedom of movement. The detainees do not receive the information about legal remedies they would need to fully understand their legal status or the length of detention.”²¹

According to information obtained through a request for free access to public information, 549 individuals were detained at the Reception Center for Foreigners in Skopje from January 1, 2023, to December 31, 2023. Legal assistance was provided to all of them. Most of the detained individuals were men (373), but there were also 56 detained women and 120 children, 51 of whom were unaccompanied minors. According to available data, most of these individuals were from Syria, Turkey, Pakistan, and Congo. A detention order for the Reception Center for Foreigners was issued for all of these individuals. MYLA does not have information regarding the grounds on which these decisions were made. However, the primary reason for detaining foreign nationals was to have them serve as witnesses in criminal proceedings against smugglers.

²¹ The 2023 EU Commission Report on the RNM is available here: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf

The NPM has noted that conditions in this center have improved, but it also emphasized the following:

«It remains the case that the Reception Center is not adapted for persons with disabilities, and it is therefore recommended that persons with disabilities should not be referred, admitted, or detained in this facility. The Reception Center also does not meet the requirements for the detention of children, and it is recommended that children should not be referred, admitted, or detained there. In the case of unaccompanied children, authorities must take into account the position of the UN Committee on the Rights of the Child, as expressed in General Comment №. 664.» Since the NPM has unrestricted access to individuals detained in the center and to all case files, the following was noted: «The grounds for detention and its duration are a constant source of concern for the detained individuals. The lack of information on these issues among detainees manifests as anxiety, nervousness, restlessness, depression, and similar symptoms. During the visit, the NPM team found that none of the individuals accommodated in the Reception Center had a copy of the decision based on which they were placed and detained in the facility.

Considering that the deadlines for filing a legal remedy against such a decision begin from the moment of receipt of the placement/detention decision, the NPM team believes it is essential for each individual accommodated/detained in the Reception Center to be provided with an individual decision/order. The individual should also be orally informed of its content, the possibility of filing a legal remedy, and the right to request legal assistance. It is also necessary to record when this information is provided to the individual.»²²

INTEGRATION

EARLY INTEGRATION

In the LITP there are rights granted to the asylum seekers, which conclude the term early integration. First and foremost, there is the right to education, right to work, and right to social protection. Article 61 of this law guarantees access to available early integration programs. The Strategy for Integration of Refugees in Republic of Macedonia 2017–2027 created by the MLSP²³ also speaks about early integration, but it has not yet been adopted. The main directions for early integration as per this strategy are learning the Macedonian language and attending vocational training to build the employment capacities of asylum seekers, which are essential for sustainable integration. Early integration courses are also anticipated, providing cultural orientation and information on the Macedonian way of life and basics of domestic legislation. The most important part of the integration is the education of children and their enrollment in regular schools. More on this subject can be found in the part of this Report tackling children refugees and asylum seekers. This year the Macedonian language courses for children and adults as prescribed with the strategy was not provided by the state as a continuous integration process for these persons, and it was supported by UNHCR.

The right to work is one of the key economic human rights recognized in all international documents regulating this area. This right is also anticipated for asylum seekers in the new LITP, but the practice of failing to provide this right continued in 2023. The asylum seekers are still not granted a PIN, and they cannot be recognized in the employment agency system. Consequently, they cannot have free access to the labor market. Additionally, the Law on International and Temporary Protection (LITP) needs to be amended to remove the provision stating that an asylum seeker will have free access to the labor market only if the Sector does not issue a decision for Asylum within 9 months. It is necessary to also consider the procedure before the administrative courts.

INTEGRATION OF THE REFUGEES IN THE REPUBLIC OF NORTH MACEDONIA

As prescribed with Article 67–75 from the LITP, the recognized refugees are entitled to the same rights and obligations as the Macedonian citizens, except the rights to vote, to engagement in professions where a law prescribes that the person needs to be a citizen of RNM, or to serve in the army. They are entitled to gain ownership of movable and immovable possessions, to be employed to receive social aid, health protection, education, etc. By Article 77 and 78 of the same law, the persons under subsidiary protection are equal to the citizens in relation to exercising the right to social protection, health care, and accommodation. Regarding the other rights, their status is equal to those of persons with residence permits.

²³ <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%20%D0%B7%D0%B0%20%D0%B8%D0%B0%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>

The process of local integration is complex and gradual and encompasses various, not only legal, economic, and social, but cultural dimensions, which in reality demand significant requirements both for the individual and for the society.²⁴ Within national policy, the integration process is directed only towards recognized refugees and persons under subsidiary protection and in specific cases, to persons that have established closed links with Macedonian citizens and have registered residence. This means that the local integration may officially begin after it has been decided upon the asylum application and the status has been granted.

Towards the end of 2023, the total number of persons under subsidiary protection present in RNM was eight. Subsidiary protection was granted to three persons, and there have been no recognized refugees since 2016 when the last refugee status was granted. This information refers to persons that have submitted applications in the previous years and who came from countries outside of the region. Due to this, when it comes to integration of refugees, it mostly means integration of the 1999 Kosovo crisis refugees due to their long-term residence in the country in the capacity of persons under international protection.

Consequently, their experience is most relevant when tackling this process. The practice shows that persons not coming from similar language areas face the language barrier as the biggest problem, and they first and foremost want to learn Macedonian. During 2023, Macedonian language classes through support provided by international institutions. The persons under protection were included in the state employment program through the Employment Agency of RNM, through enabling them to attend courses. However, during the past year, there were no official programs for learning Macedonian provided by the state, which led to many problems for these persons, such as access to the labor market, education, and realization of the other rights they are entitled to. Until now, these courses have been provided by various organizations, such as UNHCR and the Red Cross.

In addition, there are no systemic solutions that would lead the persons under protection toward the process of emancipation and full integration into society. Adopting a strategy or separate law on integration is inevitable to regulate all the rights and solve the current issues faced by these persons and issues for which decisions are adopted reactively, as well as to regulate the obligations of the state for providing a solid ground for integration.

Over the years, these individuals have faced challenges related to the lengthy procedure for the disbursement of funds by the CSW for their housing. To secure a lease agreement, which is a prerequisite for receiving financial support, individuals under protection must first provide their own funds to cover rent for the initial months of their stay or to pay a deposit to the landlord. The CSW must conduct a field inspection of the residence where the individuals will be staying before deciding on the reimbursement of housing costs. These procedures are slow and inefficient, leaving individuals under protection in a vulnerable position until the issue of their accommodation is finally resolved. Most often, they are accommodated in the Reception Center while awaiting the completion of all administrative procedures before moving to another location. This year, the MLSP once again adopted a Program for the Integration of Persons Granted Asylum in North Macedonia, which applies to all persons under international protection after two years of obtaining status, to provide continuous support when needed.

²⁴ For more comprehensive picture of the integration in Republic of Macedonia, MYLA published an Analysis on the access to social protection and naturalization in 2016, available at <https://myla.org.mk/wp-content/uploads/2016/09/ACCESS-TO-SOCIAL-PROTECTION-AND-NATURALIZATION-FOR-REFUGEES-AND-PERSONS-UNDER-SUBSIDIARY-PROTECTION-IN-THE-REPUBLIC-OF-MACEDONIA.pdf>.

Over the years, a problem has been noted concerning the use of state-provided benefits for the employment of persons with disabilities in the private sector. To access these benefits, an open-ended employment contract is required. However, for persons with subsidiary protection who have disabilities, this is not feasible since the ID cards issued to them by the Sector for Asylum are valid for only one year and must be renewed annually.

INTEGRATION OF THE REFUGEES FROM THE 1999 KOSOVO CRISIS IN THE REPUBLIC OF NORTH MACEDONIA

In 2023, MYLA represented 302 refugees who had fled Kosovo, primarily Roma, Ashkhali, and Egyptians (RAE). Concluding with 2023, 11 persons have the status of a recognized refugee, and 66 are persons under subsidiary protection in this country. On the other hand, 167 persons had their right to asylum terminated by a final decision, and 49 are still in the asylum procedure. **The latter number includes the persons who had their right to asylum terminated by a Decision reached by the Sector, but their case is still in procedure upon a lawsuit or appeal before the administrative bodies and courts.**

MYLA has been working with the Kosovo refugees since 2010, and until the end of 2023, 302 people were left. Until this year, they were in an unfavorable position since they resided in the country for more than 23 years without any solutions for final regulation of their status. Some held the so-called tolerated status for a longer period without being returned to their native country, but without any regulation of their status here. So far, there have been temporary/short-term solutions for regulating their stay, but all of this has depended on the specific case and the condition of the individual concerned.

However, after significant effort and lobbying with state institutions and the Parliament of the Republic of North Macedonia, MYLA submitted a proposal on resolving the status of Kosovo refugees, which the Parliament accepted. As a result, the Law on Foreigners was amended in December 2023.²⁵ The amendments provide an opportunity for the remaining refugees from the Kosovo crisis in North Macedonia to apply for permanent residence, provided they were under protection in the country and had not left it for more than six months. These individuals are exempt from the requirement to provide the additional documents typically needed to apply for permanent residence.

²⁵ Law amending the Law on Foreigners, Official Gazette of Republic of North Macedonia nr. 284 from 28.12.2023

VULNERABLE CATEGORIES

CHILDREN

Under the LITP, a minor is a foreigner who still hasn't reached 18 years of age, and an unaccompanied minor is a foreigner who still hasn't reached 18 years of age and arrives in RNM without being accompanied by a parent or a guardian, that has been left without such company after entering the country or which is under ineffective care.²⁶ In these two definitions, we can notice that the internationally recognized term "child" has not been obeyed since this is the term that needs to be used instead of a "minor" or any other type of expression used instead of the term "child".²⁷

The children-refugees and children-asylum seekers are some of the vulnerable categories that require special attention. The LITP prescribes protection to children accompanied by their parent or guardian, as well as to those without such company. In 2023, there was a slight increase of the number of submitted applications for asylum by the guardians of unaccompanied children; however, in comparison to the total number of unaccompanied children, this number is still insignificantly low. **In 2019, there were 94 unaccompanied children asylum seekers; in 2020, this number decreased to 19. In 2021, this number fell to 14, and in 2022, we had 22 unaccompanied children seeking asylum. In 2023, this number is 28. However, what is mostly concerning is the number of detained children due to immigration 151²⁸, while the number of detained unaccompanied children is 80.** However, MYLA cannot confirm whether these figures are objective since there is no formal procedure to assess the age of the child. All children are registered as children as per their statement.

In some cases, in conversation with other asylum seekers, it had been established that some children, when registered by the police, present themselves as older on purpose so that they could be returned to Greece together with the group they are traveling with and to avoid detention. This is since, when in contact with an unaccompanied child, as per the Standard Operative Procedures for the treatment of unaccompanied children - foreigners²⁹, the police shall immediately notify the Center for Social Work, which shall then undertake the next steps. Each unaccompanied child asylum seeker was granted with a guardian appointed by the CSW, who submits the application for asylum on the child's behalf and takes into consideration both the sex of the child and its individual needs. The task of the guardian is to conduct an initial risk assessment, to assess the needs and to develop a plan for help, adaptation and stabilization. This needs to be done as quickly as possible so that the children receive the needed protection, as well as information about their rights in the asylum procedure. Furthermore, through their guardians or legal representatives from MYLA, the children stated their needs and interests and were referred to the authorized bodies. MYLA has represented all unaccompanied minors who filed applications for asylum during the past year.

²⁶ Article 2, item 10 from 11 the LITP.

²⁷ Please see the 1989 UN Convention on the Rights of the Child, available at: <https://www.unicef.org/child-rights-convention/convention-text>.

²⁸ This number refers to the total number of detained children in the Reception center for foreigners and the two transit centers. For more information, please visit www.myla.org.mk

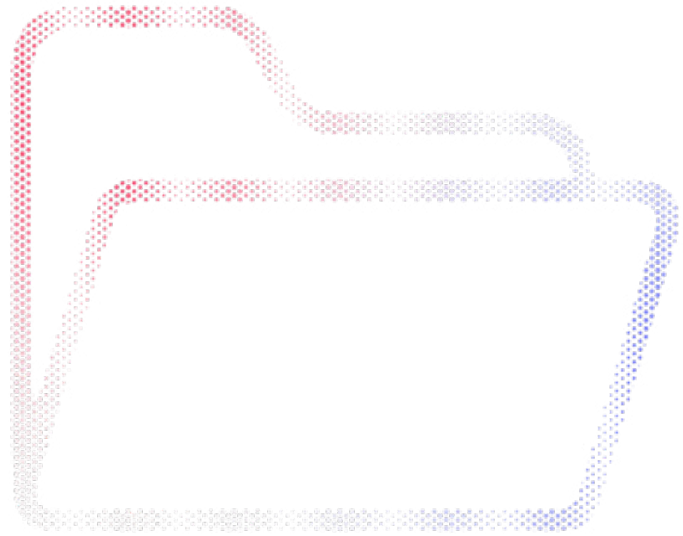
²⁹ Standard Operative Procedures on the treatment of the unaccompanied children-foreigners, Government of the Republic of Macedonia, National commission for combating Trafficking in Human Beings and Illegal Migration, 2015, available at: <http://nacionalnakomisija.gov.mk/wp-content/uploads/2016/12/SOP-za-postapuvanje-so-nepridruzvani-deca-stranci.pdf>.

When the Law on Elementary Education was reached towards the end of 2019, the children asylum seekers were provided with the possibility to become a part of formal elementary education. However, the education plans were still not developed. In 2023, three children attended regular education in school. In the Reception center, the children were able to work with a teacher as an additional aid to study the school subjects and the Macedonian language.

A key problem remains the inability of the children accommodated in the transit centers to access educational and scientific programs that could help them receive education and attend classes necessary for their further development.

The practice from the past period showed cases when the unaccompanied children were used as witnesses in criminal procedures against their smuggler. As per the SOP for treating children-foreigners, the unaccompanied child may not be used as a witness in the criminal procedure, with an exception if the child is the only witness in that procedure: “UMCW may be used as a witness only in exceptional cases, when the child is the only witness and there are no other material evidence in the procedure against the perpetrators”.³⁰ **However, with the increase of the number of children, the number of these cases increased accordingly, and children were used as witnesses more and more. In 2023, the number of detained children in all centers (RC for foreigners, TC Vinojug and TC Tabanovce) is 151, which is an alarming situation and requires urgent measures for protection of the rights of the children and detention alternatives. Detention of children due to immigration in conditions similar to prison are never in the best interest of these children.** After their witnessing, they are either freed by the police, or their guardians file an application for asylum on their behalf, and they are accommodated in the Reception center. In this country there are still no methods for monitoring the development and needs of the children to the amount to which they would stay here, since they often leave the country immediately, without having their needs and interests processed. Hence, a child control and protection mechanism are needed, as well as continuous work with the children which could establish a cooperation and support system in order to protect what represent their best interest. It is important to state that in 2023 the guardians have mostly assessed that it is not in the best interest of the child to apply for asylum, and the children were informally returned to Greece without the use of specific protective mechanisms in their best interest and they were returned to the irregular migrant routes instead.

RECOMMENDATIONS



Access to territory

- The authorities should not push the migrants over the borders outside the formal procedure and should conduct individual assessments for each case while especially taking into consideration the vulnerable categories of migrants.
- The authorized bodies in RNM must respect the legal procedure and the decision for expulsion in relation to the return of the refugees over the border.
- The return of foreigners shall be conducted only in accordance with the laws and the readmission procedure.

Access to procedure

- Asylum applications must be registered without delay in all places provided for by the LITP, but the registration process and the issuance of an identification document must proceed smoothly within the legally prescribed deadline.
- The procedure for access to transit centers must be formal, as must the regulation of the legal status of persons accommodated in the TC.

Asylum procedure

- The authorized bodies shall adequately process and assess all of the asylum applications, while taking into consideration the relevant reports for the countries of origin of the asylum seekers. MoI shall start with ground elaboration of other, not so common grounds for expulsion, which are included in the definition given in the Convention Relating to the Status of the Refugees.
- The deadlines prescribed by law must be respected when conducting the procedure in each individual case.
- The first instance body is obliged to respect and apply the directions given by the courts in their verdicts, where the courts decide that there are processes and/or substantial irregularities in the conduction of the asylum procedure. The decisions reached by the ECtHR must be applied as a source of domestic law.
- The Law on international and temporary protection shall be synchronized entirely with the EU directives. The partial inclusion of paragraphs from the directive may lead to serious violations of the rights of asylum seekers and refugees.
- The administrative courts shall determine the key facts in order to reach a rightful decision at the scheduled oral hearings.
- The Courts are obliged to abide by the deadlines prescribed by law.
- When reaching a verdict, the domestic courts shall take into consideration the standings given in the ECtHR judgments in order to provide complete protection of the rights of the persons of interest, while the judgments from the European Court of Justice shall be taken as a given direction and legal reasoning.

Limitation of freedom of movement

- This measure shall be used only as a last resort and in exceptional cases, and alternative measures must be practiced. The limitation of freedom of movement shall not be arbitrary.
- A change in the LITP is needed, as well as a court revision of the decisions for the limitation of freedom of movement.

Detention due to immigration

- The detention due to immigration shall be revised by a judge in urgent procedures.
- Children must not be detained due to immigration.
- Alternative measures for detention must be found, legally available, and conducted in practice.
- It is urgently necessary to put an end to the practice of arbitrarily detaining migrants unlawfully.

Early integration

- There should be a strategy and program for the early integration of asylum seekers.
- There is an urgent need to consider the need and to create conditions for granting a PIN with the initiation of the asylum procedure to provide access to rights for the asylum seekers, especially the right to work and all of the remaining rights in the early integration process.
- The children- migrants accommodated in the reception and transit centers shall be included in the formal education as the asylum seekers.

Integration of persons under international protection

- It is urgently necessary for the state to comprehensively foresee the integration of persons under international protection and all the segments arising from it. This should be done through a Strategy, a specific Law on Integration, or another appropriate modality, which should be implemented appropriately.
- During the integration in RNM, the authorized bodies shall not require gaining documentation from the country of origin and contact with that country.

Vulnerable categories

- The rights of the children and access to child protection mechanisms shall be made available and be respected in order to respect the best interest of the child in accordance with the domestic and international laws and instruments.
- Children may not be used as witnesses in the criminal procedures and be detained for that reason.
- The rights guaranteed by the Istanbul convention shall be applied in the asylum procedure.
- Sexual orientation shall be examined as a ground for expulsion in practice.

