

KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN NORTH MACEDONIA



IN CO-OPERATION WITH :

- > European Network on Statelessness
- > Macedonian Young Lawyers Association

Roma Integration Phase III

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Key Considerations for the Prevention and Reduction of
Statelessness among Roma in North Macedonia

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All other correspondence concerning this document should be addressed to the Roma and Travellers Division of the Council of Europe.

Council of Europe – Roma and Travellers Division
Rue de l'Europe
F-67075 Strasbourg Cedex

E-mail: roma.team@coe.int

Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

This paper was produced as part of a grant-funded project implemented under Roma Integration Phase III. The grant was awarded to Macedonian Young Lawyers Association, an organisation based in North Macedonia and a member of the European Network on Statelessness (ENS), which also contributed to the preparation of this paper. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both national and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including national authorities. This paper was presented alongside a synthesised regional report during a regional event in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.



European
Network on
Statelessness



MYLA

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KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN NORTH MACEDONIA

Roma Integration Phase III

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List of Abbreviations

1954 Convention	1954 Convention Relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
ENS	European Network on Statelessness
EU	European Union
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
NGO(s)	Non-governmental organisation (s)
MYLA	Macedonian Young Lawyers Association

Summary

In recent years, significant efforts have been undertaken to address the issue of statelessness in North Macedonia. These initiatives have led to notable progress, particularly in addressing the risk of statelessness among members of the Roma community, including the resolution of individual cases and issuance of first-time birth certificates to nearly 500 people who were previously unregistered. Furthermore, a range of legal and policy measures aimed at eradicating statelessness have been introduced, including important reforms to the Law on Civil Registry and related legislation in 2023, actions within the Strategy for Inclusion of Roma 2022-2030,¹ and the publication of a Roadmap for ending statelessness in North Macedonia prepared by the United Nations High Commissioner for Refugees (UNHCR) and Organization for Security and Co-operation in Europe (OSCE).² Political pledges and commitments made under the European Union (EU) Enlargement Framework and Global Compact on Refugees, as well as the Global Alliance to End Statelessness, reflect a positive commitment to ending statelessness and ensuring the right to legal identity for all on the international stage.

However, despite these advancements, there remain some important legal and policy gaps, and numerous individual cases remain unresolved, requiring continued and intensified efforts to be fully addressed. North Macedonia has not yet established a statelessness determination procedure and protection status to give full effect to the rights enshrined in the 1954 Convention relating to the Status of Stateless Persons (1954 Convention), and legal safeguards in Citizenship Law are still not fully in line with the 1961 Convention on the Reduction of Statelessness (1961 Convention). Furthermore, the identification and resolution of all remaining cases of statelessness continues to pose a substantial challenge. Effective inter-institutional communication and coordination are of paramount importance to ensure an adequate and timely response to individual cases. It is particularly important to establish a functioning and efficient system for identification of remaining cases, registration of births, regulation of residence, and naturalisation procedures. Strengthening institutional cooperation, particularly between the Ministry of Interior, the Directorate for Registry Records, and the Centres for Social Work, will be crucial to improving the identification, documentation, and resolution of remaining statelessness cases across North Macedonia.

¹ Strategija za inkluzija na Romite 2022-2030 03-02-2022 finalna verzija.pdf

² 1_english_roadmap_for_eradication_of_statelessness_in_north_macedonia.pdf

Introduction

This paper was produced as part of a grant-funded project implemented under the Roma Integration Phase III Joint Programme of the European Union and the Council of Europe. The grant was awarded to *Macedonian Young Lawyers Association (MYLA)*, an organisation based in North Macedonia and a member of the **European Network on Statelessness (ENS)**. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both central and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including central authorities. This paper was presented alongside a synthesised regional report during a **regional event** in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.

Across the Western Balkans region, statelessness is a key factor driving a mutually reinforcing cycle of discrimination and denial of fundamental rights. Statelessness is an issue that affects both migrants and refugees as well as people who have lived in the same place for generations. In the Western Balkans region, as in other parts of Europe and globally, statelessness is a particular concern for members of minoritised communities.³ Discrimination is both a cause and a consequence of statelessness, with citizenship laws often structured or implemented in ways that exclude certain groups or make it more difficult for them to acquire or prove their citizenship. In Europe, among the most affected by this issue are Roma communities, who face systemic exclusion and further marginalisation due to the cycle of antigypsyism and legal barriers.⁴

In the Western Balkans region, statelessness among Roma communities is shaped by a complex combination of factors, including State succession, historical conflict, forced displacement, lack of civil documentation, and systemic exclusion. Many thousands of Roma people continue to be disproportionately impacted by these issues, which are exacerbated by deep-rooted antigypsyism. Being stateless usually means being unable to benefit from the fundamental rights afforded to people recognised as citizens of a Beneficiary, including access to healthcare, education, the right to marry, open a bank account, and participate in the labour market on an equal basis. Not only does it hinder access to these basic rights and entitlements, but it also affects the psychological sense of belonging and inclusion that is vital for achieving equality in societies. In this way, statelessness becomes a real and significant part of the cycle of discrimination experienced by minoritised groups globally, including Roma communities in Europe.

This paper examines the key issues and challenges related to statelessness among Roma communities, focusing on gaps in law, policy, and practice. It outlines both the legal obligations relating to statelessness and highlights issues within policy and practice, focusing on practical barriers such as birth registration, data collection and identification of affected populations, and access to citizenship. The paper also examines domestic measures aimed at preventing and reducing statelessness, as well as the role of outreach and identification initiatives to reduce statelessness among Roma communities and presents targeted areas for action aimed at closing these gaps and promoting the rights and inclusion of Roma communities.

³ See: <https://www.statelessness.eu/issues/stateless-minorities>.

⁴ The term 'Roma' encompasses a wide diversity of groups and identities, many of which are intersecting and overlapping. There are also people who do not identify as Roma – such as Ashkali and Egyptians – who are nonetheless the targets of antigypsyism. For the purpose of this report, the terms are used to encompass all groups in the region who are subject to antigypsyism, in line with the Council of Europe definition, and commonly adopted by most international organisations in the last decade. However, it is important to underline that not all the members of these populations agree on the single use of this standardised autonym.

Statelessness in North Macedonia

North Macedonia has made important progress towards preventing and reducing statelessness in recent years. In 2023, the Parliament adopted a series of legal reforms aimed at addressing the lack of identity documents and birth registration of those with unregulated civil status including amendments to the Law on Civil Registry, the Law on Registration of Residence, and the Law on Identification Documents. As a result, almost 500 people (mainly children) were successfully inscribed in the birth register in 2023. However, obstacles remain in terms of implementation of the new provisions arising from limited institutional capacity on one hand and challenges engaging parents of newborn children to access registration on the other. It is vital that the focus now turns to effectively and comprehensively implementing the amended laws and ensuring the immediate registration of all children at birth regardless of their parents' status or identity.

There are also still several remaining legal and policy gaps to resolve. There is no statelessness determination procedure nor protection status for stateless migrants on the territory. There is a lack of reliable data on the stateless population, and despite the 2021 census in-

cluding a specific 'stateless' category, the results did not provide a clear picture on the number of stateless persons in North Macedonia. There is only a partial safeguard in citizenship law to prevent children being born stateless in North Macedonia and there is no framework for identifying where a child would otherwise be stateless at or after birth registration.

The issue of statelessness in North Macedonia disproportionately impacts Roma communities, so engagement and sensitisation, as well as measures to combat antigypsyism are an essential component to work to prevent and reduce statelessness. The role of non-governmental organisations (NGOs) that provide free legal aid to people at risk of statelessness also continues to be indispensable. Free legal aid is only available to stateless people who have a residence permit or otherwise have a right to stay. Many Roma individuals affected by risk of statelessness are unable to navigate the legal processes to register in civil registries, acquire citizenship, and obtain personal documents on their own, and cannot afford lawyers to represent them, making the availability of free legal assistance essential.

Legal framework on the prevention and reduction of statelessness in North Macedonia

North Macedonia has acceded to both the United Nations (UN) Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness, without any reservations.⁵ North Macedonia has acceded to the 1997 European Convention on Nationality but not to the 2006 Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession. North Macedonia also has international obligations to fulfil the right to a nationality and protect the rights of stateless people based on other UN treaties to which it is a party. These include, among others: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention of the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of Persons with Disabilities; and the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

In addition to obligations under international law, as a candidate for membership of the European Union, North Macedonia has also made important political commitments to address statelessness as part of the EU Enlargement Process, including the Berlin Process. This is especially relevant to Roma communities and the specific commitments made by Western Balkan Beneficiaries under the 2019 **Poznan Declaration**, which includes pledges to achieve universal civil registration, eliminate barriers to obtaining identity documents, and ensure legal recognition for all. The **EU Strategic Framework on Roma Equality, Inclusion, and Participation 2020-2030** sets out a roadmap for tackling discrimination, improving access to fundamental rights, and promoting social inclusion for Roma populations, including addressing the risks and consequences of statelessness. North Macedonia developed and adopted a *Strategy for*

Inclusion of Roma 2022-2030,⁶ which addresses civil registration challenges, including measures to assess the situation of stateless Roma and improve the relevant institutional and policy framework. At the international level, North Macedonia has made several pledges to address statelessness under the Global Compact on Refugees in 2019 and 2023, and in 2024, it joined the Global Alliance to End Statelessness.⁷

In domestic law, the definition of a stateless person set out in the Law on Foreigners is in line with the 1954 Convention definition.⁸ The Law on Citizenship includes a (partial) safeguard (Article 6) providing that children born on the territory to stateless parents or parents of unknown citizenship automatically acquire citizenship. Legal safeguards also exist to prevent statelessness among foundlings (Article 6) and children born abroad to North Macedonian citizens (Article 5(1)). The Law on Citizenship was amended in 2021⁹ to facilitate access to citizenship for a period (until August 2024) for those who continued to live on the territory of North Macedonia after 8 September 1991 as well as to facilitate naturalisation for stateless people and recognised refugees. Around 300 stateless people affected by the dissolution of the Former Yugoslavia acquired citizenship through this simplified procedure.

Since June 2023, Article 4a of the Law on Civil Registry provides that all children born on the territory of North Macedonia shall be registered in the birth register immediately after birth and no longer than 45 days, regardless of the personal status or the citizenship of the parents. Article 9 of the same provides that if the parents do not register the child within 45 days birth, the child will be registered by a specially appointed legal guardian from the Centre for Social Work. Notwithstanding these positive steps and commitments, there are some key gaps in the legal and policy framework of North Macedonia that still need to be addressed, which are explored further below.

5 For more detailed information and sources on law, policy, and practice relating to statelessness in North Macedonia, see the ENS Statelessness Index: <https://index.statelessness.eu/country/north-macedonia>.

6 <https://www.mtsp.gov.mk/content/pdf/2022/Strategija%20za%20inkluzija%20na%20Romite%202022-2030%2003-02-2022%20finalna%20verzija.pdf>

7 <https://statelessnessalliance.org/members-directory/>

8 "A foreigner is a person who is not a national of the Republic of North Macedonia, as well as a stateless person, meaning an individual who is not recognized as a national by any state under the operation of its law."

9 Law on changing and Amending the Law on Citizenship (Official Gazette of Republic of North Macedonia 174/2021) <https://www.slvesnik.com.mk/Issues/912c517cf9b346afb6b58e5581afe83a.pdf>.

Population data

The 2021 census in North Macedonia reported a total of 584 'stateless persons', which is a significant reduction from the 17,652 people recorded as 'without citizenship' in the previous census in 2002. In the database for persons not registered in the birth register, managed by the Registry Office, there are a total of 686 persons, a number that has not changed since 2020.¹⁰ Additionally, some stateless individuals may have been classified under other categories of foreigners with regulated residence, for example, as holders of temporary residence permits. The census does not include additional data categories, such as 'unknown' or 'undetermined citizenship', which could have identified others at risk of statelessness. The census data on stateless individuals is further disaggregated by sex, age, and ethnicity. Moreover, the Roma population reported in the 2021

census was 46,433 people, of which 23,630 were men and 22,803 were women.

The reported number of 584 stateless people in the 2021 census is questionable for several reasons. Firstly, data collected through the public call for registration of undocumented people in 2018 and 2019 recorded almost 600 people. Secondly, the census data on stateless persons does not include those officially registered as 'foreigners with temporary residence permits', even though their residence may be based on their statelessness. Thirdly, new cases are identified each year, which means that in the census, the number should be at least several hundred more than in 2018. Fourthly, stateless people are not only those with unregulated civil status, but also those left stateless after the disso-

Disaggregated data on stateless people by sex and age

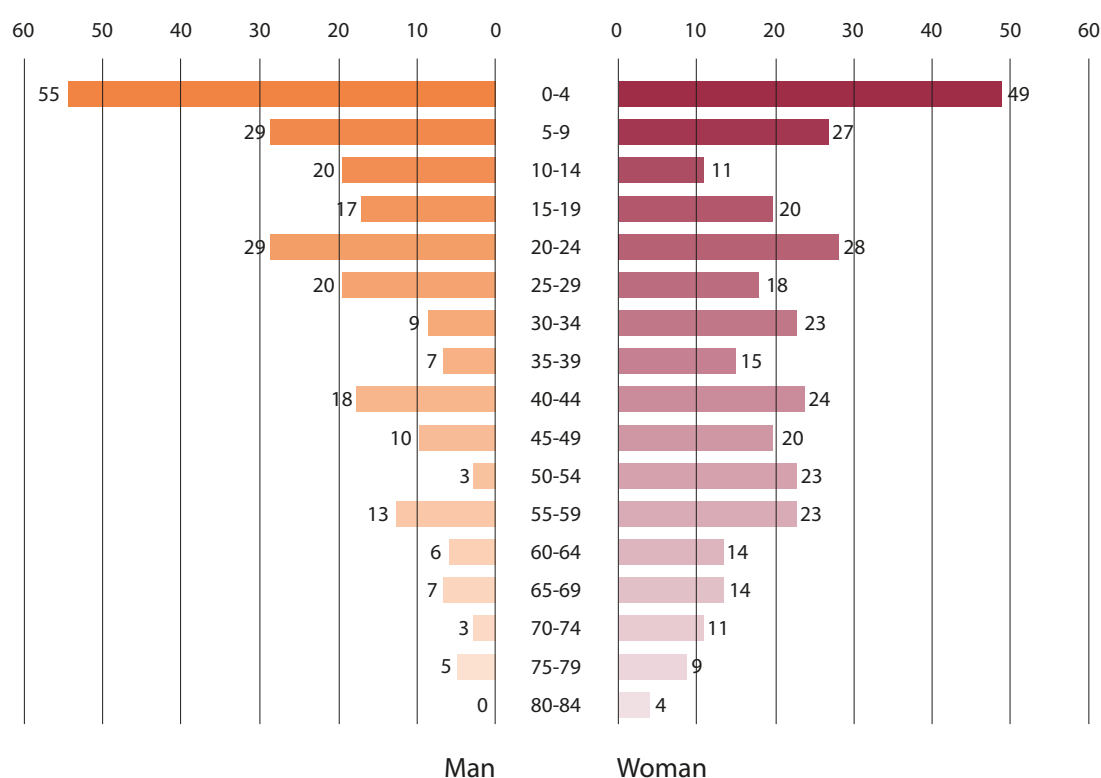


Figure 1: Disaggregated 2021 census data on stateless people by sex and age

¹⁰ https://www.refworld.org/sites/default/files/2025-03/1_english_roadmap_for_eradication_of_statelessness_in_north_macedonia.pdf, p.5.

Disaggregated data on stateless people by ethnicity

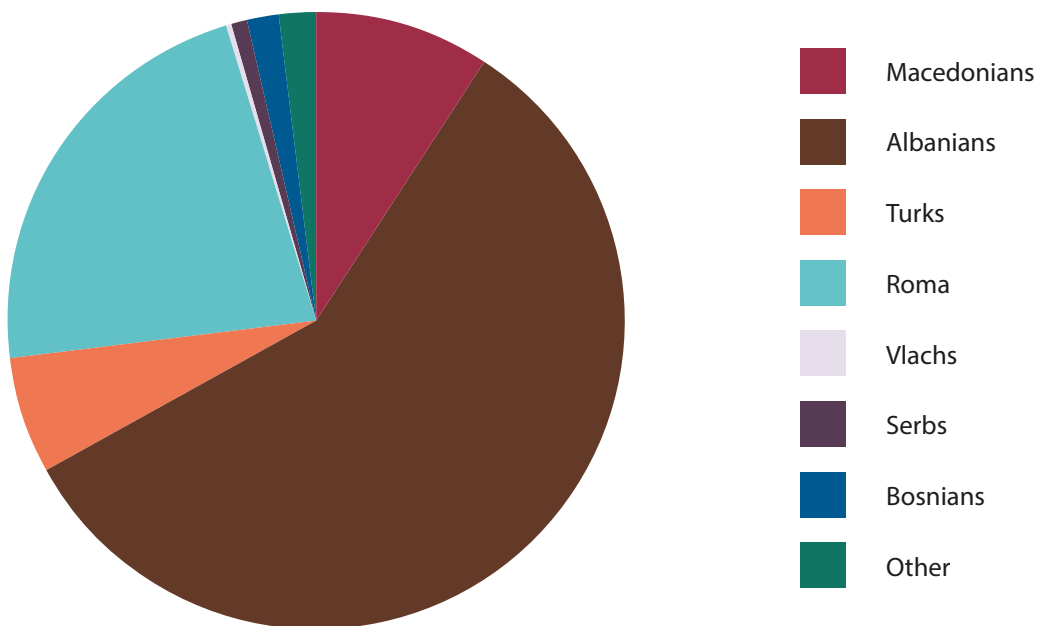


Figure 2: Disaggregated 2021 census data on stateless people by ethnicity

lution of the former Yugoslavia, as well as stateless people in other migratory contexts, such as people who reside in North Macedonia after being displaced by the Kosovo* crisis in 1999, among others. However, the census methodology remains unclear, and it does not specify which groups were considered in the 'stateless' category, raising concerns about whether all stateless populations were fully captured in the data. Finally, from the second figure above, it can be noted that most of the stateless people identified in the census are Albanians, which casework practice demonstrates is not the case. These questions lead to the conclusion that new and accurate data is necessary to effectively plan measures to address statelessness in North Macedonia. Improvements are required in the collection and monitoring of disaggregated quantitative data on stateless people and capacity of officials to accurately identify and record statelessness across public authorities at all administrative levels.

Central authorities predominantly rely on NGOs conducting field visits to identify new cases of people who

are stateless or at risk of statelessness and refer them to the relevant institutions, rather than having their own plan to identify and resolve remaining cases. Implementation of Article 4a of the Law on Civil Registry provides an opportunity for the Registry Office to gather and monitor data on new cases of children who may be at risk of statelessness and ensure they are able to acquire citizenship.

There is no comprehensive data available on stateless refugees and migrants residing in North Macedonia or transiting through the territory. All asylum seekers and people on the move are registered as having a citizenship. However, citizenship is often not thoroughly assessed or correctly identified by responsible officials who lack knowledge about statelessness. In many cases, the place of origin is recorded as the place of citizenship, which creates the misleading impression that there are no stateless people in a migratory context in North Macedonia. However, this is highly unlikely, given that approximately 20,000 to 30,000 people cross into North Macedonia each year.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

Remaining gaps in measures to prevent statelessness

It is very welcome that the prevention of childhood statelessness is currently a priority for North Macedonia and relevant stakeholders have expressed political will to resolve remaining cases of unregistered children until all children are registered in the birth register. To achieve this goal and prevent future cases of statelessness, there are some remaining gaps to be addressed.

Legal safeguards to prevent childhood statelessness

There is a partial safeguard in the Macedonian Law on Citizenship (Article 6) for children born on the territory to stateless parents or parents of unknown citizenship to automatically acquire Macedonian citizenship. However, the provision is based on the parents' status rather than the child's statelessness, meaning it does not cover cases where parents may have a citizenship but cannot confer this to their child. Additionally, whilst this safeguard is automatic by law, in practice, a request must be submitted to initiate the procedure to acquire citizenship. The applicant must submit a formal request to the Ministry of Interior alongside evidence that their parents are stateless. However, given that there is no formal procedure for determining statelessness, proving the parents' statelessness can be particularly challenging in practice, thereby limiting the effectiveness of this safeguard.

Legal safeguards also exist in the Law on Citizenship to prevent statelessness among foundlings (Article 6) and children born abroad to North Macedonian citizens (Article 5(1)). However, these protections apply only to children who are registered in the birth registry and possess both a birth certificate and a valid foreigners residence permit to confirm their identity. The application to determine or confirm the child's citizenship in these cases is free of charge, but eligibility is limited to individuals under 18 years old, which is not in line with the 1961 Convention and leaves protection gaps for young adults.

Another significant challenge lies in the lack of proactive engagement by the authorities and lack of cooperation to resolve identified cases. Although the Law on Administrative Procedures obliges the authorities

to actively assist people in protecting their rights and legal interests, in practice, the authorities often fail to inform parents about the risk of statelessness or about their child's citizenship rights and relevant procedures to confirm or determine their citizenship. There is no established official communication or cooperation between public institutions – particularly between the Ministry of Interior – and relevant institutions in other Beneficiaries regarding the determination of citizenship or statelessness status, thereby presenting challenges when cross-border cases of (risk of) statelessness emerge.

Encouragingly, local municipalities have begun a collaboration with MYLA to raise awareness among Roma communities of relevant rights and procedures, but further efforts are needed to ensure this information is effectively and widely disseminated.

Birth registration

In 2023, North Macedonia adopted crucial amendments to the Law on Civil Registry whereby all children born on the territory of North Macedonia after June 2023 must be registered in the birth register immediately after birth, but no longer than 45 days, regardless of the civil status or the citizenship of the parents (Article 4a).¹¹ According to Article 9 of this same amendment, if the parents do not register the child within 45 days of birth, the child will be registered by a specially appointed legal guardian from the Centre for Social Work. The Registry Office, in collaboration with the Centre for Social Work, has begun implementing this process. Beyond the 45 days, birth registration can only be completed through a subsequent birth registration procedure under the authority of the Directorate for Managing Registry Records.

If fully implemented, these amendments provide for the possibility to address some of the challenges related to unregistered births, which was previously a complicated and costly process, and go some way to facilitating universal birth registration, particularly for Roma and other marginalised communities who have been disproportionately affected by a lack of birth registration. However, full implementation of the new pro-

11 Law on Changing and Amending the Law on Civil register (Official Gazette 129/2023) <https://www.slvesnik.com.mk/Issues/8e-4c3510b5b245458d384111b871390c.pdf>.

visions remains challenging for several reasons. Firstly, there is a lack of awareness among the relevant authorities about how to implement the amendments, particularly when the mother lacks valid identification documents or a temporary residence permit. Additionally, delays in processing the cases by social work centres negatively impact full implementation, limiting children's access to immediate birth registration. Furthermore, children born before 2023 who are still unregistered must still undergo a subsequent (late) registration process to be recorded in the birth register.

Despite the significant improvements to immediate birth registration procedures, there are several remaining barriers that prevent universal birth registration in North Macedonia. By law, formal proof of the civil status and identity of both parents is required to register a child's personal name at the registry office. However, the legislation does not clearly define the specific documentary evidence that parents must provide, and it allows officials to require evidence for administrative procedures as they see fit. As a result, requirements vary at the discretion of civil registry offices and can be cumbersome, particularly for unmarried parents. Parents have up to two months after the birth to complete the registration, assign the child's name, and obtain a birth certificate. This process can sometimes lead to challenges when the authorities or legal aid providers are unable to contact the parents to complete the final registration of their child's birth, further complicating and delaying the process.

Furthermore, although hospitals are required to provide access to maternity care, challenges arise when mothers do not have health insurance. In such cases, mothers must cover the costs of hospitalisation and medical intervention themselves. If they are unable to pay, hospitals often refuse to issue a written notification to the registry office, which includes essential details such as the child's date of birth, sex, and the mother's information. The lack of health insurance and inability to pay can also lead to mothers choosing to give birth

outside of healthcare institutions. As a result, the newborn's birth may go unregistered in the birth register.

While late birth registration is possible, and there is no fine or other penalty for non-registration, it is a complex administrative process that places an additional burden on parents. They must pay a fee of 250 MKD (4 EUR) and provide additional documents as required at the discretion of the registry office, including ID cards, marriage certificates (or birth certificates if not married), medical and education certificates for the child, and in some cases, additional notary verified statements or DNA testing. Such requirements are difficult to meet and the risk of births remaining unregistered impacts disproportionately on marginalised Roma communities.

Positively, some measures have been put in place to support and oversee the implementation of the new provisions for immediate birth registration and to facilitate parents' engagement with birth registration procedures. For example, there is cooperation between the Directorate for Managing Registry Records, MYLA, and local Roma-led NGOs. MYLA is usually appointed to provide free legal assistance to people who are not registered in the birth register and covers the administrative fees, while Roma-led organisations are appointed to identify affected individuals through community outreach and bring them to the registry offices to submit registration applications. However, these essential services are under threat from funding cuts, as NGOs are having to scale back and reduce their services and are working with very limited funds. A cross-sectoral parliamentary group comprising members from all relevant public institutions and other stakeholders was appointed to supervise implementation of the new amendments to the Law on Civil Registry and oversee measures to resolve identified cases of statelessness in North Macedonia. In 2025, UNHCR and United Nations International Children's Emergency Fund (UNICEF) launched an initiative with relevant institutions for hospitals to establish the practice of issuing birth certificates immediately after a baby's birth within medical facilities.

Remaining gaps in measures to reduce statelessness

North Macedonia has taken several positive steps in recent years towards reducing *in situ* statelessness. In January 2020, it acceded to the 1961 Convention on the Reduction of Statelessness. Between 2019-2022 a regularisation route was introduced under the Law on Foreigners for citizens of the former-Yugoslavia who continued to live in North Macedonia after 1991 without acquiring any citizenship, enabling them to acquire permanent residence. At the end of 2023, amendments to the Law on Foreigners were also introduced to provide an opportunity for refugees from Kosovo to acquire permanent residence in North Macedonia.¹² Under the Law on Citizenship, between August 2021 and August 2024, a facilitated route to naturalisation was opened in a shorter procedure for stateless persons and refugees who were exempted from certain conditions. 273 stateless people acquired Macedonian citizenship under this simplified procedure.

Following the amendments to the Law on Civil Registry concerning immediate birth registration, in October 2023, the Parliament also adopted amendments to the Law on ID Cards¹³ and the Law on Registration of Residence.¹⁴ These amendments were in response to many reported cases where former stateless people who had acquired Macedonian citizenship (the majority of whom were from the Roma community) could not register their residence and obtain an identity card because they lived in 'non-legalised houses', informal settlements, or in destitution. The amendments simplify the residence registration process for vulnerable groups, providing several options for people living in 'non-legalised houses' to document ownership of the property and obtain an identity document. They enable homeless people to register their residence at the addresses of social work centres, and people who are accommodated in a health or social institution to register their address at the institution. The reforms were followed by media campaigns

to encourage affected individuals to approach legal advice providers for support in submitting requests for naturalisation and birth registration.

However, despite these advancements, civil society organisations report that new cases of unregistered people are being identified regularly, and around 150 known cases of statelessness are in the process of being regularised and require continued and sustained efforts to be resolved. Between 1 January and 8 May 2025, MYLA has identified 20 new cases of statelessness, highlighting the importance of sustained outreach and identification efforts. The complete resolution of all cases of statelessness, both those that have been identified and those that are currently unknown, continues to pose a substantial challenge in North Macedonia.

Access to free legal aid plays a critical role in the resolution of (risk of) statelessness cases. However, in practice, NGOs are the primary providers of free legal assistance to stateless people and those at risk. According to the Law on Free Legal Aid¹⁵ every person residing in North Macedonia has the right to primary legal aid; however, access to secondary legal aid (e.g. for assistance in court procedures such as late registration, for example) is only available to those with legal residence, meaning undocumented individuals may be faced with the situation in which they cannot access legal aid to resolve their civil status, due to their very lack of documentation. In practice, stateless people and those at risk usually obtain legal aid from NGOs supported by international donors. MYLA has provided free legal aid and assistance for 14 years, supported by UNHCR North Macedonia and for the past year from the Council of Europe as well. In the face of significant funding cuts, this vital provision may be lost, leaving vulnerable individuals without access to legal assistance and unable to resolve their statelessness or lack of civil documentation.

12 Law on Amending the Law on Foreigners (Official Gazette of Republic of North Macedonia 284/2023) <https://www.slvesnik.com.mk/Issues/4fab85048cc24a228e1c6747aa74c9f1.pdf>.

13 Law on ID cards (Official Gazette of republic of North Macedonia 209/2023) <https://www.slvesnik.com.mk/Issues/3cabf542003b4bb0a-4cb31afbd125617.pdf>.

14 Law on Registration of Residence (Official Gazette of Republic of North Macedonia 209/2023) <https://www.slvesnik.com.mk/Issues/3cabf542003b4bb0a4cb31afbd125617.pdf>.

15 Law on Free Legal Aid 9 Official Gazette of Republic of North Macedonia 101/2019) <https://www.slvesnik.com.mk/Issues/93af90af565443e-38308333c2c2146cd.pdf>

Statelessness in a migratory context

In 2015 and 2016, North Macedonia and other Beneficiaries in the region faced a significant increase in the number of refugees passing through the so-called “Balkan route” in transit to Western Europe. The situation at North Macedonia’s northern and southern borders continues to be very challenging with many refugees seeking to transit through the territory. However, no stateless refugees or migrants have been recorded as having remained in North Macedonia. On the other hand, North Macedonia still hosts refugees from the Kosovo crisis, some of whom remain at risk of statelessness. In addition, after the dissolution of Yugoslavia, some people remained in the territory who were unable to acquire citizenship.

There is yet no statelessness determination procedure nor statelessness protection status in North Macedonia, although central authorities are currently discussing establishing such a procedure. Stateless migrants may apply for asylum or a temporary residence permit at the discretion of central authorities. There used to be routes to regularisation for some stateless people

or those at risk of statelessness (people who were born in North Macedonia or neighbouring Beneficiaries and who remain without civil status and/or citizenship), but these routes are no longer accessible. Stateless people with a residence permit have access to some basic rights.

Stateless individuals can apply for naturalisation after six years of lawful and continuous residence, which is an accelerated process compared to other applicants who may apply after seven years. However, they must meet all other general naturalisation requirements, including providing a certificate confirming the absence of criminal convictions or prosecutions and proof of birth registration. There are no exemptions for stateless people from these requirements. Administrative fees for acquiring citizenship amount to approximately 100 EUR, while obtaining the necessary supporting documents costs around 2.5 to 5 EUR per document. Fee waivers are extremely limited, leaving legal aid organisations such as MYLA to routinely cover these costs on behalf of their clients.

Challenges in resolving cross-border cases of statelessness

There are around 200 refugees from Kosovo who remain in North Macedonia and have lived within its jurisdiction for some 20 years. Most of these individuals have ongoing procedures for acquiring a permanent residence permit. Some have initiated citizenship procedures, but these are considered only on a case-by-case basis with no facilitated conditions. In some cases, refugees from Kosovo who were born in Kosovo,

were never able to register their births, which creates difficulties for them to regulate their stay in North Macedonia, obtain citizenship, or register life events such as a marriage, birth, or death. The resolution of these cases requires urgent attention, careful consideration, facilitated procedures, and cross-border cooperation to ensure the fundamental rights of adults and children are upheld.

Action Areas

Parliament

- Establish a statelessness determination procedure and protection status in law and in line with good practice to give full effect to the rights enshrined in the 1954 Convention to stateless people in North Macedonia, including residence rights.
- Monitor implementation of the recent reforms to the Law on Civil Registry and related legislation to ensure they are being implemented as intended.

Central authorities

- Take proactive steps to resolve all identified cases of statelessness in North Macedonia.
- Establish an effective system of registration of births, naturalisation, and regulation of residence and strengthen cooperation between MOI, Directorate for Registry Records, and Centres for Social Work.
- Effectively and comprehensively implement the amended Law on Civil Registry, to ensure the immediate registration of all children after birth, regardless their parents' civil status or identity, by removing practical barriers to birth registration and addressing authorities' discriminatory practices.
- Improve the collection and monitoring of disaggregated quantitative data on stateless people and those at risk of statelessness and build the capacity of officials to accurately identify and record statelessness across government agencies at all administrative levels.
- Encourage the Ministry of Digital Transformation to capacitate the Registry Offices in terms of knowledge and resources to take fair and efficient decisions in the process of registering births and issuing documents.
- Encourage the Ministry of Interior to issue regular personal identification numbers once persons are registered in the Birth Register.

Local authorities

- Work closely with Roma communities, particularly those affected by statelessness, to foster trust and inclusion, guarantee the right to education for all children, develop accommodation facilities for the most vulnerable, and facilitate access to rights for all people.
- Provide budgetary benefits and envision specific programmes within the budget to improve the current situation of Roma communities.
- Commit to a strategy and action plan that includes concrete measures to address antigypsyism, inequality, and programmes and resources to foster inclusion and empowerment.

European Union and Council of Europe

- Monitor the implementation of recommendations related to the timely birth registration of children born to undocumented parents, as well as the implementation of statelessness-related commitments made in the Poznan Declaration in EU Enlargement progress reports, and integrate these issues into future monitoring.
 - Provide support to NGOs for projects related to free legal assistance for people at risk of statelessness and advocacy activities aimed at combating statelessness, particularly in the context of the withdrawal of US foreign assistance and UNHCR funding that have previously been allocated for these purposes.
 - Facilitate platforms for information and knowledge exchange aimed at prevention and reduction of statelessness between respective Beneficiaries and in the context of EU Enlargement and prioritise actions and resources in relevant areas of competence (e.g. Child Rights, Access to Justice, Roma Equality & Inclusion, and Asylum & Migration) to support work to end statelessness in the Western Balkans.
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UNHCR, Other International Organisations and Donors

- Continue to prioritise support to public authorities and NGOs in activities aimed at reducing the number of statelessness cases and eliminating systemic obstacles that prevent the eradication of statelessness, as well as the problems that occur in the practice of authorities that carry out procedures for birth registration, acquisition of citizenship and obtaining personal documents.
- Assist in aligning domestic laws with the 1954 and 1961 Conventions, ensuring procedural safeguards, residence, and rights for recognised stateless persons.
- Support improved data collection and analysis on statelessness and facilitate coordination among public institutions and civil society.
- Leverage North Macedonia's membership of the Global Alliance to End Statelessness, encouraging effective participation in the Solution Seekers Programme and mobilising resources for durable legal and policy reforms.
- Fund projects working with and for communities affected by statelessness in the Western Balkans, including specifically for legal assistance, capacity-building of public institutions and services, community engagement, and law and policy reform.

Civil Society Organisations

- Raise awareness, advocate for policy change, and participate in domestic consultations to support public authorities in evaluating and improving statelessness and civil registration-related frameworks.
- Provide free legal aid, engage in strategic litigation, and conduct community outreach to identify and support stateless persons, especially among Roma communities.
- Strengthen coordination among CSOs working on Roma inclusion to increase the efficiency and impact of services in areas such as housing, healthcare, and employment.
- Monitor implementation of North Macedonia's international and regional commitments, including pledges under the 2019 HLS and the Poznan Declaration.

This paper was prepared by the Macedonian Young Lawyers Association (MYLA) in collaboration with the European Network on Statelessness (ENS).

MYLA is an independent, non-profit, professional organisation established in 2003, which provides legal aid and strategic litigation for the protection of human rights. MYLA puts the knowledge and innovative capacities of young lawyers towards affirmation and promotion of the rule of law principle and influences public policies by drafting research and analysis. MYLA

aims towards a society in which the rule of law is fully established, and the people are proactively requiring respect for their basic human rights and freedoms.

ENS is a civil society alliance of over 180 NGOs, lawyers, academics, and other independent experts in over 40 Beneficiaries committed to addressing statelessness in Europe. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments.

Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

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