



Migration and Asylum Policies Systems

Asylum System of North Macedonia: Weaknesses and Perspectives

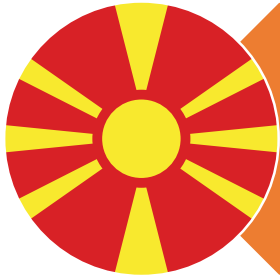
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Macedonian Legal Framework on Asylum



Constitution of Republic of North Macedonia



Law on International and Temporary Protection (replaced the previous Law for Asylum and temporary protection)



Law for Foreigners



The previous Law of Asylum and Temporary protection (out of force) was changed and amendment several times during the migrant crisis and the most important amendment was in June 2015 during the Balkan Route.

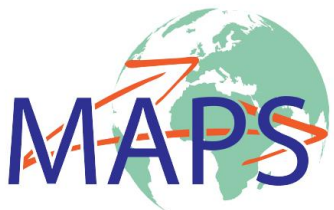
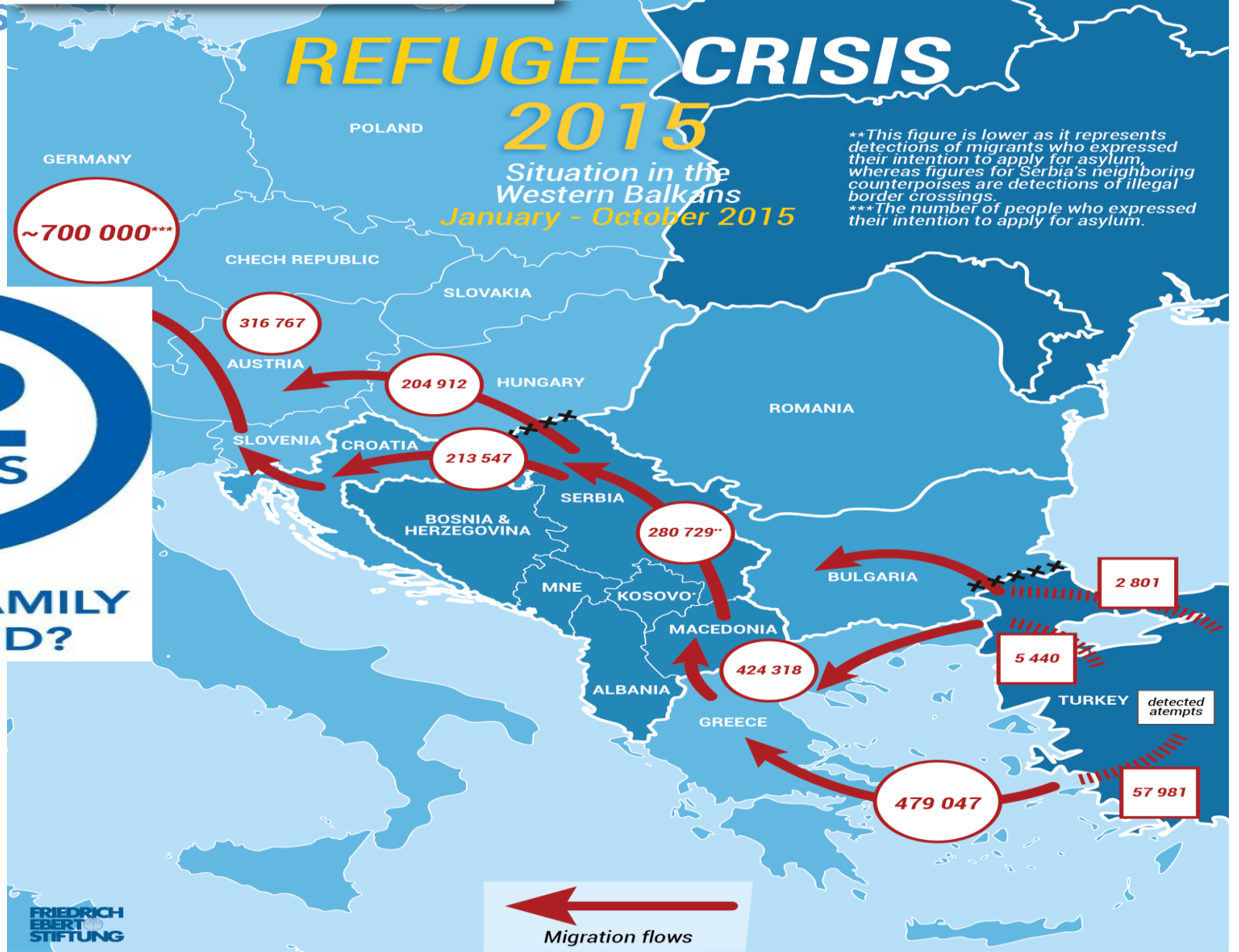
72 HOURS

IS YOUR FAMILY PREPARED?



European
**Western
Balkans**

Source:
FRONTEX



Migration and Asylum Policies Systems



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Law on International and Temporary Protection

This Law is harmonized with the European directives regulating the sphere of asylum, that is, international protection, as follows:

2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted CELEX No.

2. DIRECTIVE 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection CELEX No. 32013L0032;

3. DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection CELEX No. 32013L0033; and

4. COUNCIL DIRECTIVE 2001/55 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons who are not able to return to their country and on establishing a balance of activities of Member States in receiving displaced persons, as well as in bearing the consequences of such activities CELEX No. 32001L0055

Law on International and Temporary Protection

This Law regulates the terms and the procedure for obtaining the right to international protection (right of asylum), as well as cessation, abolishment and annulment of the right of asylum of a foreign national or a stateless person, as well as the rights and duties of asylum seekers and persons to whom the right of asylum has been recognized in the RM.

This Law also regulates the conditions under which the RM may give temporary protection, as well as the rights and duties of persons under temporary protection.

**Right to asylum
Article 3**

The right of asylum shall be given under the conditions and in the procedure stipulated in this Law, to the following categories of persons:

- a person with a refugee status (a refugee pursuant to the Geneva Convention) and
- a person under subsidiary protection pursuant to the provisions of this Law.

**Asylum seeker
Article 4**

An asylum seeker shall denote a foreign national who seeks international protection from the Republic of Macedonia, who has expressed an intention or submitted an application for recognition of the right of asylum, upon which no final decision has been reached in the procedure for recognition of the right of asylum.

YOU ARE IN MACEDONIA

THERE ARE TWO LEGAL OPTIONS



REGISTER

You can register at the police in the Transit Centre Vinojug in Gevgelija, which is near the border with Greece.

With this registration you have submitted an intention to seek asylum.

This means that you have 3 days (72 hours) of legal residence in Macedonia.

In these 3 days, you can apply for asylum at the Reception Centre for Asylum Seekers in Vizbegovo, Skopje.

After 3 days you will be residing unlawfully on the territory of Macedonia and may be deported.



APPLY FOR ASYLUM



You can apply for asylum in Macedonia at any police station or border crossing.



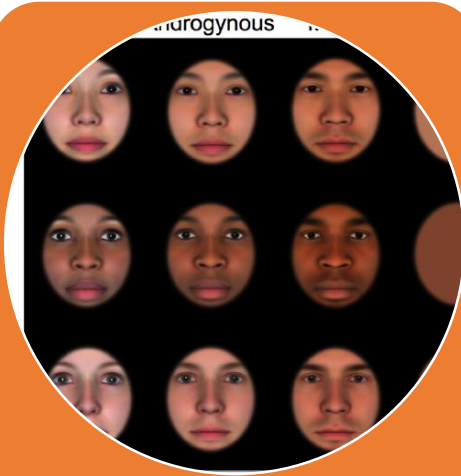
The police will transfer you to the open Reception Centre for Asylum Seekers in Vizbegovo, Skopje.



At the Reception Centre you will be provided free of charge with: accommodation, food, medical care, legal aid and psychological support.



During the asylum procedure you can freely move within Macedonia and reside at the Reception Centre. You can also request to be accommodated at your own expense outside the Reception Centre.



The term 'race' especially refers to the skin color, the origin or descent of a particular ethnic group.



The term 'religion' refers to theistic, non-theistic and atheistic beliefs, participation or refraining from participation in private or public religious rituals, individually or in a group, other religious rituals or expressing stances or forms of personal or common behavior based upon a religious behavior.



The term 'nationality' shall not be limited to citizenship or the lack thereof, but it shall include the belonging in a particular group defined based upon its cultural, ethnic and language identity, common geographic or political descent or relation to the population of another country.



The term 'group' refers to the membership of a particular social group which includes members that have common natural features or a common descent, which may not be altered, or that have features or beliefs which are of significance for their identity or consciousness, wherein such persons may not be forced to refrain therefrom. The group has a clearly distinguished identity in the country of origin because it is considered different from the society surrounding it. Depending on the circumstances of the country of origin, a social group may also denote a group based upon the sexual orientation. Sexual orientation shall not be deemed a punishable act pursuant to the national legislation. Any elements related to gender, including gender identity, shall be taken into consideration when determining the membership or the features



The term 'political opinion' especially refers to any personal opinions, ideas and beliefs in terms of issues related to potential actors of persecution and their policies and methods, regardless as to whether the asylum seeker has undertaken any activities in terms of the beliefs thereof

← Grounds for prosecution →

PROCEDURE
FOR
RECOGNIZING
THE RIGHT OF
ASYLUM

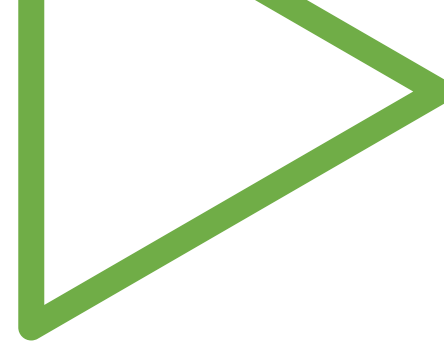
REGULAR
PROCEDURE

URGENT
PROCEDURE



MAPS

Migration and Asylum Policies Systems



REGULAR PROCEDURE

Conducting a regular procedure

The first-instance
regular procedure -
Department for
Asylum- adopt its
decision within six
months

Interviewing the asylum seeker

Investigation of the
grounds for
recognition of the
right of asylum for
the purposes of
subsidiary
protection

In 2019, the Department for asylum prolonged the subsidiary protection of only 2 persons from Syria. For recognizing the status of refugee and subsidiary protection 0 cases. The MYLA only represented 178 requests for asylum > 61 man, 17 woman and 100 children (78 of them were unaccompanied minors).

The Administrative court reached 34 verdict regarding asylum, and the Higher Administrative court reached 26 verdict. The deadline for decision for the courts is 2 months – 60 days and the average length of the procedure of the first instance court is 255 days and second instance 501 witch is considered to be breach of the right of speedy trial.

Reasons for rejection



The application for recognition of the right of asylum shall be rejected in the course of regular procedure when it is established that:

- **there is no well-founded fear of persecution within the meaning of Article 5 of the LITP,**
- **there are no risks of suffering any serious harm within the meaning of Article 9 of LITP,**
- **there are reasons for exclusion as per Articles 8 and 10 of this Law, and**
- **the persecution due to the reasons defined in Article 5 of this Law and the risks of suffering serious harm as defined in Article 9 of this Law is confined solely to a particular geographic area of the country** whose citizen the person is or, in the event of a stateless person, the country in which he/she had his/her habitual residence, while there is a possibility for efficient protection in another part of the country, unless, in view of all circumstances, the said person may not be expected to seek protection there.



Migration and Asylum Policies Systems

URGENT PROCEDURE

An urgent procedure shall be conducted when the application for recognition of the right of asylum is **abusive** or **manifestly unfounded**, except if the application was filed by an unaccompanied minor or a mentally challenged person, as well as persons regarding whom there is evidence or serious indications that they have been exposed to torture, rape or other severe forms of psychological, physical or sexual violence

Abusive applications

An application for recognition of the right of asylum shall be deemed abusive if:

- 1. the person has arrived from a safe third country, where he/she was able to apply for recognition of the right of asylum, unless he/she denies that the third country is safe for him/her,**
- 2. he/she has obtained the right of asylum in another country and continues to enjoy the protection of that country, or**
- 3. after filing a new application for recognition of the right of asylum it has been established that the conditions have not been met.**

Manifestly unfounded applications

- there are no grounds for the claim regarding a fear of persecution**
- the application is based on a deliberate act of deception or abuse of the procedure for recognizing the right of asylum**
- the person arrived from a safe country of origin, (except if the country is not safe for him)**
- the person arrived from a safe EU country of origin,**
- without a reasonable explanation, the person deliberately gives untrue statements in the application for recognizing the right of asylum**
- without a reasonable explanation, he/she founded his/her application on a false identity or forged documents**
- he/she deliberately destroys, damages or conceals a travel document**
- the application for recognizing the right of asylum was filed in order to prevent the execution of a decision on expulsion from the territory of the Republic of Macedonia**
- the application for recognition of the right of asylum for the particular person was rejected in another country**

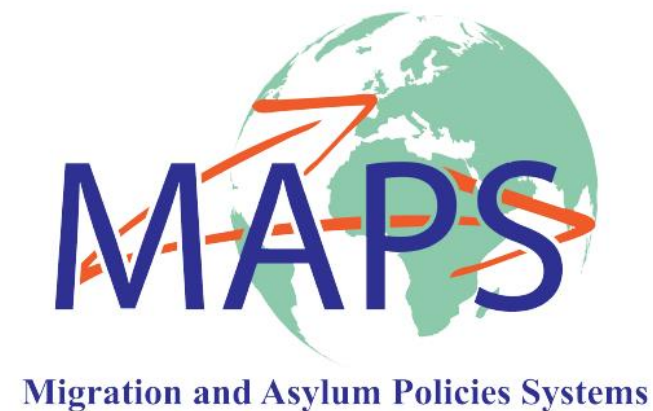
CESSATION,
ABOLISHMENT
AND
ANNULMENT
OF THE RIGHT
OF ASYLUM



Cessation of
the right of
asylum



Annulment
and
abolishment of
the refugee
status



Rights of the
asylum seeker

Duties of the
asylum seeker

Limitation of freedom of movement





BY-LAWS



RULES OF PROCEDURE FOR
LIMITING THE FREEDOM OF
MOVEMENT OF REFUGEES OF LAW
OF INTERNATIONAL AND
TEMPORARY PROTECTION



RULEBOOK ON CRITERIA AND
METHODS OF USING APPROPRIATE
APARTMENT FOR RESERVATIONS
OR FINANCIAL ASSISTANCE NEEDED
TO ENSURE ROOM FOR
ACCOMMODATION OF PERSONS
WITH REFUGEE STATUS PURSUANT
TO THEIR NEEDS



RULEBOOK ON THE MANNER OF
CARE AND ACCOMMODATION OF
UNACCOMPANIED MINNORS AND
VULNERABLE CATEGORIES



На 25 јуни лани, во тешка сообраќајна несреќа кај Радовиш, низ кој минува мигрантската рута кон северот на Македонија, загинаа двајца, а 17 мигранти беа повредени. Возачот избега од местото на несреќата. Потоа на седми септември лани, во сообраќајка кај Катланово беа повредени 18 илегални мигранти. (Фото: СДК МК)

Обвинителен акт против македонски државјани и тројца Пакистанци за криумчарење мигранти

Објавено: 03/02/2020

Ми се допаѓа Споделете

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По сеопфатна истражна постапка, надлежен јавен обвинител од Основното јавно обвинителство за гонење на организиран криминал и корупција до Основниот кривич – Скопје поднесе Обвинителен акт против еден македонски државјанин и тројца држани на Пакистан. На обвинителите им се става на товар дека како сонзвршители сториле кривично дело „Криумчарење на мигранти“ предвидено и казниво по член 418–6 став врска со став 4 и 2 во врска со член 22 од Кривичниот законик.



13 лица под истрага за криумчарење мигранти

akademik.mk



Надлежен јавен обвинител од Основното јавно обвинителство за гонење на организиран криминал и корупција денеска донесе наредба за спроведување на истражна постапка против 13 лица, македонски државјани, за кои постои основано сомнение дека сториле кривично дело „Организирање на група и поттикнување на извршување на делата трговија со луѓе, трговија со дете и

Accident in which 2 migrants got killed and 17 were severely injured

ЧАРТ НА ХИЕРАРХИЈА НА ОКГ

Главни организатори на ОКГ



К.Н.

браќа



К.М.



А.И.

соработници



М.И.

го ангажира

го ангажира

го ангажира

Организатори на транспорт



А.А.

соработници



С.М.

Link



И.Р.

Blue



Х.А.



Полициски службеник

го ангажира

ЧЛЕНОВИ НА ОКГ (ТРАНСПОРТЕРИ, ЧИСТАЧИ, КАЧАЦИ)



Ш.Е.



А.М.



Ј.Д.



Е.Г.



М.М.



Џ.Б.

Rulebook for:

certificate form for stated intent for application for asylum,

the application form for asylum,

form for initial discussion on registration of asylum seekers,

report template for interview for recognition for right to asylum,

report template for the adoption of an oral request for asylum,

the application form for asylum based on family reunion,

ways of taking fingerprints and photographing

form and manner of issuance and replacement of documents of asylum seekers and persons who have been granted asylum, or temporary protection (identity document for asylum seekers identity card with the status refugee ID card under subsidiary protection,

passport for persons refugee status, identity document for persons under temporary protection) in the Republic of Northern Macedonia and manner of keeping records

Filing an application for recognizing the right of asylum

Illegal entry and residence in the Republic of Macedonia

Manner of filing an application for recognizing the right of asylum

Obligation for submitting documents

Assessment of facts and circumstances

Right to an interpreter

The public in the procedure (the right to privacy)



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