

COUNTRY BRIEFING
OCTOBER 2020

The Republic of North Macedonia



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#),¹ a civil society alliance of over 150 organisations and individuals in 41 countries working to end statelessness and ensure that stateless people in Europe access their rights.

ENS worked with its members to research and compile comparative information on statelessness in the [Republic of North Macedonia](#).² This briefing summarises the findings on how North Macedonian law, policy and practice performs against international norms and good practice on the protection of stateless persons and the prevention and reduction of statelessness. It covers five thematic areas – International and Regional Instruments, Stateless Population Data, Statelessness Determination and Status, Detention, and Prevention and Reduction – and makes a series of recommendations to the North Macedonian Government for reform in priority areas.

To be stateless is not to be considered as a national by any state under the operation of its law. It is a legal anomaly that prevents more than 10 million men, women and children around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

INTERNATIONAL AND REGIONAL INSTRUMENTS

Different international and regional treaties provide for the protection of stateless persons and the prevention and reduction of statelessness. The Republic of North Macedonia's legal framework enshrines some basic protections against arbitrary detention, and some safeguards to prevent and reduce statelessness. However, although it is state party to the 1954 Convention, there is no mechanism by which statelessness can be identified or determined, and no stateless protection status.

The Republic of North Macedonia's record on international and regional treaties is relatively good, in that it is party to the [1954 Convention Relating to the Status of Stateless Persons](#) and most other relevant international and regional treaties, including the [European Convention on Nationality](#). However, it is not state party to the [2006 Convention on the Avoidance of Statelessness in Relation to State Succession](#). It is not bound by the [EU Returns Directive](#) as it is not a member state of the European Union.

Following its pledge at the High Level Segment on Statelessness in Geneva in October 2019, on 3 January 2020 North Macedonia acceded to the [1961 Convention on the Reduction of Statelessness](#).

The Republic of North Macedonia's Government should consider acceding to the [Convention on the Avoidance of Statelessness in Relation to State Succession](#).



STATELESS POPULATION DATA

The Republic of North Macedonia collects some limited data on statelessness. It includes a category 'without citizenship' in its census, and census data is disaggregated. However, the census was last carried out in 2002 so is out of date and it does not include people whose births are not registered. At the time (in 2002), 17,652 people were recorded in this category. Other government departments use potentially overlapping categories, such as the Ministry of Interior, which uses the category 'unknown nationality' in its data collection but does not publish these figures. The Government does not publish data on refugees and asylum seekers, nor on stateless people in detention. There is no data available on stateless refugees or asylum seekers in the country. In 2018, state officials announced that a new Census was to be conducted in April 2020, and it was later postponed for the year 2021.

UNHCR carried out a mapping study of people at risk of statelessness among Roma, Ashkaeli and Egyptian communities in 2011, covering 70% of the territory. More recently, in the Government's 2018-19 public registration campaign, 750 persons were identified and

recorded as at risk of statelessness due to their births and personal names being unregistered. As a UNHCR implementing partner, MYLA has identified 562 people at risk of statelessness as of October 2020, of which 289 had unregulated citizenship and 273 had undetermined Macedonian nationality.

The Government of the Republic of North Macedonia should harmonise and disaggregate quantitative data on stateless persons in North Macedonia and build the capacity of officials to accurately identify and record statelessness across government agencies at all administrative levels. It should consider carrying out a comprehensive exercise to accurately map the stateless population in the Republic of North Macedonia.



STATELESSNESS DETERMINATION AND STATUS

The Republic of North Macedonia does not have a legal framework in place to protect stateless people. There is no mechanism to identify or determine statelessness and no stateless protection status. The only route to regularisation for stateless people in the country is an application for a temporary residence permit as a 'foreigner' at the discretion of the Government or a claim for asylum. Rights given to those granted temporary residence are limited to primary education and a right to apply for nationality after six years' legal residence, which is accelerated in comparison to other 'foreigners'. However, other conditions must be met, and birth registration documentation is required. Access to healthcare may be possible, but health insurance is required. Police checks on foreigners are frequent. According to the Law on Foreigners which came into force in May 2019, foreigners who lived in Macedonia, had citizenship of SFR Yugoslavia until 8 September 1991 and then continued to live in Macedonia without acquiring Macedonian nationality or any other nationality, will be granted permanent residence, along with their children older than five years of age.

The Government of the Republic of North Macedonia should 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 the Republic of North Macedonia.



DETENTION

There is a basic legal framework for immigration detention in the Republic of North Macedonia, however, there are few protections against the arbitrary detention of stateless people and recent practice suggests detention may go beyond the purposes permitted under Article 5(1)(f) of the European Convention on Human Rights. Statelessness is not a juridically relevant fact in the decision to detain and there is no requirement to identify a country of removal prior to detention. There are no alternatives to detention prescribed in law and no information on how other, less coercive measures are considered; nor are there periodic reviews of the decision to detain. There is a time limit on detention and remedies available in law, but detainees are not made aware of them in practice. No documentation is issued on release leaving most with no rights (except primary

education) and exposed to re-detention, unless they apply for asylum or a temporary residence permit.

The Government of the Republic of North Macedonia should put in place robust mechanisms to identify and protect stateless people from arbitrary detention, including a referral mechanism to a procedure to determine statelessness and residence rights for those released from detention to protect against re-detention.



PREVENTION AND REDUCTION

The law in North Macedonia contains some partial safeguards against childhood statelessness, but there are gaps. There is a safeguard for children born on the territory to stateless parents (or parents of unknown nationality) to automatically acquire nationality. However, this safeguard focuses on the status of the parents rather than the risk of statelessness of the child, so it does not cover children born to parents who may have a nationality but cannot confer this to their child. The provision also only applies to minors, which is a lower standard than in the 1961 Convention. Children adopted by or born abroad to North Macedonian nationals are protected from statelessness, as are foundlings. There is no legal provision preventing statelessness in the case of a North Macedonian child adopted abroad, though a safeguard is applied in policy and practice. There are significant barriers to birth registration, which impact disproportionately on Roma, Ashkaeli and Egyptian communities. The process relies on parents presenting at a registry office and being documented. Late registration is possible in law but is a very cumbersome procedure that presents insurmountable barriers, particularly for marginalised communities. Four Universal Periodic Review recommendations have been received by the country on the issue of access to birth registration.

In November 2019, the Government of North Macedonia adopted a proposed draft law regarding people without regulated civil status. According to the provisions of this law, special civil status will be granted to individuals who were identified in the 2018 and 2019 public calls for birth registration as unregistered in the birth registry. They will be issued a special personal number, birth certificate and identity card enabling them to access healthcare, education, and social care during the procedure for inscription in the birth registry until they are officially registered. In February 2020, the Parliament adopted the Law on Persons Not Registered in the Register of Births, which requires the individual to file a request for inscription in the birth register within six months from the entry into force of the new law. Due to the COVID-19 pandemic, the period for filing a request for inscription has been extended and the new deadline shall be six months after the cessation of the State of Emergency.³

Although this new law grants special status with basic rights to those identified in the 2018 and 2019 public calls, systemic barriers to registering births and personal names in the birth registry, including the requirement that registry officials share information with immigration authorities, are still to be addressed. Neither does the new law propose a route to acquiring or recognising Macedonian nationality for these people, which means that their (risk of) statelessness remains unresolved.

Article 7A from the Law on Citizenship provides for the possibility of facilitated naturalisation for stateless people and people with recognised refugee status by reducing the standard length of residence required from eight years to six years.

The Government of the Republic of North Macedonia should simplify the birth registration procedure and remove all practical barriers to birth registration, including the requirement that registry officials share information with immigration authorities, and ensure that the status of parents or criteria for late birth registration does not prevent immediate registration.

The Government of the Republic of North Macedonia should put in place a procedure to facilitate recognition or acquisition of Macedonian nationality by people with an entitlement to Macedonian nationality and/or those identified to be stateless.

SUMMARY OF RECOMMENDATIONS

The Government of the Republic of North Macedonia should:

- Consider acceding to the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession.
- Harmonise and disaggregate quantitative data on stateless persons in the Republic of North Macedonia and build the capacity of officials to accurately identify and record statelessness across government agencies at all administrative levels.
- Consider carrying out a comprehensive exercise to accurately map the stateless population in the Republic of North Macedonia.
- 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 the Republic of North Macedonia.
- Put in place robust mechanisms to identify and protect stateless people from arbitrary detention, including a referral mechanism to a procedure to determine statelessness and residence rights for those released from detention to protect against re-detention.
- Remove all practical barriers to birth registration, including the requirement that registry officials share information with immigration authorities, and ensure that the status of parents or criteria for late birth registration does not prevent immediate and universal birth registration.
- Put in place a procedure to facilitate recognition or acquisition of North Macedonian nationality.

ENDNOTES

¹ www.statelessness.eu

² <https://index.statelessness.eu/country/macedonia>

³ More information on the procedure is available at: <https://myla.org.mk/7859-2/?lang=en>

CONTACT

Zoran Drangovski

President, Macedonian Young Lawyers Association

zdrangovski@myla.org.mk

Nina Murray

Head of Policy & Research, European Network on Statelessness

nina.murray@statelessness.eu



London, United Kingdom
Media: +44 7522 525673
info@statelessness.eu
www.statelessness.eu



The European Network on Statelessness is a registered Charitable Incorporated Organisation in England. Charity Number 1158414.