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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes. The former SFRY acceded to the 1954 Convention on 9 April 1959. With its dissolution all the successor States have in turn succeeded to the Convention, with no reservations. The Republic of North Macedonia gained its independence from the former Soci	Signatories to the 1954 Convention (available at: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bbb0abc7&query=1954%20convention)
IOB.1.b		If yes, when was ratification/accession?		The country acceded by succession on 18 January 1994.	
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	None	
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes. According to the Constitution of the Republic of North Macedonia, the courts judge on the basis of the Constitution, the laws and the international agreements ratified in accordance with the Constitution. International agreements ratified in accordan	Article 98 and Article 118 of the Constitution of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.52/1991 The Assembly of the Republic of North Macedonia (available at: http://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspix)
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes. North Macedonia acceded to the 1961 Convention on 3 January 2020.	United Nations Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdg_no=V-4&chapter=5
IOB.2.b		If yes, when was ratification/accession?		N/A	
IOB.2.c		Are there reservations in place? Please list them.	As above	N/A	
IOB.2.d		Does the Convention have direct effect?	As above	N/A	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes. On 26 February 2002, the Law on Ratification of the European Convention on Nationality was promulgated, and the Convention entered into force on 1 October 2003. At the time, a reservation was entered to Article 6(3) retaining the right for nationality by naturalisation to require a period of uninterrupted lawful residence of at least 15 years, but this was withdrawn on adoption of the (first) 2004 Law Changing and Amending the Law on Citizenship of the Republic of North Macedonia.	Official Gazette of the Republic of North Macedonia n.13/2002 Details of Treaty No.166, European Convention on Nationality (available at: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=LtvZjh8L)
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. The Convention was signed on 9 November 1995 and entered into force on 10 April 1997.	Details of Treaty No.005, Convention for the Protection of Human Rights and Fundamental Freedoms (available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=LtvZjh8L)
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	Details of Treaty No.200, Council of Europe Convention on the avoidance of statelessness in relation to State succession (available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=nDAjGbia)
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	N/A	N/A

IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes. The Republic of North Macedonia became state party to the Convention on the Rights of the Child in 1993 with no reservations.	Law on Ratification of the Convention on the Rights of the Child, Official Gazette of the Socialist Republic of Yugoslavia, No. 150/1990 - Official Gazette, 1993. OHCHR, (available at: http://indicators.ohchr.org/)
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes. The Republic of North Macedonia became state party to the International Covenant on Civil and Political Rights in 1994 with no reservations.	OHCHR, (available at: http://indicators.ohchr.org/)
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes. The Republic of North Macedonia became state party to the International Covenant on Economic, Social and Cultural Rights in 1994 with no reservations.	OHCHR, (available at: http://indicators.ohchr.org/)
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes, The Republic of North Macedonia became state party to the Convention on the Elimination of all Forms of Discrimination Against Women in 1994, with no reservations.	OHCHR, (available at: http://indicators.ohchr.org/)
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes, The Republic of North Macedonia became state party to the Convention in 1994, and to the Optional Protocol in 2009, with no reservations.	OHCHR, (available at: http://indicators.ohchr.org/)
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes, The Republic of North Macedonia became state party to the International Convention on the Elimination of All Forms of Racial Discrimination in 1994, declaring that it accepted competence of the Committee.	OHCHR, (available at: http://indicators.ohchr.org/)
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	No.	
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes, The Republic of North Macedonia ratified the Convention on the Rights of Persons with Disabilities in 2011.	OHCHR, (available at: http://indicators.ohchr.org/)

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>The last official statistics are provided in the results of the 2002 national census published in May 2005, which included 'persons without nationality' as a category (total: 17,652). However, the 2002 census did not include those whose births/personal names were never registered in the Birth Registry Records, which is one of the reasons for the discrepancies between official and unofficial numbers for persons at risk of statelessness. Census data is disaggregated by ethnicity.</p> <p>A census was conducted in 2021 where stateless persons are specifically listed as a category. The official results were published in March 2022, according to which there are 584 people listed as stateless.</p> <p>However, there are some concerns with the methodology used by the Statistical Office. In 2018 there was a Government public call for persons without personal documentation to be registered and more than 700 persons with unregulated citizenship (at risk of statelessness due to unregistered births and personal names) registered. In addition, around 218 persons are with undetermined nationality (LTHR, 'Long term habitual residents' adversely affected by the dissolution of the former Yugoslavia and lack effective citizenship). Therefore, the actual number of stateless people might be higher than what the Census officially recorded (584 persons). Moreover, there are reports of inconsistencies between the census data and the information collected by MYLA in some municipalities.</p>	<p>Republic of North Macedonia, State Statistical Office (available at: http://www.stat.gov.mk/Publikacii/knigaIX.pdf, p. 591)</p> <p>Macedonian Young Lawyers Association (MYLA)</p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	Yes. For internal use, the Ministry of Interior uses the category 'unknown nationality', and the category 'persons with unregulated nationality' is also used. The majority of people in this category have unregistered birth or personal name. All were born in the country. Government-led actions to identify people with unregistered births and personal names have taken place in 2011 and again in 2018-19. 441 people not registered in the Birth Registry Records were identified in 2011. 750 people presented themselves to the authorities during the 2018-19 action.	<p>Information obtained during an interview conducted with an official at the Ministry of Interior, Foreigners' Section.</p> <p>Information on the Ministry of Labour and Social Policy website about the 2011 action: http://www.mtsp.gov.mk/akcija-za-evidencija-na-lica-vo-maticna-kniga-na-rodenite.nsp (MK)</p> <p>Statement of the Minister of Labour and Social Policy, Премиерот Заев на дебатата на тема „Системски решенија за регистрација на лицата без документи“: Во општество еднакво за сите, секој мора да има еднаков пристап до сервисите и услугите на државата, (Systemic solutions for registration of persons without documentation): https://vlada.mk/node/15918 (MK)</p>
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	MYLA caseload of beneficiaries at risk of statelessness as of December 2022 is 448 persons of whom 270 have 'unregulated nationality' (Macedonian nationals but births/names are not registered in civil registry); 218 'undetermined Macedonian nationality' (long-term habitual residents such as those residing in the Republic of North Macedonia after dissolution of SFRY or their children born in N. Macedonia, facing the problem of unregulated Macedonian nationality).	Casework information from UNHCR supported project "Advocacy, legal assistance and representation to PoCs and Prevention and Reduction of Statelessness", implemented by the Macedonian Young Lawyers Association (MYLA)
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	As part of a project implemented between February 2008 and March 2011 aiming to reduce the number of people lacking registration or identity documents, raise awareness about the importance of civil registration, and provide legal aid, UNHCR	UNHCR Representation in the Republic of North Macedonia: http://www.unhcr.org/pages/49e48d8f6.html

				conducted a survey, which covered 70% of the territory and reached 13,770 Roma, Ashkali and Egyptians. It found that many lacked personal documentation, birth and/or personal name registration, or had unregulated legal residence or nationality.	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No.	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	There are issues with reliability since government-led actions have not necessarily been systematic and left many potential areas where people at risk of statelessness reside uncovered. 70% of people identified by the government in 2011 had already been identified in the previous survey conducted by UNHCR and partners. The numbers of 750 people identified in 2018-19 constitute those who voluntarily registered themselves. MYLA considers that there are other people who either did not hear about the public call or were unable to register themselves. Census data is outdated as no census has been carried out since 2002. Initiatives to quantify (risk of) statelessness have focused only on Roma, Ashkali and Egyptian communities and only covered 70% of the country. The remaining 30% is mostly rural, so people at risk of statelessness may not have yet been identified. The Law Changing and Amending the Law on Citizenship in 2004 introduced a new transitional provision facilitating the naturalisation of those who were habitually resident in the country prior to the dissolution of SFRY. The 2002 census did not capture this population. Roma NGOs estimate the number of people at risk of statelessness to be higher than official figures.	Macedonian Young Lawyers Association
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	The Government does not publish any data on the number or origin of asylum applications. Data received by MYLA records that 95 asylum seekers resided in the asylum reception centre in 2021, and 183 in 2022. The top three countries of origin of asylum seekers are Syria, Morocco and Afghanistan. There were no stateless persons in the asylum procedure in 2021 or 2022.	Information received by MYLA through freedom of information request.
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on	The Government collects but does not publish data on the number or origin of people detained. According to the Government, there were no stateless people in detention in 2018, one stateless person in detention in 2019 and one stateless person in detention in 2020. In 2021 and 2022 there were no stateless persons in detention.	Information received by MYLA through freedom of information request.

			stateless persons as well as the procedures for determining statelessness.		
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	The Government does not publish data on individuals released from detention.	

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	Yes, there is a definition of a stateless person in Macedonian law, which states that: ‘a ‘foreigner’ is a person who is not a national of the Republic of North Macedonia as well as a stateless person, meaning a person who is not considered as a national by any state under the operation of its law’.	Art. 2 Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	Training is provided for governmental bodies by UNHCR and MYLA. The trainings are organised on an ad hoc basis, based on the needs of the institutions (e.g. training on implementation of a new law, etc).	MYLA practice.
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	There is no training for judges. MYLA and UNHCR provide training to lawyers and NGOs. The trainings are project-based, thus organised on an ad hoc basis. MYLA trains its lawyers and attorneys as well as NGOs working with high school students and Roma.	MYLA practice.
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a). 2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (answer Question SDS.3.b. and proceed to Question 10a). 3. There is a dedicated statelessness status but no formal procedure for	UNHCR, Handbook on Protection (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR, Good Practices Papers – Action 6 (2020) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	Group 2	

		determining this (answer Question SDS.3.b. and proceed to Question 15a).			
SDS.3.b	Temporary protection for people fleeing war	Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine? Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving protection (e.g. for people who cannot fulfil eligibility requirements in line with the EU Temporary Protection Directive, if applicable).	EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine : Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.	All people fleeing the war in Ukraine, including stateless people, are entitled to temporary stay based on humanitarian grounds under the Law on Foreigners. They will not be entitled to other rights such as housing, food, health, work. There isn't any special procedure for stateless people from Ukraine in North Macedonia. Based on the current legislation, stateless people from Ukraine may apply for international protection and will receive protection while their asylum application is pending. North Macedonia still hasn't activated the Temporary protection under the law on international protection due to low numbers of refugees from Ukraine in North Macedonia.	MYLA
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	If there is no dedicated SDP leading to a statelessness status , are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?	ENS (2013) : For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. ECtHR, Hoti v. Croatia (2018) : [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.	Under the amended Law on Foreigners, which came into force in 2019, a person (and their children under five) who held citizenship of the former Yugoslavia and remained on the territory of North Macedonia since 1991 without acquiring the nationality of any other country may apply for permanent residence. Other stateless people may regularise their stay and obtain a temporary residence permit on humanitarian grounds as a 'foreigner', at the discretion of the Government. Statelessness may be identified and recorded during international protection procedures, but there is no clear procedure for this, and this is not regulated by law.	Article 120 Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK) Art. 71 paragraph 1: Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK) MYLA practice
SDS.10.b		Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?	1954 Convention UNHCR, Handbook on Protection (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.	Yes, under the new 'Law on Persons without regulated civil status', people who do not possess any personal documentation can register for a 'special registration', which provides access to social, health and employment rights. This new law only applies to individuals identified to be without personal documents in a Government-led public call conducted in 2018 (see PRS.7.a..), and to children born after the closure of the public call who do not fulfil the conditions for birth registration under the Law on Records of Births, Deaths and Marriages.	MYLA, Regulating the status of persons not registered in the Register of Births, https://myla.org.mk/7859-2/?lang=en Law on Persons without Regulated Civil Status, https://myla.org.mk/wp-content/uploads/2021/03/Zakon-za-neevidentirani-lica-Feb-2020.pdf (MK)

<p>SDS.11.a</p>	<p>Access to procedures (Group 2)</p>	<p>Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.</p>	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>Under the Law on Foreigners: Documentary evidence from the person and their parents is usually required, and decisions are made on a case-by-case basis. The Ministry of Interior carries out checks with neighbouring countries to see if the person is a national of another former Yugoslav republic. If not, they request a certificate of non-conviction in North Macedonia and proof of accommodation and financial support. If stay is regularised and the person granted a temporary residence permit, they can apply for facilitated naturalisation after six years of continuous legal residence, but there are other conditions that need to be met in law and practice. Private health insurance is required. Police checks on foreigners are also conducted.</p> <p>Under the Law on Persons without Regulated Civil Status: The law only applies to individuals identified to be without personal documents in a Government-led public call conducted in 2018 (see PRS.7.a.), and to children born after the closure of the public call. The person must be registered with the Ministry of Justice as a person without regulated civil status. Following an administrative procedure with all available evidence, the person is issued with a ‘special registration’, which enables them to obtain a special PIN number to access socio-economic rights. This procedure does not guarantee access to nationality.</p> <p>In the Asylum Procedure: If a person states that they are stateless, they will be registered as ‘stateless person born in [country of birth]’ in their asylum application and asylum identity card. If granted asylum, the decision will note that ‘[name] born in [country of birth], stateless person is granted international protection’. This is not regulated in law but is part of the registration form for the asylum application.</p> <p>The procedure under the Law on Foreigners is conducted by the police who deal with foreigners. They do not have special expertise in dealing with stateless persons.</p> <p>The procedure under the Law on Persons without Regulated Civil Status is conducted by employees of the civil registry department within the ministry of Justice, who are not specialised in working with persons without personal documentation.</p>	<p>Art. 120: Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p> <p>MYLA, Regulating the status of persons not registered in the Register of Births, https://myla.org.mk/7859-2/?lang=en</p> <p>Law on Persons without Regulated Civil Status, https://myla.org.mk/wp-content/uploads/2021/03/Zakon-zaneevidentirani-lica-Feb-2020.pdf (MK)</p> <p>MYLA practice.</p> <p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p> <p>MYLA, Regulating the status of persons not registered in the Register of Births, https://myla.org.mk/7859-2/?lang=en</p>
<p>SDS.11.b</p>		<p>Are there obligations in law on authorities to consider a claim of statelessness?</p>	<p>UNHCR, Good Practices Papers – Action 6 (2020): Access to the procedure must be guaranteed. EASO/EUAA, Practical guide on registration (2021): Determining if applicants are stateless is essential when assessing the need for international</p>	<p>There is no such obligation in the existing legal framework.</p>	

			protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person's statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.		
SDS.11.c		Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	1954 Convention UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	There are no clear accessible instructions.	
SDS.11.d		Is there cooperation between agencies that may have contact with stateless people?	UNHCR, Good Practices Papers – Action 6 (2020) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is no centralised cooperation between agencies.	MYLA practice.
SDS.12.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	UNHCR, Handbook on Protection (2014) : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020) : SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010) : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. ECtHR, Hoti v. Croatia (2018) : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	The applicant has the burden of proof and must apply, attend interviews, and provide all necessary documentation to the state officials. Applicants should submit all available documents that can be used the procedure. In the absence of official documents of stay, documents such as medical documentation, school attendance documents etc. can be submitted. The Law on Administrative Procedure obliges state officials to guide and assist people who do not understand the law, but in practice this is not fully implemented.	MYLA practice Law on Administrative Procedure, Article 17: https://www.uvmk.gov.mk/files/zakoni/opsta_upravna_postapka_2015.pdf (MK)
SDS.12.b		What is the standard of proof to evidence statelessness?	UNHCR, Handbook on Protection (2014) : States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). UNHCR, Good practices in nationality laws (2018) : The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. ECtHR, Hoti v. Croatia (2018) : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	The standard of proof to evidence statelessness is unclear.	MYLA practice
SDS.12.c		Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	There is no clear guidance for decision makers on how to identify or determine statelessness.	MYLA practice

SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people generally?	UNHCR, Handbook on Protection (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	Free legal aid is only available to stateless people who have a residence permit or otherwise have a right to stay, including people who have been registered under the Law on Persons without Regulated Civil Status.	Law on Free Legal Aid, Article 15: https://pravnapomos.mk/wp-content/uploads/2020/10/Zakon-za-besplatna-pravna-pomos.pdf (MK)
SDS.13.b		Is free interpreting available to stateless people?	UNHCR, Handbook on Protection (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	In the asylum procedure, criminal, or court procedures interpretation and translation is provided by the state. The right to interpretation and translation is not foreseen in the procedure to acquire a residence permit under the Law on Foreigners.	Law on International and Temporary Protection, Article 31 https://www.refworld.org/docid/5b55e5de4.html Law on Criminal Procedure, Article 9 https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5d319ea44 Law on Civil Procedure, Article 6 https://www.pravda.gov.mk/Upload/Documents/%D0%97%D0%9F%D0%9F%20%D1%80%D0%B5%D0%B4%D0%B0%D0%BA%D1%86%D0%B8%D1%81%D0%BA%D0%B8%20%D0%BF%D1%80%D0%B5%D1%87%D0%B8%D1%81%D1%82%D0%B5%D0%BD%20%D1%82%D0%B5%D0%BA%D1%81%D1%82%202015(1).pdf
SDS.13.c		Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)?	UNHCR, Handbook on Protection (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	Asylum seekers have an official interview during the asylum procedure where they can claim their statelessness. In the procedure to acquire a residence permit under the Law on Foreigners, an interview is not mandatory by law, but in practice applicants are usually called for an interview. In all administrative procedures, decisions are given in writing, electronically, or in another appropriate format, with reasons.	Law on International and Temporary Protection, Article 39 https://www.refworld.org/docid/5b55e5de4.html Law on Administrative Procedure, Articles 87 & 88: https://www.uvmk.gov.mk/files/zakoni/opsta_upravna_postapka_2015.pdf (MK)
SDS.14.a	Protection (Group 2)	Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.	UNHCR, Handbook on Protection (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	Although there is no statelessness determination procedure nor protection status, there are several provisions in law that provide certain rights or privileges for stateless persons. Under the Law on Foreigners a temporary residence permit on humanitarian grounds may be provided to stateless persons, and a 1954 Convention travel document can be issued to a stateless person who has residence permit. Stateless people who have a residence permit have the right to free legal aid. Stateless people can obtain primary and secondary education. Stateless people may naturalise after a reduced period of six years.	Article 120: Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK) Article 166, 168 & 174: Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK) Law on Free Legal Aid, Article 15: https://www.pravda.gov.mk/Upload/Documents/Zakon%20za%20besplatna%20pravna%20pomos.pdf (MK) Law on Secondary Education, Article 5 http://www.sonk.org.mk/documents/Zakon%20za%20sredno%20obrazovanie.pdf Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: http://www.mvr.gov.mk/Upload/Documents/Zakon%20za%20drzavjanstvo%20precisten%20tekst.doc (MK)

<p>SDS.14.b</p>		<p>Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access:</p> <ul style="list-style-type: none"> - right to reside - travel document - work - healthcare - social security - education - housing - family reunification - right to vote. <p>[Section complete, proceed to DET]</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>A stateless person with a temporary residence permit may in some (very few) cases access employment while the permit is valid; they have access to a travel document, and education. A stateless person married to a Macedonian national and holding a valid residence permit as proof of their identity and legal residence has access to public healthcare based on marriage.</p> <p>Stateless persons who have permanent residence can receive social security and have the right to work.</p> <p>The right to family reunification is not regulated specifically for stateless persons, but all foreigners with legal stay can apply for family reunification (spouse and minor children, or exceptionally parents and adult children).</p> <p>Stateless people do not have the right to vote in any elections.</p>	<p>Article 13: Law on Social Protection, Official Gazette of the Republic of North Macedonia, n. 104/19, 146/19, 275/19, 302/20, 311/20, 163/21 and 294/21</p> <p>Article 108 Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p>
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Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>The Law on Foreigners and the Law on Border Control constitute the legal framework for immigration detention in North Macedonia. The “Rulebook for the Reception Centre for Foreigners” supplements the legal mandate for the detention centre and provides operating rules.</p> <p>By law a person can be detained for the purposes of border control procedures and to ensure their deportation. However, recent practice shows that immigration detention may also occur to secure the presence of migrants before the courts as witnesses in people-smuggling cases.</p> <p>The law prescribes that where a foreigner has ensured means of subsistence and accommodation in the country and their accommodation in the Reception Centre is therefore not deemed necessary, the Ministry of Interior may decide instead to limit their movement within their place of residence with an obligation to report regularly to the nearest police station at a specified time. In practice, according to MYLA’s experience, this alternative has never been used. There used to be a ‘Safe House’ managed by Jesuit Refugee Service on behalf of the Ministry of Labour and Social Policy (MLSP), which served as an alternative to detention for unaccompanied minors and vulnerable families, but this closed in June 2019. The Law on Social Protection provides for accommodation in foster families for exceptional cases.</p>	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p> <p>Law on Border Control, Official Gazette of the Republic of North Macedonia N.171/10, 41/14, 148/15, 55/16 and 64/18: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20granicna%20precisten.pdf (MK)</p> <p>MYLA immigration detention report 2021: https://myla.org.mk/wp-content/uploads/2021/12/Immigration-detention-in-North-Macedonia-compressed.pdf</p> <p>MYLA casework practice</p> <p>Law on Social Protection, Official Gazette of the Republic of North Macedonia, n. 104/19, 146/19, 275/19, 302/20, 311/20, 163/21 and 294/21, Article 122: http://www.mtsp.gov.mk/content/pdf/zakoni/2019/28.5_zakon_S_Z.pdf (MK)</p>
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities’ diligence in handling the deportation. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	No, there is no such requirement prescribed by law and it is not clear whether this happens in practice.	
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009)</p>	No, there is no such obligation prescribed by law, however in practice if there is no reasonable prospect of removal foreigners are advised to apply for asylum and then they are released from detention.	The state of asylum in North Macedonia 2020, p. 12 and 30 https://myla.org.mk/wp-content/uploads/2021/11/English-%D0%A1%D0%BE%D1%81%D1%82%D0%BE%D1%98%D0%B1%D0%B0%D1%82%D0%B0-%D1%81%D0%BE-%D0%90%D0%B7%D0%B8%D0%BB%D0%BE%D1%82-%D0%B2%D0%BE-%D0%A0%D0%A1%D0%9C-2020_compressed.pdf
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p>	No.	

			<p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p>ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>		
DET.2.b	Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>In the law for foreigners there is a definition for vulnerable persons and it doesn't not explicitly include statelessness</p> <p>"Vulnerable persons means minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children or persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence"</p>	<p>Article 2 paragraph 5 from Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p>	
DET.2.c	Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Return Directive: Article 16(3)</p> <p>EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention.</p> <p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>There is no specific requirement in law to perform a vulnerability assessment prior to the decision to detain. However, in practice some sort of assessment is carried out on entering detention.</p>	<p>MYLA casework practice</p>	
DET.2.d	Are stateless people detained in practice?	<p>As above.</p>	<p>In 2019, there was a case of a stateless person detained in the 'Reception Centre for Foreigners' and later released. In 2020 and 2021 there were no cases of stateless persons in detention.</p>	<p>MYLA casework practice</p> <p>MYLA, Immigration detention in North Macedonia expressed in numbers, 2021: https://myla.org.mk/wp-content/uploads/2021/12/Immigration-detention-in-North-Macedonia-compressed.pdf</p>	

<p>DET.3.a</p>	<p>Procedural safeguards</p>	<p>Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it. ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>For the purpose of an immediate deportation foreigners can be temporarily detained for no longer than 24 hours. Detention decisions must be provided for periods that exceed this length. A foreigner will be temporarily detained in the Reception Centre until the reasons preventing their deportation from the territory of the Republic of North Macedonia cease to exist, but not longer than 12 months. At the end of that maximum period of detention, detainees should be released. If the person applies for asylum they are transferred to an open type Reception Centre for asylum-seekers. A foreigner can also be temporarily detained in the Reception Centre for Foreigners if there is a decision for expulsion, but the person does not possess a valid or recognised travel document. If the foreigner refuses or is unable to prove their identity, the authorised officers of the Ministry of the Interior may detain them for the purposes of establishing identity for a period not longer than 12 hours. Provided that it is impossible to establish the foreigner's identity within the time limit, the authorised officers shall file a request for initiation of a misdemeanour procedure with the competent court. Based on the court decision on "detention of the foreigner in the Reception Centre", the authorised officers shall detain the foreigner in the Reception Centre. The foreigner can, upon a decision of a court, be detained in the Reception Centre until information on their identity is supplied.</p> <p>The person shall be issued with the detention decision, which will contain an explanation for the reasons for detention. According to the bylaws, the person should be notified of the content of the decision (or the decision itself) in a language understandable to them. In practice the decisions are issued in Macedonian.</p> <p>There is no provision in law for regular periodic review of detention before a court or independent body. According to MYLA's findings, there have been no reviews by judicial or other bodies on the length and necessity of detention.</p> <p>The foreigner shall have the right to file an appeal with the State Commission for Decision-Making in Administrative Procedure and Labour Relations Procedure against the decision to detain, within 8 days of receipt of the decision. However, the complaint shall not postpone the execution of the decision. An administrative dispute can be initiated in a competent court against the decision brought by the State Commission. In practice, people in immigration detention are not informed of their rights in a language they understand, they are not notified of the possibility to appeal their detention decision and they are not given contacts for organisations or lawyers that can provide legal assistance.</p> <p>According to law, in case a procedure for deprivation of liberty is initiated against the foreigner, the foreigner shall be informed of their right to legal assistance as well as to contact the representative of their country in the Republic of North Macedonia. MYLA conducts weekly visits to the detention centre and informs detainees of their right to seek asylum in North Macedonia. However, legal assistance for challenging detention is not available. The Ministry of Interior decides who can visit the Centre and talk to detainees.</p>	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p> <p>Standard operating procedures for the treatment of detainees.</p> <p>Rulebook on the house rules of the Reception Centre for Foreigners: http://www.mvr.gov.mk/Upload/Documents/1(2).pdf (MK)</p> <p>MYLA, Report on Immigration Detention in Macedonia, 2019</p> <p>MYLA, Immigration detention expressed in numbers, 2021: https://myla.org.mk/wp-content/uploads/2021/12/Immigration-detention-in-North-Macedonia-compressed.pdf</p> <p>Law on Administrative Procedure: http://www.pravda.gov.mk/dui/pdf/LAWGAP.pdf</p> <p>Law on Administrative Disputes, Official Gazette of the Republic of North Macedonia no. 96/2019: https://ipacademy.gov.mk/wp-content/uploads/2019/12/zakon-za-upravni-sporovi.pdf</p> <p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)</p>
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					MYLA, Immigration detention in North Macedonia expressed in numbers, 2021: https://myla.org.mk/wp-content/uploads/2021/12/Immigration-detention-in-North-Macedonia-compressed.pdf
DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust, Guidelines (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	In the case of expulsion or deprivation of liberty, the foreigner concerned shall be informed of their right to legal aid as well as the right to contact the representative of their country in the Republic of North Macedonia. According to MYLA's findings, detainees are not provided with information about their rights, contact details of organisations and the right to appeal the decision in a language they understand.	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK) MYLA, Immigration detention in North Macedonia expressed in numbers, 2021: https://myla.org.mk/wp-content/uploads/2021/12/Immigration-detention-in-North-Macedonia-compressed.pdf
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust, Guidelines (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	No.	
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	No.	
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	CJEU, Kadzoev, C-357/09 PPU (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	In practice in most recent cases, people released from detention have entered the asylum process and therefore been granted rights under the Law on Asylum and Temporary Protection, such as basic healthcare and access to the labour market if their request for international protection has not been resolved within a year. If people were to be released with a temporary residence permit on humanitarian grounds, rights would be very limited (i.e. access to primary education only).	MYLA, Immigration detention in North Macedonia expressed in numbers, 2021: https://myla.org.mk/wp-content/uploads/2021/12/Immigration-detention-in-North-Macedonia-compressed.pdf The state of asylum in North Macedonia 2020, p. 12 and 30 https://myla.org.mk/wp-content/uploads/2021/11/English-%D0%A1%D0%BE%D1%81%D1%82%D0%BE%D1%98%D0%B1%D0%B0%D1%82%D0%B0-%D1%81%D0%BE-

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DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	Stateless people are included in return and readmission agreements entered into by the Republic of North Macedonia. There are no known cases of stateless people being returned under readmission agreements.	For example, Readmission Agreement between the European Union and North Macedonia: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22007A1219(01)&from=EN
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		There is no official data available on stateless persons being returned to Macedonia. In our practice we have not encountered stateless persons being returned under the readmission agreement with the European Union.	MYLA casework practice

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013) : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	A stateless person can obtain Macedonian nationality by naturalisation after six years of legal and permanent residence in the country and if they can fulfil the remaining conditions of Article 7 of the Law on Citizenship. There are no exemptions from other requirements for stateless people (these include proof of birth registration and a certificate of non-conviction/prosecution).	Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK)
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes. Stateless persons who apply for facilitated naturalisation must deliver an official certificate that they have not been convicted or prosecuted for any crime.	Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021) : States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	There are no exemptions from other requirements for stateless people (these include proof of birth registration and a certificate of non-conviction/prosecution).	
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes. A child who is found or born on the territory of the country whose parents are unknown, of unknown nationality or stateless acquires nationality of the Republic of North Macedonia under Article 6 of the Law on Citizenship.	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.	The provision is automatic but in practice a request must be submitted to initiate the procedure.	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)

			ENS, No Child Should Be Stateless (2015) : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.		Interview with the Citizenship Section, Ministry of Interior. MYLA casework practice.
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	Institutions are not proactive in informing the parents who are at risk of statelessness regarding the relevant procedures for regulating citizenship. However, in the Law on administrative procedure there is a clear obligation for active assistance to the individual. The public body is obliged to enable all parties in the procedure to exercise and protect their rights and legal interests in the most efficient and easy way possible. The public body informs the parties about the legal provisions that are important for resolving the administrative work, about their rights and obligations, including all the information related to the procedure and warns them about the legal consequences of their actions or omissions.		Article 17 Law on Administrative Procedure: http://www.pravda.gov.mk/dui/pdf/LAWGAP.pdf
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Yes, the parents should be stateless or with unknown nationality. It is important to note that since there is no SDP, it is difficult to prove that a child has been born to stateless parents (see below).		Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.2.e	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR, Guidelines on Statelessness No. 4 (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	No, the authorities conduct a background check about the child prior to granting Macedonian nationality. The authorities contact the Foreigners' Section to check if the child and parents are stateless. If they do not have another nationality, the Foreigners' Section issues a temporary residence permit with 'XXX' in the nationality section, meaning that the person does not have any nationality or that their nationality is unknown.		MYLA casework practice. Meeting with the Foreigners' Section, who said that they 'determine' the fact of unknown nationality for their own purposes only.
PRS.2.f	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. CRC : Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015) : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.	No.		Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)

			ECN: Article 6(2)(b)		
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	Committee on the Rights of the Child, Concluding observations on Czech Republic (2011) : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS, No Child Should Be Stateless (2015) : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	No	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015) : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	The Law on Citizenship stipulates that only children can benefit from this safeguard, meaning that they must be under 18 years of age. Application for children under this provision is free of charge.	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention : Article 2 ECN: Article 6(1)(b)	Yes, foundlings are granted nationality automatically and shall be entered in the register of births in the place where they were found.	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version) Law on Records of Births, Deaths and Marriages of the Republic of North Macedonia, Official Gazette n.8/1995, Art. 8: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabd9454 (MK); https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabd9894 (ENG)
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	The Law on Citizenship stipulates that only children can benefit from this safeguard, meaning that they must be under 18 years of age.	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK)

					https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No. It can only be withdrawn if the parents are identified before the child reaches the age of 15 and they have foreign nationality, and this does not result in the child's statelessness.	Article 6 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	In the event of full adoption by foreign citizen parents, the child shall lose nationality of the Republic of North Macedonia by renunciation upon request of the adoptive parents only once a guarantee of the new nationality is obtained. The decision to release the child from nationality can be revoked if the child continues to live in the country and has not obtained the new nationality. If the adoptee has reached the age of 15 years, the adoptee's consent shall also be necessary for the loss of nationality.	Article 20 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	In the case of full adoption, if both parents are Macedonian by birth or at least one of the adoptive parents has acquired nationality of the Republic of North Macedonia by naturalization, the adoptee who is under 18 years-old and lives in the Republic of North Macedonia together with the adoptive parent will also acquire nationality. The child's consent shall also be necessary for the acquisition of nationality if they have reached 15 years-old.	Article 12 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.5.a	<i>Ius sanguinis</i>	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes, a child born abroad to a Macedonian national acquires nationality if reported for registration before the age of 18 or if the child has moved to reside in the Republic of North Macedonia with their Macedonian parent/s before the age of 18. Parent/s can apply at the Macedonian Embassy in the foreign country to register the birth. If parents do not report the birth, the young person may request registration themselves on reaching the age of 18, and before the age of 23.	Article 5(1) Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version) ENS (2015), Ending childhood statelessness: a study on Macedonia, p.7: http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 32 (2014) : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4	No.	
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents?	CRC : Article 7 ICCPR : Article 24(2) CoE, Recommendation CM/Rec(2009)13 (2009) : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.	The law provides for the immediate registration of a birth of a child. Hospitals are under an obligation to report the birth of a child to the civil registration office. However, the parents must visit the civil registration office within two months after the birth to complete the registration, register the name of the child and obtain a birth certificate. Late birth registration is also possible, but there are additional requirements. Children cannot be registered to parents who have no identification documents. The civil registration authorities require a valid identification document to	Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16, 64/18 and 14/20 of the Republic of North Macedonia https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aab9454 (MK); https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aab9894 (ENG)

			<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	complete the registration. Parents without legal status, particularly refugees, can register their children and obtain a birth certificate despite their irregular status, but only if they have an official identification document.	ENS (2015), Ending childhood statelessness: a study on Macedonia, pp. 13 & 16: http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf
PRS.6.b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	According to the Law on Registry Records all children should be issued with birth certificates. However, there are cases of children who are not registered in the birth registry books at birth because of the lack of personal documents of the mother. If the mother of the child is unregistered, or she doesn't possess a valid ID card or residence permit, she cannot register her child and a birth certificate will not be issued.	Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16, 64/18 and 14/20 of the Republic of North Macedonia	MYLA casework practice
PRS.6.c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	CRC : Articles 3 & 7	If at least one parent is a national of North Macedonia, the child will automatically be registered with Macedonian nationality. The registry officer ex lege informs the Ministry of interior about the child's birth, and if the parents of the child or at least one of them is a Macedonian national, the child will be automatically assigned Macedonian nationality by origin, without conducting any formal procedure by the Ministry of interior.	Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16 64/18 and 14/20 of the Republic of North Macedonia N.97/2018	
PRS.6.d	If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	<p>CRC: Articles 3 & 7</p> <p>1961 Convention: Articles 1 & 4</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.</p> <p>HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p>UNHCR, Best Interests Procedure Guidelines (2021)</p> <p>HRC, D.Z. v. Netherlands (2021)</p>	There is no legal framework to determine the child's nationality, they should provide proof of nationality. If there is no proof of nationality, this field in the birth certificate is left blank. There have been several cases of refugee children born to parents without valid documentation who received a birth certificate with the nationality field blank.		MYLA casework practice
PRS.6.e	Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p>	<p>Yes. There are many credible reports by NGOs, the Ombudsperson, the European Commission, and UN agencies, of children being prevented in practice from accessing civil registration due to parents' lack of documentation. The problem disproportionately impacts on Roma communities.</p> <p>There are no such cases of children being prevented from registering due to parents sexual orientation or gender identity.</p>	MYLA (2016), Regional research on Statelessness, UNHCR Report	<p>Access to Civil Documentation and Registration in South Eastern Europe: Progress and Remaining Challenges since the 2011 Zagreb Declaration, UNHCR, 2013:</p> <p>https://www.refworld.org/pdfid/5280c5ab4.pdf</p>

		agreement, or other reasons (please specify)?	<p>Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p>Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>		<p>MYLA, Legal Opinion of the Influence of the Changes of the Law on Registry Records on Registering Birth or Personal Name of the Persons in Risk of statelessness (MK)</p> <p>Local Integration of Refugees, Internally Displaced Persons and Minority Groups, POLICY BRIEF ON STATUS AND PERSONAL IDs FOR UNREGISTERED ROMA, 29 June 2016, EPTISA, EU, pp. 9-16</p> <p>European Commission, Commission Staff Working Document, The Former Yugoslav Republic of North Macedonia, Report 2015, p.61</p> <p>UNICEF, Romani children in South East Europe. The Challenge: overcoming centuries of distrust and discrimination. Regional Office for CEE/CIS Region, Social and economic policy for children, Discussion paper, March 2007</p> <p>Joint Submission to the Human Rights Council at the 32nd Session of the Universal Periodic Review (Third Cycle, January-February 2019) MACEDONIA 12 July 2018: https://files.institutesi.org/UPR32_Macedonia.pdf</p>
PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	<p>MYLA lawyers have witnessed cases where medical authorities have reported undocumented migrants to the authorities.</p> <p>There are no restrictions preventing authorities from sharing information regarding registration</p>	MYLA casework practice.
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>HRC, Resolution A/HRC/RES/20/4 (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	<p>The birth of a child can be reported in writing or orally to the registry in the municipality where the child was born within a period of 30 days from the day of birth. When a child is born in a means of transport they will be reported to the registry in the municipality where the mother's journey ends. After 30 days from the day of birth, the birth can be registered through a procedure for subsequent birth registration, on the basis of a decision issued by the Directorate of the Ministry of Justice. The law does not stipulate what facts and proof are required to evidence and</p>	<p>Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16, 64/18 and 14/20 of the Republic of North Macedonia: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabd9454 (MK); https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabd9894 (ENG)</p>

				determine the fact of birth. Late registration is possible in practice, but it is a very cumbersome administrative procedure that puts additional requirements on the parents, which are not easily met.	
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Yes, there are. Parents must pay 250 MKD (4 EUR) for the procedure of additional inscription of personal name. In addition, they need to present (depending on the registry official and at their discretion) additional documents such as: <ul style="list-style-type: none"> - ID cards of the parents - marriage certificates (or birth certificates for the parents if they are not married) - medical certificate that the mother give birth (if the child was born in hospital) or vaccination certificate (if the child was born in home conditions) - pediatrician's certificate - certificate of education (if the child attend school, if not, notary verified statement from the parents that the child does not attend school and why) - in some cases, registry officers request additional notary verified statements (for example, that the parents are really parents of the child) - DNA analysis (in some cases, especially if the child is born in home conditions) 	
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7	There was a Government-led action in 2011 – ‘Action of additional inscription of births and personal names’ – whereby the Ministry of Labour and Social Policy covered the costs for DNA analysis for complicated cases of unregistered birth and/or personal name. In 2018-19, there was a Government-led call for the registration of persons who lack personal documentation. In 2020, a new Law on Persons without Regulated Civil Status came into force, which provides for a ‘special registration’ for individuals identified to be without personal documents in the 2018 public call, and for children born after the public call who cannot obtain a birth registration certificate in accordance with the Law on Records of Births, Deaths and Marriages. Once registered, the person may access socio-economic rights. North Macedonia has joined other Western Balkan States in committing to addressing remaining civil registration issues affecting the Romani population under the Poznan Declaration in 2019 and 2020.	Information on the Ministry of Labour and Social Policy website about the 2011 action: http://www.mtsp.gov.mk/akcija-za-evidencija-na-lica-vo-maticna-kniga-na-rodenite.nspix (MK) Statement of the Minister of Labour and Social Policy, Премиерот Заев на дебатата на тема „Системски решенија за регистрација на лицата без документи“: Во општество еднакво за сите, секој мора да има еднаков пристап до сервисите и услугите на државата, (Systemic solutions for registration of persons without documentation): https://vlada.mk/node/15918 (MK) Law on Persons without Regulated Civil Status: https://myla.org.mk/wp-content/uploads/2021/03/Zakon-za-neevidentirani-lica-Feb-2020.pdf (MK) Regional Cooperation Council, Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process, July 2019: https://www.rcc.int/romaintegration2020/docs/105/the-poznan-declaration Regional Cooperation Council, Conclusions of the Ministerial Meeting on Roma Integration, 27 October 2020: https://www.rcc.int/romaintegration2020/news/343/conclusions-of-the-ministerial-meeting-on-roma-integration
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4	Yes. The majority of people who are unregistered belong to the Roma community. One UNHCR survey, which covered 70% of the country and reached 13,770 members of the Roma, Ashkali and	UNHCR, The right to have Rights: legal identity, citizenship and civil registration key to social inclusion of marginalised communities, 2008-2011

		to be stateless/at risk of statelessness? Please provide details and source of information.	HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	Egyptian communities, found that many people face one or more of the following problems: lack of personal documentation, lack of registration of birth or personal name, or unregulated legal residence or nationality. Minorities are disproportionately affected, most of the people identified as stateless or at risk of statelessness are Roma although Romani people make up only 2.66% of the total population in the country. In 2020, the CEDAW Committee made several recommendations to North Macedonia, including the adoption of measures to: <ul style="list-style-type: none"> • combat intersecting forms of discrimination against Roma women and girls; • ensure access to affordable and high-quality healthcare and reproductive health services; • engage actively with civil society organisations representing Roma women and girls; • ensure that Roma women and girls have access to information about their rights; and ensure that Roma women and girls have recourse to effective, affordable, accessible and timely remedies, with legal aid.	Ministry of Justice, Повик за прибирање на податоци за лица - нерегистрирани во матична книга на родени (Call for collecting data for persons unregistered in the birth register), 2018: https://www.uvmk.gov.mk/mk/uvmk-mtsp-22032018 (MK) Census of Population, Households and Dwellings in the Republic of North Macedonia, 2002: http://www.stat.gov.mk/Publikacii/knigaXIII.pdf Committee on the Elimination of Discrimination against Women, Views adopted by the Committee concerning Communication No. 107/2016, CEDAW/C/75/D/107/2016, 19 March 2020: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2F75%2FD%2F107%2F2016&Lang=en
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	North Macedonia acceded to the 1961 Convention in January 2020. A procedure was introduced in the Law on Foreigners in 2019 (Article 132) to enable people who lived in North Macedonia and had citizenship of SFR Yugoslavia until 8 September 1991, and then continued to live in North Macedonia without acquiring Macedonian nationality or any other nationality to be granted permanent residence, along with their children older than five years of age.	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK)
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	1961 Convention : Article 8 & 9 ECN : Article 7(3) UDHR : Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary : Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009) : para. 23 UNHCR Guidelines on Statelessness No.5 (2020) : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015) : Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.	No. There are no provisions on deprivation of nationality in North Macedonia, only on voluntary loss of nationality (see PRS.8.c.).	Article 16 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)

PRS.8.b	Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	The competent authority for any procedure related to nationality is the Ministry of Interior. It is possible to appeal decisions of the Ministry of interior before the Administrative Court as a second instance, and to the High Administrative Court as a third instance. There is a law on free legal aid in North Macedonia, but it is not functional. To get free legal aid, you must prove that you do not have any income or property. It takes more than 30 days to get approval for state funded free legal aid and the total state budget for free legal aid is 50,000 EUR annually. So, in practice, there is no effective free legal aid available for these cases, and people must hire a private attorney at law to challenge decisions before the courts.	Article 16 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.8.c	Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		No. It is only possible to 'renounce' nationality. There are no procedures for deprivation of nationality in Macedonian law.	Article 16 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.8.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p>1961 Convention: Article 7 ECN: Articles 7 and 8</p>	Yes. One of the conditions for renunciation of nationality is that the person holds a foreign nationality or has proven that they shall be given a foreign nationality. If the person fails to acquire a foreign nationality within one year of renunciation, they automatically reacquire North Macedonian nationality.	Art. 6 and 18 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK) https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)
PRS.8.e	Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards. UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	No, there are no such provisions.	
PRS.8.f	Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p>ICCPR: Article 26 1961 Convention: Article 9 ECN: Article 5 Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	No, there are no such provisions.	

<p>PRS.8.g</p>		<p>Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.</p>	<p>CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>There are no procedures for deprivation of nationality in Macedonian law.</p> <p>If the person fails to acquire a foreign nationality within one year of renunciation, they automatically reacquire North Macedonian nationality.</p> <p>North Macedonian nationality of a child under 18 years of age shall be lost upon a request of both parents whose North Macedonian nationality has been lost by renunciation or if North Macedonian nationality has been terminated in this manner for one of the parents, and the other parent has given consent to that.</p> <p>Provided that the child's parents have been living separately, the North Macedonian nationality shall be lost for the child by renunciation upon a request by the parent with whom the child lives, that is the one to whom the child has been given to educate and raise, and who has submitted the request for renunciation of the North Macedonian nationality , or in the case when the parent with whom the child lives is a foreigner. In both cases, consent from the other parent shall be necessary.</p> <p>These provisions also apply to an adopted child.</p> <p>If the other parent does not give consent to the child's renunciation from North Macedonian nationality , the child shall be granted renunciation, provided that a consent for renunciation has been given by the responsible guardianship body considering the child's best interests.</p>	<p>Art. 6 and 19 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21, 67/22: https://mvr.gov.mk/zakon/11 (MK)</p> <p>Art. 19 Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11, 55/16 and 174/21: https://mvr.gov.mk/zakon/11 (MK)</p> <p>https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)</p>
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Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		No publicly available information.	
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	MYLA is the only NGO that provides free legal assistance to stateless persons and those at risk of statelessness. With UNHCR support MYLA covers the cost of administrative taxes. There are other, especially Roma NGOs that provide assistance with birth registration. The Law Faculty Iustinianus Primus Skopje with support of UNHCR established a Legal Clinic for asylum refugees and stateless persons.	MYLA practice
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).			Gazmend Gudaci, The situation of statelessness within mixed migration flows: The case of Republic of North Macedonia, MA Thesis (unpublished) Prof. Borce Davitkovski, Analysis of the Legal Framework Related to Birth and Civil Registration in the Context of Prevention of Statelessness, 2018: http://myla.org.mk/wp-content/uploads/2018/11/MYLA-Statelessness-Analysis-2018.pdf