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International and Regional Instruments

Cat	Q	Sub	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&mtdsg_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 Returns Directive). Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns 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	International Covenant on Civil and Political Rights 1966	Yes. The Republic of North Macedonia became state party to the International Covenant on Civil and	OHCHR, (available at: http://indicators.ohchr.org/)

				and Political Rights 1966? Please list any relevant reservations.		Political Rights in 1994 with no reservations.	
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 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	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/)

				any relevant reservations.			
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.	

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government 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>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (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 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</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.	Republic of North Macedonia, State Statistical Office (available at: http://www.stat.gov.mk/Publikacii/knigaIX.pdf , p. 591)
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be	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	Information obtained during an interview conducted with an official at the Ministry of Interior, Foreigners' Section. Information on the Ministry of Labour and Social Policy website about the 2011 action: http://www.mtsp.gov.mk/akcija

				more highly represented (e.g. Palestinian)? Please explain and provide any available figures.		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.	-za-evidencija-na-lica-vo-maticna-kniga-na-rodenite.nspx (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)
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	The caseload of beneficiaries at risk of statelessness as of October 2019 is 574 persons of whom: 298 have ‘unregulated nationality’ (Macedonian nationals but births/names are not registered in civil registry); 276 ‘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 ‘Prevention and Reduction of Statelessness’, implemented by the Macedonian Young Lawyers Association (MYLA)

Statelessness Population Data – 2019

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 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.	UNHCR Representation in the Republic of North Macedonia: http://www.unhcr.org/pages/49e48d8f6.html
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	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	Macedonian Young Lawyers Association

Statelessness Population Data – 2019

				reported? If yes, please describe.		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.	
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers	As above	The Government does not publish any data on the number or origin of asylum applications. Data received by MYLA records that in 2018, 297 asylum seekers resided in the asylum reception centre. The top three countries of origin	Information received by MYLA through free access of information request.

Statelessness Population Data – 2019

				and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).		of asylum seekers is Pakistan 88, Afghanistan 46 and Iran 20. There were no stateless persons in the asylum procedure in 2018 or 2019.	
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	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 and one stateless person in detention in 2019.	Information received by MYLA through free access of information request.
POP	2	b		Does the Government 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

Cat	Q	Sub	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.	UN Convention Relating to the Status of Stateless Persons, 1954 : 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'.	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018, Art. 2: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)
SDS	1	b	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)	UNHCR (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 (2016) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	Group 4.	

			<p>established in law, administrative guidance, or judicial procedure (proceed to Question 2a).</p> <p>2. There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) (proceed to Question 10a).</p> <p>3. There is a dedicated</p>			
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				<p>Stateless Status but no formal procedure for determining this (proceed to Question 16a).</p> <p>4. None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined (proceed to Question 17a)?</p>			
SDS	17	a	Other routes to regularisation (where no SDP or Stateless Status)	<p>If none of the above applies, are there any other routes for stateless people to regularise their stay without their statelessness being determined? Please describe</p>	As above	<p>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',</p>	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018, Art. 120: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)</p>

				the rights granted to applicants and beneficiaries for each route.		at the discretion of the Government. 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.	
SDS	17	b		Do stateless people have access to nationality? If yes, please describe the procedure and requirements.	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 32</p> <p>UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition</p>	Yes, under Article 7a of the Law on Citizenship, 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. There are no exemptions for stateless people.	Law on Citizenship, Official Gazette of the Republic of North Macedonia n.67/92, 8/04,98/08,158/11 and 55/16: http://www.mvr.gov.mk/Upload/Documents/Zakon%20za%20drzavjanstvo%20precisten%20tekst.doc (MK)

					of its nationality by stateless persons lawfully and habitually resident on its territory.		
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Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	<p>ICCPR Article 9(1)</p> <p>ECHR Article 5 (1)</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>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)</p> <p>Law on Border Control, Official Gazette of the Republic of North Macedonia N.171/2010: http://www.mvr.gov.mk/Upload/Documents/%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%20granichni.pdf and http://www.slvesnik.com.mk/Issues/4612565AE44D754083A7000F9011D94A.pdf (MK)</p>
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	<p>ECHR Article 5(1)(f)</p>	No, immigration detention provisions are in line with ECHR 5(1)(f). 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>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)</p> <p>Law on Border Control, Official Gazette of the Republic of North Macedonia N.171/2010, Art. 13: http://www.mvr.gov.mk/Upload/D</p>

							documents/%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%20granicni.pdf and http://www.slvesnik.com.mk/Issues/4612565AE44D754083A7000F9011D94A.pdf (MK) MYLA immigration detention report 2018 and 2019 .
DET	1	c		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.	ICCPR Article 7 : Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011) : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	No, there is no such requirement prescribed by law and it is not clear whether this happens in practice.	
DET	1	d		Is statelessness juridically relevant in decisions to detain? Please describe how	Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009) : Detention may only be justified as long as deportation proceedings are being conducted with due diligence.	No.	

				(risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>UNHCR (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>Equal Rights Trust (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>International Commission of Jurists (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	1	e		Are stateless people detained in practice?		In 2019, there was a case of a stateless person detained in the 'Reception Centre for Foreigners' and later released.	MYLA casework practice
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in	<p>UNHCR (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.</p> <p>EU Returns Directive: Article 15(1)</p>	No, there is no such requirement prescribed by law.	

				each individual case?			
DET	1	g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	<p>ENS (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Returns Directive: Article 16(3)</p> <p>EU Returns Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union (2013): European entities should assess the situation of LGBTI persons in detention.</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.	MYLA casework practice
DET	2	a	Alternatives to immigration detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<p>ICCPR Article 9</p> <p>FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends.</p> <p>UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention.</p> <p>UNHCR (2014): Detention can only be justified where other less</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	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)</p> <p>MYLA casework practice</p>

					<p>invasive or coercive measures have been considered and found insufficient.</p> <p>Human Rights Council (2012) : The obligation to always consider alternatives before resorting to detention should be established by law.</p> <p>EU Returns Directive: Article 15(1)</p> <p>Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive.</p> <p>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>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>Jesuit Refugee Service, Annual Report 2016, p.21. Available at: https://jrseurope.org/Assets/Publications/File/JRS_Europe_annual_report_2016.pdf</p> <p>Law on Social Protection, Official Gazette of the Republic of North Macedonia, n. 104/2019, Article 122: http://www.mtsp.gov.mk/content/pdf/zakoni/2019/28.5_zakon_SZ.pdf (MK)</p>
DET	2	b		<p>Is there evidence that immigration detention is used in practice prior to all alternatives being considered?</p>	<p>As above.</p>	<p>No information available.</p>	

DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive: Article 15(5)</p> <p>Equal Rights Trust (2012) : Detention should always be for the shortest time possible.</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. A foreigner can also be temporarily detained in the Reception Centre 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</p>	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)</p>
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						foreigner can, upon a decision of a court, be detained in the Reception Centre until information on their identity is supplied.	
DET	3	b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (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.</p>	<p>Yes, 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>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.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>
DET	3	c		Are detainees provided with information on their rights, contact details of legal advice and support	<p>Equal Rights Trust (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,</p>	<p>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</p>	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)</p>

				providers, and guidance on how to access an SDP?	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.	are not provided with information about their rights, contact details of organisations and the right to appeal the decision in a language they understand.	MYLA, Report on Immigration Detention in Macedonia, 2019
DET	3	d		Are there regular periodic reviews of detention before a court or independent body, which can order release?	Kim v Russia ECtHR (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. Equal Rights Trust (ERT) (2012) : 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.	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. No official information is available.	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK) MYLA, Report on Immigration Detention in Macedonia, 2019
DET	3	e		What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.	ICCPR Article 9(4) ECHR : Article 5(4) Kim v Russia ECtHR (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. Alimuradov v. Russia ECtHR (2019) : The individual must have at their disposal a procedure for	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	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK) Law on Administrative Procedure: http://www.pravda.gov.mk/dui/pdf/LAWGAP.pdf

					judicial review of the lawfulness of detention capable of leading to release.	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.	Law on Administrative Disputes, Official Gazette of the Republic of North Macedonia no. 62/2006 & 150/2010: http://www.refworld.org/pdfid/44b264974.pdf
DET	3	f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	No.	
DET	3	g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	UNHCR (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. EU Returns Directive : Article 13(3)	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	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK) MYLA, Report on Immigration Detention in Macedonia, 2019

						available. The Ministry of Interior decides who can visit the Centre and talk to detainees.	
DET	4	a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention. ENS (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 (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	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?	<p>Saïd Shamilovich Kadzoev v Direktsia Migratsia’ pri Ministerstvo na vatreshnite raboti ECJ (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.</p>	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	MYLA, Report on Immigration Detention in Macedonia, 2019

					Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	would be very limited (i.e. access to primary education only).	
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	No information available.	
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Stateless people are included in return and readmission agreements entered into by the Republic of North Macedonia.	For example, Readmission Agreement between the European Union and North Macedonia: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:2007A1219(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

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	UN Convention on the Reduction of Statelessness, 1961 : Article 1 European Convention on Nationality, 1997 : Article 2 Convention on the Rights of the Child 1989 : Article 7 Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. European Parliament (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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6(1): https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	1	b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic	UNHCR (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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6(1): https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK);

				(i.e. by application)?	ENS (2015) : The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.		https://www.refworld.org/pdfid/3f54916b4.pdf (ENG) Interview with the Citizenship Section, Ministry of Interior. MYLA casework practice.
PRS	1	c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS (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).	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	1	d		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 (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. 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	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.

					communicating basic facts about their nationality should be respected.		
PRS	1	e		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.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (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.</p> <p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p> <p>Committee on the Rights of the Child (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.</p> <p>European Convention on Nationality, 1997: Article 6(2)(b)</p>	No.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	1	f		Are the parents of a stateless child required to fulfil a period of residence for the child to be	Committee on the Rights of the Child (2011) : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child	No	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?r

				granted nationality? If yes, please specify length and if this must be legal residence.	to acquire the nationality of the State. ENS (2015) : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.		eldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	1	g		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	UN Convention on the Reduction of Statelessness, 1961 : Article 1(2) UNHCR (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. ENS (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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?eldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (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	2	a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961 : Article 2 European Convention on Nationality, 1997 : 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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG) 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?rldoc=y&docid=5aab9454 (MK); https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aab9894 (ENG)
PRS	2	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 (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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	2	c		Can nationality be withdrawn from foundlings	UNHCR (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	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art.

				if this leads to statelessness?		does not result in the child's statelessness.	6: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	3	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?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 20: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	3	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.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (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	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 12: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)

						nationality if they have reached 15 years-old.	
PRS	4	a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961 : Article 4 UNHCR (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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 5(1): https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?r=eldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG) ENS (2015), Ending childhood statelessness: a study on Macedonia, p.7: http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential	Genovese v. Malta ECtHR (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW Gen. rec. No. 32, 2014 : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any	No.	

				treatment of children born out of wedlock, rights of father/mother/ same-sex parents to confer nationality, etc.)?	obstacles to practical implementation of such laws are removed. UNHCR (2014): Action 4		
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	Convention on the Rights of the Child, 1989: Article 7 International Covenant on Civil and Political Rights, 1966: Article 24(2) Council of Europe (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. UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR (2014): Action 7 UN Sustainable Development Goal 16.9	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 complete the registration. Parents without legal status, particularly refugees, can register their children and obtain a birth certificate despite their	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 и 64/18 of the Republic of North Macedonia N.97/2018: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabd9454 (MK); https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabd9894 (ENG) ENS (2015), Ending childhood statelessness: a study on Macedonia, pp. 13 & 16: http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf

						irregular status, but only if they have an official identification document.	
PRS	5	b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	UN Human Rights Council, Resolution A/HRC/RES/20/4: 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. Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): 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.	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 и 64/18 of the Republic of North Macedonia N.97/2018 MYLA casework practice
PRS	5	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	Convention on the Rights of the Child, 1989: 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	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 и 64/18 of the Republic of North Macedonia N.97/2018

				recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)		conducting any formal procedure by the Ministry of interior.	
PRS	5	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 and competent authority.	Convention on the Rights of the Child, 1989: Articles 3 & 7	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	5	e		<p>Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?</p>	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): 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>MYLA (2016), Regional research on Statelessness, UNHCR Report</p> <p>Access to Civil Documentation and Registration in South Eastern Europe: Progress and Remaining Challenges since the 2011 Zagreb Declaration, UNHCR, 2013: https://www.refworld.org/pdfid/5280c5ab4.pdf</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.</p>
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							Regional Office for CEECIS Region, Social and economic policy for children, Discussion paper, March 2007 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
PRS	5	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)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): 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.	MYLA lawyers have witnessed cases where medical authorities have reported undocumented migrants to the authorities.	MYLA casework practice.
PRS	5	g		Is there a statutory deadline for	Committee on the Rights of Migrant Workers and Members of their Families & Committee on	The birth of a child can be reported in writing or orally to the registry in the municipality where the child was	Law on Records of Births, Deaths and Marriages, Official Gazette 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15,

				<p>birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.</p>	<p>the Rights of the Child (2017): Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	<p>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 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.</p>	<p>27/16 и 64/18 of the Republic of North Macedonia N.97/2018: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabd9454 (MK); https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabd9894 (ENG)</p>
PRS	5	h		<p>Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent</p>	<p>As above</p>	<p>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:</p> <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 	

				authority and procedural deadlines.		<p>hospital) or vaccination certificate (if the child was born in home conditions)</p> <ul style="list-style-type: none"> - 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	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014): Action 7	<p>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 November 2019, the Government adopted a proposed draft law regarding people without regulated civil status. According to the</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</p>

						provisions of this law, a ‘special’ civil status will be granted to individuals who were identified in the 2018-2019 public calls. They will be issued a special personal number, birth certificate and identity card enabling them to access healthcare, education and social care during the procedure for inscription in the birth registry until they are officially registered. This law is expected to be officially brought into force by Parliament in early 2020.	registration of persons without documentation): https://vlada.mk/node/15918 (MK) 2019 Draft Law: https://ener.gov.mk/files/propisi_files/ri_a1/1_1001938245Zakon%20za%20licata%20bez%20regularan%20gradzanski%20status.docx (MK)
PRS	6	b	Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961 : Article 9 UNHCR (2014) : Action 4 UN Human Rights Council (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	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 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.	UNHCR, The right to have Rights: legal identity, citizenship and civil registration key to social inclusion of marginalised communities, 2008-2011 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/kniga_XIII.pdf	

PRS	6	c		Has the Government 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.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014) : Actions 1 & 8 UNHCR (2015) : States parties to the 1954 Convention are required to help stateless persons become naturalised citizens.	North Macedonia acceded to the 1961 Convention in January 2020. According Article 132 of the new Law on Foreigners, which came into force in 2019, people who lived in Macedonia and had citizenship of SFR Yugoslavia until 8 September 1991, and then continued to live in Macedonia without acquiring Macedonian nationality or any other nationality will be granted permanent residence, along with their children older than five years of age.	Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018: https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%2097-18.pdf (MK)
PRS	7	a	Withdrawal of nationality	Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard	UN Convention on the Reduction of Statelessness, 1961 : Article 8 European Convention on Nationality, 1997 : Article 7(3) Universal Declaration of Human Rights : Article 15(2)	The Law on Citizenship sets out provisions for the loss of nationality. The nationality of the Republic of North Macedonia shall be lost 'by renouncing, and in accordance with international agreements'. One of the conditions is that the person holds a foreign nationality or has proven that they shall be given a foreign nationality. In general, this provision is applied in practice.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 16: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)

				against statelessness in law and practice.			
PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961: Article 8(4) European Convention on Nationality, 1997: Article 11	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 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.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 16: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK); https://www.refworld.org/pdfid/3f54916b4.pdf (ENG)
PRS	7	c		Are withdrawal provisions applied in practice?		It is only possible to 'renounce' nationality. There are no procedures for automatic loss or deprivation of nationality in Macedonian law.	Law on Citizenship, of the Republic of North Macedonia, Official Gazette of the Republic of North Macedonia n.67/1992, n.8/2004, n.98/2008 & n.158/2011, Art. 16: https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?rldoc=y&docid=5aabca124 (MK)

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		No publicly available information.	
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		No publicly available information.	
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR (2016): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels.</p> <p>UNHCR (2010): It is recommended that States provide specialised training on nationality laws and practices,</p>	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.

					international standards and statelessness to officials responsible for making statelessness determinations.		
LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (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
LIT	4	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