

COUNTRY BRIEFING
NOVEMBER 2018

Macedonia



INTRODUCTION

The Statelessness Index (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#), a civil society alliance of over 120 organisations and individuals in 40 countries working to end statelessness and ensure that stateless people in Europe access their rights.

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

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

INTERNATIONAL AND REGIONAL INSTRUMENTS

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

The Republic of Macedonia's record on international and regional treaties is relatively good, in that it is party to the 1954 Convention and most other relevant international and regional treaties, including the European Convention on Nationality. However, the most significant gap is that it is not state party to the 1961 Convention nor to the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession.

It is not bound by the EU Returns Directive as it is not a member state of the European Union.

The Republic of Macedonia's Government should consider acceding to the 1961 Convention on the Reduction of

[Statelessness and the Convention on the Avoidance of Statelessness in Relation to State Succession.](#)



STATELESS POPULATION DATA

The Republic of Macedonia collects some limited data on statelessness. It includes a category 'without citizenship' in its census, and census data is disaggregated. However, the census was last carried out in 2002 so is out of date and it does not include people whose births are not registered. At the time (in 2002), 17,652 people were recorded in this category. Other government departments use potentially overlapping categories, such as the Ministry of Interior which uses the category 'unknown nationality' in its data collection, but does not publish these figures. The government does not publish data on refugees and asylum seekers, nor on stateless people in detention.

UNHCR carried out a mapping study of those at risk of statelessness among Roma, Ashkaeli and Egyptian communities in 2011, covering 70% of the territory. UNHCR figures for 'persons at risk of statelessness' in the country are available. As of April 2017, there were 597 people (of which 273 had unregulated citizenship and 324 undetermined Macedonian nationality).

There is no data available on stateless refugees or asylum seekers in the country.

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



STATELESSNESS DETERMINATION AND STATUS

The Republic of Macedonia does not have a legal framework in place to protect stateless people. There is no mechanism to identify or determine statelessness and no stateless protection status. The only route to regularisation for stateless people in the country is an application for a temporary residence permit as a 'foreigner' at the discretion of the government or a claim for asylum. Rights given to those granted temporary residence are limited to primary education and a right to apply for citizenship after six years' legal residence, which is accelerated in comparison to other 'foreigners'. However, other conditions must be met and birth registration documentation is required. Access to healthcare may be possible, but health insurance is required. Police checks on foreigners are frequent.

The Republic of Macedonia's government should establish a statelessness determination procedure and protection status in law and in line with good practice to give full effect to the rights enshrined in the 1954 Convention to stateless people in Macedonia.



DETENTION

There is a basic legal framework for immigration detention in the Republic of Macedonia, however, there are few protections against the arbitrary detention of stateless people and recent practice suggests detention may go beyond the purposes permitted under ECHR 5(1)(f). Statelessness is not a juridically relevant fact in the decision to detain and there is no requirement to define a country of removal. There are no alternatives to detention prescribed in law and no information on how other, less coercive measures are considered; nor are there periodic reviews of the decision to detain. There is a time limit on detention and remedies available in law, but detainees are not made aware of them in practice. No documentation is issued on release leaving most with no rights (except primary education) and exposed to re-detention, unless they apply for asylum or a temporary residence permit.

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



PREVENTION AND REDUCTION

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

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

SUMMARY OF RECOMMENDATIONS

- Accede to the 1961 Convention and the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession.
- Harmonise and disaggregate quantitative data on stateless persons in Macedonia and build the capacity of officials to accurately identify and record statelessness across government agencies at all administrative levels.
- Consider carrying out a comprehensive exercise to accurately map the stateless population in Macedonia.
- Establish a statelessness determination procedure and protection status in law and in line with good practice to give full effect to the rights enshrined in the 1954 Convention to stateless people in Macedonia.
- Put in place robust mechanisms to identify and protect stateless people from arbitrary detention, including a referral mechanism to a procedure to determine statelessness and residence rights for those released from detention to protect against re-detention.
- Remove all practical barriers to birth registration, including the requirement that registry officials share information with immigration authorities, and ensure that the status of parents or criteria for late birth registration does not prevent immediate and universal birth registration.

CONTACT

Zoran Drangovski

President, Macedonian Young Lawyers Association
zdrangovski@myla.org.mk



Nina Murray

Head of Policy & Research, European Network on Statelessness
nina.murray@statelessness.eu



European
Network on
Statelessness

Berol House
25 Ashley Road
London N17 9LJ

+44 20 7354 9631
info@statelessness.eu
www.statelessness.eu



European
Network on
Statelessness