

Contents

Country context (optional)	2
International and Regional Instruments	3
1954 Convention	3
1961 Convention	3
Other conventions	3
Stateless Population Data	5
Availability and sources	5
Stateless in detention data	7
Statelessness Determination and Status	8
Definition of a stateless person	8
Training	8
Existence of a dedicated SDP	8
Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	9
Access to procedures (Group 2)	9
Assessment (Group 2)	11
Procedural safeguards (Group 2)	11
Protection (Group 2)	12
Temporary protection for people fleeing war (Group 2)	13
Detention	15
Immigration detention	15
Identification of statelessness	16
Procedural safeguards	17
Protections on release	18
Return and readmission agreements	19
Prevention and Reduction	20
Naturalisation	20
Stateless born on territory	20
Foundlings	23
Adoption	24
Ius sanguinis	24
Birth registration	24
Reducing <i>in situ</i> statelessness	28
Deprivation of nationality	31
Resources	34
Published judgments	34
Free legal assistance	34
Literature	35
Examples of identity and travel documents	35

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 SFRY in 1991.	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.	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 standardised ‘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>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States and relevant actors should collect rigorous and comparable data on stateless populations, including data disaggregated by sex, gender, age, and disability status, in accordance with the international recommendations on statelessness statistics and in consultation with relevant stakeholders.</p>	<p>The results of the 2002 national census were published in May 2005, and 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>The reasons for the significant discrepancy between these figures are unclear and there are some concerns with the methodology used by the Statistical Office.</p> <p>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>Following amendments in August 2021, in force until August 2024, 273 citizens of the former-Yugoslavia who continued to live in North Macedonia after 1991 without acquiring any nationality acquired Macedonian nationality under a simplified procedure.</p> <p>In addition, a further 355 unregistered people obtained legal identity as a result of the amendments to the Law on Civil Registration, resolving 628 out of 786 identified cases in the country. The remaining 158 identified cases are in a registration procedure awaiting regularisation of their status.</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	<p>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>	<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 or population with undetermined nationality and what is the source for this estimate?	As above	MYLA caseload of beneficiaries at risk of statelessness as of June 2024 is 185 persons of whom 62 have ‘unregulated nationality (at risk of statelessness due to unregistered births and personal names in birth register) and 123 undetermined Macedonian nationality (long-term habitual residents such as those residing in RNM after the dissolution of SFRY or their children born in North Macedonia facing the problem of unregulated Macedonian nationality. UNHCR recorded 275 stateless people in 2023 in North Macedonia and 179 in mid-2024.	Casework information from UNHCR supported project "Advocacy for solutions, legal assistance and representation to PoCs and Prevention and Reduction of Statelessness", implemented by the Macedonian Young Lawyers Association (MYLA) UNHCR Refugee Data Finder: unhcr.org/refugee-statistics/download/?url=X2P8n6
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 Romani. 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 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 questionable (see POP1a). Initiatives to quantify (risk of) statelessness have focused only on Romani 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 618 asylum seekers resided in the asylum reception centre in 2023, and 323 in 2024e. The top four countries of origin of asylum seekers are Syria, Afghanistan, Congo, and Morocco. There were no people recorded as stateless in the asylum procedure in 2023 or 2024.	Information received by MYLA through freedom of information requests and daily presence at the Reception centre for asylum seekers.

<p>POP.2.a</p>	<p>Stateless in detention data</p>	<p>Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.</p>	<p>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 stateless persons as well as the procedures for determining statelessness.</p>	<p>The Government collects but does not publish data on the number or origin of people detained. According to the Government, in 2022, there were two cases of stateless people detained in detention (one man and one woman). There was only one stateless person detained in 2023 because of a lack of documents but they were released afterwards, and no stateless people in detention in 2024 as of November.</p>	<p>Information received by MYLA through freedom of information request.</p>
<p>POP.2.b</p>		<p>Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.</p>	<p>As above</p>	<p>The Government does not publish data on individuals released from detention.</p>	

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. HRC, Resolution 53/16 on the right to a nationality (2023) : States should ensure the effective implementation of nationality laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society.	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). In 2023, after the adoption of the new amendments on the Law on Civil Registration, OSCE organised three trainings for the public authorities working on the implementation of the laws towards ending statelessness in the country. In collaboration with the Council of Europe, MYLA conducted two trainings in November 2024 regarding the implementation of the amendments to the Law on Registration of Temporary and Permanent Residence and the Law on Identification Documents. The trainings were provided to public authorities from the Ministry of Interior, as well as to representatives from the Ministry of Local Self-Government. The trainings were conducted as part of the CoE Roma Integration Fund.	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. HRC, Resolution 53/16 on the right to a nationality (2023) : as above	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 (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	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	

		through which stateless people could regularise their stay and/or access their rights (proceed to Question 11a). 3. There is a dedicated statelessness status but no formal procedure for determining this (proceed to Question 17a).			
SDS.11.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.)?	ECHR : Article 8 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.	The only option currently in place for stateless people to regularise their stay is to apply under the Law on Foreigners to 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. Between 2019 and 2022, under the Law on Foreigners, 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 could apply for permanent residence. However, the deadline for registration under this provision ended in 2022. If stay was 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. Between August 2021 and August 2024, a simplified naturalisation procedure under the Law on Citizenship was operational, which provided that all persons who could prove that they continued to live on the territory of North Macedonia after 8 September 1991 (by presenting at least one document issued by the Macedonian institutions at that time), could submit a request to acquire Macedonian nationality in a shorter procedure and were exempted from certain conditions that are mandatory for other foreigners. See PRS.7, section on Reducing <i>in situ</i> statelessness.	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) https://mvr.gov.mk/Upload/Documents/Zakon%20za%20stranci%20precisten%20tekst%20(1).pdf (MK) EN Final.doc&wdOrigin=BROWSELINK (ENG) 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.11.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.	There are no other routes for stateless people in a migratory context to regularise their stay and/or access their rights in North Macedonia. For more information on measures to identify <i>in situ</i> stateless people in the country see PRS 7.	
SDS.12.a	Access to procedures (Group 2)	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.	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	The procedure for temporary residence on humanitarian grounds 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. If a person states that they are stateless in the asylum procedure, 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	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)

			applicants for statelessness status and refer them to appropriate channels.	protection’. This is not regulated in law but is part of the registration form for the asylum application. The asylum procedure is conducted by the Sector for Asylum within the Ministry of the Interior. They received several trainings on statelessness.	MYLA practice. 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.12.b	Are there obligations in law on authorities to consider a claim of statelessness?	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 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.	There is no such obligation in the existing legal framework.		
SDS.12.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.12.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.13.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	<p>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).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>	<p>MYLA practice</p> <p>Law on Administrative Procedure, Article 17: https://www.uvmk.gov.mk/files/zakoni/opsta_upravna_postapka_2015.pdf (MK)</p>
SDS.13.b		What is the standard of proof to evidence statelessness, in law and in practice?	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>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.</p> <p>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.</p>	<p>The standard of proof to evidence statelessness is unclear. Usually, authorities conduct verifications on the applicant's parents' status, the duration of the applicant's stay in North Macedonia, their origin, etc.</p>	<p>MYLA practice</p>
SDS.13.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, accurate and reliable country of origin information relating to statelessness, etc.)?	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p>Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>There is no clear guidance for decision makers on how to identify or determine statelessness.</p> <p>There is no accurate and reliable national country of origin information (COI) relating to statelessness, but asylum officials should follow international country of origin information. The Ministry of Interior works closely with the EUAA and has appointed two COI officers for the asylum procedures.</p>	<p>MYLA practice</p>
SDS.14.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people generally?	<p>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.</p> <p>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.</p>	<p>Free legal aid is only available to stateless people who have a residence permit or otherwise have a right to stay in North Macedonia.</p>	<p>Law on Free Legal Aid, Article 15: https://pravnapomos.mk/wp-content/uploads/2020/10/Zakon-za-besplatna-pravna-pomos.pdf (MK)</p>
SDS.14.b		Is free interpreting available to stateless people?	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	<p>In the asylum procedure, criminal, or court procedures interpretation and translation is provided by the State according to the laws. It is mostly supported by international organisations and sometimes by NGOs.</p> <p>The right to interpretation and translation is not foreseen in procedures to acquire a residence permit under the Law on Foreigners.</p>	<p>Law on International and Temporary Protection, Article 31 https://www.refworld.org/docid/5b55e5de4.html</p> <p>Law on Criminal Procedure, Article 9 https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5d319ea44</p> <p>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%8</p>

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SDS.14.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.15.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. Some stateless people may have been issued a permanent residence permit under the procedure (which expired in 2022) to issue permanent residence to people who held citizenship of the FSRY and remained on the territory of North Macedonia since 1991. A 1954 Convention travel document can be issued to a stateless person who has a 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 primary education, Article 13 https://mon.gov.mk/stored/document/Zakon%20za%20osnovnoto%20obrazovanie%20-%20nov.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)
SDS.15.b		Are stateless people otherwise able to access their rights under the 1954 Convention and other international law? Please state whether stateless people can access the below rights and whether access is subject to any conditions: - right to reside - travel document and identity document - work - healthcare - social security - education - housing - family reunification	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. 1967 European Convention on Consular Functions : Article 46	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. Stateless people are not granted an additional identity document. If it is confirmed that the person has undetermined nationality, 'XXX' is included in the foreigner's residence permit in the citizenship field. Stateless persons who have permanent residence can receive social security and have the right to work.	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 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)

		<ul style="list-style-type: none"> - right to vote - consular protection abroad. <p>If provided, please add a copy of an anonymised travel and/or identity document to question RES.4.a. (last page).</p>	International Law Commission’s 2006 Draft Articles on Diplomatic Protection : Article 8(1)	<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>The law does not include any mention of consular protection abroad for stateless people. For context, refugees cannot benefit from that protection.</p>	
SDS.16.a	Temporary protection for people fleeing war (Group 2)	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Please describe any barriers for stateless people, people with undetermined nationality, or undocumented people in accessing the territory.</p>	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.	<p>According to State practice since 2022, everyone who holds a Ukrainian passport, identity card or a birth certificate fleeing Ukraine was/is allowed to access the territory.</p> <p>However, there is no official information on whether anyone has not been allowed to access the territory or any other existing barriers.</p>	MYLA
SDS.16.b		<p>Does the State offer a temporary form of protection to stateless people, people with undetermined nationality, or undocumented people from Ukraine (through the EU Temporary Protection Directive or another mechanism)?</p> <p>Is temporary protection accessible to all stateless people who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, or to people fleeing from another country other than Ukraine, please state so.</p> <p>Please describe any other barriers for stateless people, people with undetermined nationality, or undocumented people in receiving temporary protection, asylum, or other protection.</p>	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 : 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. European countries and the European Commission should be vigilant and take action to address any segregation, discrimination, and antigypsyism, and ensure equal access to rights and protection for all those fleeing Ukraine.	<p>All people fleeing the war in Ukraine, including stateless people, at first were entitled to temporary stay based on humanitarian grounds under the Law on Foreigners. They were not entitled to other rights such as housing, food, health, work.</p> <p>Later, in August 2023, North Macedonia activated Temporary protection under the Law on International and Temporary Protection for one year. The decision granting temporary protection refers to nationals of Ukraine and to members of their families, persons without a nationality, and foreign nationals who have been granted asylum or equivalent national protection in Ukraine, and members of their families with approved residence in Ukraine, and foreign nationals with a valid permanent or temporary residence permit in Ukraine and who cannot return to the country of origin under permanent and long-term circumstances, who arrived in the Republic of North Macedonia after 24 February 2022, and cannot return to Ukraine due to war and occupation of part of its Territory. The Ministry of Labour and Social policy and the Ministry of Interior are the competent authorities to implement this decision. However, as of November 2024, the implementation of the decision is still pending, preventing people from accessing several basic rights. Under Macedonian law, people granted temporary protection are not granted an identification number, which is crucial to access basic rights, so the laws should have changed to properly implement the decision. However, no changes have been made yet. Identification numbers allocated under the previous status as persons with temporary residence permit under humanitarian grounds were taken over afterwards in the temporary protection schemes. Currently, 45 people are granted temporary protection and the others are still with temporary residence under humanitarian grounds or other grounds.</p> <p>A major issue is that if a child is born, they would first need to be assigned temporary residence in order to obtain an identification number, and afterwards to be transferred to the temporary protection.</p>	<p>MYLA</p> <p>Decision for granting temporary protection to persons from Ukraine in Republic of North Macedonia, Official Gazette no.168 from 08.08.2023 - https://www.svesnik.com.mk/Issues/f941eb46594e4c7ab6cacc02cfcc8f9c.pdf</p> <p>Information provided from the Sector for asylum within the MOI</p>

				However, there is no official information on whether there are specific barriers for stateless people or if there actually are stateless people from Ukraine in North Macedonia.	
SDS.16.c		Are there longer-term solutions providing adequate protection for stateless people and/or others who were receiving temporary protection? [Section complete, proceed to DET]	ENS, Briefings on access to protection for stateless people fleeing Ukraine : The EU and European countries should ensure that longer-term solutions, including after the expiry of the EU TPD, are found and designed, including to provide adequate protection for stateless people and people with undetermined nationality. ECRE, Transitioning out of the Temporary Protection Directive (2024) : Exit strategies from the TPD regime should ensure that no one, including stateless persons, is left behind after March 2025.	The decision on temporary protection is likely to be extended until 2026. There is no information to suggest that longer-term solutions will be provided after temporary protection expires. Every person granted TP can submit an asylum request at any time. If the asylum request is rejected then they can retain temporary protection until it expires.	

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>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.</p> <p>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>	<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, small group homes or other modalities for unaccompanied children but they are not used in practice for migrant children.</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) https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fmvr.gov.mk%2FUpload%2FDocuments%2F%25D0%2597%25D0%25B0%25D0%25BA%25D0%25BE%25D0%25BD%2520%25D0%25B7%25D0%25B0%2520%25D1%2581%25D1%2582%25D1%2580%25D0%25B0%25D0%25BD%25D1%2586%25D0%25B8 EN Final.doc&wdOrigin=BROWSELINK (ENG)</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		<p>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>	<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>	<p>No, there is no such requirement prescribed by law and it is not clear whether this happens in practice.</p>	
DET.1.c		<p>Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.</p>	<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), Mikolenko v. Estonia (2009), Mardonshoyev v. Russia (2019), Gashkov and Satirov v. Russia (2022)</p>	<p>Yes, according to Article 163 (2) of the Law on Foreigners, the foreigner shall be released from the Reception Centre if the circumstances point out that the removal cannot be carried out. In practice, if there is no reasonable prospect of removal, foreigners are advised to apply for asylum and then they are released from detention.</p>	<p>Law on Foreigners, Official Gazette of the Republic of North Macedonia N.97/2018 and 294/21: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fmvr.gov.mk%2FUpload%2FDocuments%2F%25D0%2597%25D0%25B0%25D0%25BA%25D0%25BE%25D0%25BD%2520%25D0%25B7%25D0%25B0%2520%25D1%2581%25D1%2582%25D1%2580%25D0%25B0%25D0%25BD%25D1%2586%25D0%25B8 EN Final.doc&wdOrigin=BROWSELINK (ENG)</p> <p>The state of asylum in North Macedonia 2021, https://myla.org.mk/wp-content/uploads/2023/11/Sostojbata-so-azilot-vo-RSM-2021.pdf</p> <p>(The state of asylum for 2022 and 2023 will be published soon)</p>

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. UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. 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. 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. 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>	No.	
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 on Foreigners there is a definition for vulnerable persons and it does not explicitly include statelessness. Article 2(1) provides that a 'foreigner' is someone who is not a national of North Macedonia, or a stateless person who is not considered as a national by any State under the operation of its law.</p> <p>Article 2 (5) provides that '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>In the Law on International and Temporary protection there is also a definition for vulnerable person, but it does not include statelessness (article 35 (2)): "Vulnerable persons, as defined in paragraph (1) of this Article, shall be persons without procedural capacity, minors, unaccompanied minors, persons in a serious health condition, persons with mental disabilities, persons with physical disabilities, elderly persons, pregnant women, single parents with minor children, victims of trafficking in human beings and persons who have been exposed to torture, rape and other severe forms of psychological, physical or sexual violence".</p>	<p>Article 2 paragraphs 1 and 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) https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fmvr.gov.mk%2FUpload%2FDocuments%2F%25D0%2597%25D0%25B0%25D0%25BA%25D0%25BE%25D0%25BD%2520%25D0%25B7%25D0%25B0%2520%25D1%2581%25D1%2582%25D1%2580%25D0%25B0%25D0%25BD%25D1%2586%25D0%25B8 EN Final.doc&wdOrigin=BROWSELINK (ENG)</p> <p>Article 35 from the Law on International and Temporary Protection https://www.refworld.org/legal/decrees/natlegbod/2018/en/121462 (ENG)</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. EU Return Directive: Article 16(3) EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities</p>	<p>There is no specific requirement in law to perform a vulnerability assessment for foreigners prior to the decision to detain. However, in practice some sort of assessment is carried out on entering detention.</p> <p>For asylum seekers the situation is different compared to other foreigners. According to article 66 (2) of the Law on International and Temporary Protection, when a decision for deprivation of freedom of movement is issued against asylum seekers (the asylum seekers are usually detained in the Reception Centre for</p>	<p>MYLA casework practice</p> <p>Law on International and Temporary Protection https://www.refworld.org/legal/decrees/natlegbod/2018/en/121462 (ENG)</p>

			<p>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>foreigners as the other migrants under this provision), the following is envisioned: "For vulnerable persons and unaccompanied minors, the measure accommodation in a Reception Centre for Foreigners shall be applied only on the basis of an individual assessment, as well as prior consent from the parent, i.e. the legally determined guardian, that such accommodation is suitable to their personal and special circumstances and needs, taking into consideration their health condition".</p>	
DET.2.d		Are stateless people detained in practice?	As above.	<p>Based on information unofficially obtained during visits to the detention centre or through requests to obtain public information, in 2022, there were two cases of stateless people detained in detention (one man and one woman).</p> <p>In 2023, only one person was detained because of lack of any document but afterwards he was released.</p>	<p>Information received by MYLA through freedom of information request</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>
DET.3.a	Procedural safeguards	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>ICCPR: Article 9(4)</p> <p>ECHR: Article 5(4)</p> <p>EU Return Directive: Articles 12, 13 and 15(5)</p> <p>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.</p> <p>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.</p> <p>UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>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.</p> <p>UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p>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.</p> <p>International Commission of Jurists, Migration and International Human Rights Law: A Practitioners'</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</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</p>

			<p>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.</p> <p>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>ECtHR, Mardonshoyev v. Russia (2019): The length of the detention should not exceed that reasonably required for the purpose pursued.</p>	<p>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 when allowed, 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>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> <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>
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?	<p>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.</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 are not provided with information about their rights, contact details of organisations and the right to appeal the decision in a language they understand.</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, 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>
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>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.</p>	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?	<p>1954 Convention: Article 27</p> <p>UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention.</p> <p>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.</p>	No.	

			<p>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.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>		
DET.4.b		<p>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>	<p>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.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<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 International and Temporary Protection, such as basic healthcare, education, accommodation in the Reception Centre for asylum-seekers, and access to the labour market if their request for international protection has not been resolved by the Sector for Asylum within nine months and other rights. 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).</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>The state of asylum in North Macedonia 2021 https://myla.org.mk/wp-content/uploads/2023/11/Sostojbata-so-azilot-vo-RSM-2021.pdf</p>
DET.5.a	Return and readmission agreements	<p>Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements? Please also describe whether the child's right to a nationality, and their enjoyment of other fundamental rights in the country of return, are taken into consideration before a decision to return a child is made.</p>	<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>	<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.</p> <p>There is no information on whether the child's right to a nationality or other fundamental rights are considered in the context of readmission.</p>	<p>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</p> <p>MYLA casework and practice</p>
DET.5.b		<p>Are you aware of cases of stateless people being returned under such agreements?</p>		<p>There is no official data available on stateless persons being returned to Macedonia. In practice, MYLA has not encountered stateless persons being returned under the readmission agreement with the European Union.</p>	<p>MYLA casework practice</p>

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. Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023) : States should lower legal and practical hurdles to citizenship and establish pathways for naturalisation that are equally accessible to women and men.	A stateless person can obtain Macedonian nationality by naturalisation after six years of lawful and continuous residence in the country and if they can fulfil the remaining conditions of Article 7 of the Law on Citizenship. This timeframe is accelerated in comparison to other foreigners. 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. Are there 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. HRC, Resolution 53/16 on the right to a nationality (2023) : States should refrain from enacting or maintaining discriminatory nationality legislations, policies, and practices with a view to avoiding statelessness, and eliminating discrimination against all women and girls in the acquisition of nationality.	There are no exemptions from other requirements for stateless people (these include proof of birth registration and a certificate of non-conviction/prosecution). The costs for administrative taxes are approximately 100 EUR to acquire nationality. Furthermore, in order to obtain the necessary documents prior to the acquisition of nationality, there is a fee of 2.50 to 5 EUR for each document. Between August 2021 and 8 August 2024, a simplified naturalisation procedure was in place for all persons who could prove that they continued to live on the territory of North Macedonia after 8 September 1991 (by presenting at least one document issued by the Macedonian institutions at that time). This enabled them to submit a request to acquire Macedonian nationality in a shorter procedure exempted from certain conditions that are mandatory for other foreigners.	Amendments of the Law on Foreigners, Official Gazette no.284 from 28.12.2023: https://www.slvesnik.com.mk/Issues/4fab85048cc24a228e1c6747aa74c9f1.pdf
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality, regardless of sex, gender, or residence status of their parents? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 CRC : Article 7 ECN : Article 2 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,	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)

			<p>to ensure that every child has a nationality when he is born.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should facilitate the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should implement the CEDAW and uphold their obligations under the CRC, to ensure the child's right to acquire their parents' nationality without discrimination on the basis of sex or residency status, and review and reform nationality laws and practices relating to nationality that discriminate on any prohibited grounds, including on the basis of sex or gender.</p> <p>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.</p> <p>European Parliament Resolution (2019): States should find a solution to the issue of stateless children within and outside the EU. The European Commission should promote the child's right to acquire a nationality.</p> <p>Human Rights Committee, D.Z. v. Netherlands (2020): States must adopt every appropriate measure to ensure that every child has a nationality when they are born.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): Article 7 CRC requires States to take positive action to implement the right to acquire a nationality.</p>		
PRS.2.b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>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.</p> <p>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.</p>	The provision is automatic but in practice a request must be submitted to initiate the procedure.	<p>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)</p> <p>https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)</p> <p>Interview with the Citizenship Section, Ministry of Interior.</p> <p>MYLA casework practice.</p>	
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?	<p>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.</p>	<p>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.</p> <p>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,</p>	<p>Article 17 Law on Administrative Procedure: http://www.pravda.gov.mk/dui/pdf/LAWGAP.pdf</p>	

				including all the information related to the procedure and warns them about the legal consequences of their actions or omissions.	
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>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.</p>	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.	<p>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.</p> <p>Human Rights Committee, D.Z. v. Netherlands (2020): The burden of proof must be shared between the claimant and the authorities of the contracting State to obtain evidence and to establish the facts as to whether an individual would otherwise be stateless.</p>	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.	<p>1961 Convention: Article 1(2)</p> <p>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.</p> <p>CRC: Articles 3 & 7</p> <p>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.</p> <p>ECN: Article 6(2)(b)</p>	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.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.	<p>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.</p>	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)

			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.		
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 provides 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. UNHCR, Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child (2021) : The best interests principle applies to all children within the territory of the State, irrespective of their status.	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 European Convention on the Adoption of Children (2008) : Article 12 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) European Convention on the Adoption of Children (2008) : Article 12 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, Background Note on Gender Equality, Nationality Laws and Statelessness (2024) : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Resolution 53/16 on the right to a nationality (2023) : States should eliminate discrimination against all women and girls in the conferral of nationality on their children.	No.	
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of ethnicity, disability, illness, the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	CRC : Article 7 ICCPR : Article 24(2) ECHR : Article 8 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. UNHCR, Guidelines on Statelessness No. 4 (2012) : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.	The law provides for the immediate registration of a birth of a child. New amendments to the Law on Civil Registration were adopted in June 2023, which introduced Article 4-a mandating that every child born on the territory of North Macedonia must be registered immediately after the birth, but no later than 45 days after the birth, regardless of the nationality or the personal status of the child's parents. After 45 days, if the child is still unregistered, an appointed legal guardian from the Centre for Social Work will determine the personal name of the child. The amendments apply automatically to all children born after the adoption of the amendment, therefore to all children born after June 2023.	Law on Civil Registration, 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://uvmk.gov.mk/en/legal-frame/ ENS (2015), Ending childhood statelessness: a study on Macedonia, pp. 13 & 16: http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf Amendments on the Law on Civil Registration, Official Gazette of the Republic of North Macedonia no.129 from 21 June, 2023:

			<p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p> <p>CRC, General comment No. 15 (2013): Universal free birth registration is a prerequisite for barriers to children’s access to health services to be identified and eliminated.</p> <p>Joint general recommendation No. 31 CEDAW and No. 18 CRC (2019): A national system of compulsory, accessible and free birth registration should be established in order to effectively prevent harmful practices.</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, Best Interests Procedure Guidelines (2021): The best interests procedures involve the referral of children to multisectoral services, based on the specific needs of the child and their family, including birth registration.</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>HRC, Resolution 52/25 on birth registration (2023): States must register all births without discrimination of any kind. Efforts should be made to register all children as early as possible, but not later than one year after their birth.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023): States should identify and remove physical, administrative, procedural and any other barriers that impede access to registration, establish or strengthen existing institutions at all levels responsible for birth registration, and remove policies requiring proof of marriage for a parent to register their child’s birth.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should uphold the equal right to register births and access birth certificates without discrimination, including on the basis of sex, gender, or marital status.</p> <p>Standing Committee of European Doctors (2024): Doctors must be enabled to practice free from undue interference of administration.</p>	<p>Children born before the amendment who remain unregistered (and were not identified in the 2018 public call) must apply for late birth registration procedure (see PRS.6.g and PRS.6.h)</p> <p>Even though this article is in force and presents a safeguard for prevention of childhood statelessness, it is still not fully implemented in practice, due to the lack of knowledge by the authorities on how to implement it. In particular, the authorities are unsure about registering children of mothers who do not have any valid identity document or residence permit. The Registry Office might require an authentic interpretation from the Parliament on this point.</p> <p>According to information received from the Registry Office in July 2024, the Registry Office has started to implement Article 4-a together with the Centre for Social Work, in order to appoint a special guardian to determine the personal name of the newborn child for birth registration, although the Centre for Social Work Skopje is facing difficulties to find guardians in all cases.</p> <p>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 irregular status, but only if they have an official identification document. Asylum seekers usually register the newborn children with the identity card issued by the Sector for Asylum.</p>	<p>https://www.slvesnik.com.mk/Issues/8e4c3510b5b245458d384111b871390c.pdf</p> <p>Information from the Registry Office received in July 2024.</p>
<p>PRS.6.b</p>		<p>Are all children issued with birth certificates upon registration, regardless of ethnicity, disability, illness, their or family members’ residence status/documentation, or parents’ sexual or gender identity? If no, please describe legal status of documentation issued.</p>	<p>HRC, Resolution 20/04 on the right to a nationality (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</p>	<p>According to the Law on Civil Registration 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 does not possess a valid ID card or residence permit, she cannot register her child and a birth certificate will not be issued.</p>	<p>Law on Civil Registration, Official Gazette of the Republic of North Macedonia 8/95, 38/02, 66/07, 67/09, 13/13, 43/14, 148/15, 27/16, 64/18 and 14/20</p> <p>MYLA casework practice</p>

			<p>birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p>CRC, General Comment No. 7 (2005): States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p> <p>HRC, Resolution 53/16 on the right to a nationality (2023)</p> <p>HRC, Resolution 52/25 on birth registration (2023)</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</p> <p>ECtHR, G.T.B. v. Spain (2023): States have a positive obligation to assist the child in obtaining a birth certificate and identity documents.</p>		
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.)	<p>CRC: Articles 3 & 7</p>	<p>If at least one parent is a national of North Macedonia, the child will automatically be registered with Macedonian nationality. The registry officer <i>ex lege</i> 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.</p> <p>In practice, even though the law does not envision that a consent from the foreign parent is necessary, in the last years the Ministry of Interior has required consent from the foreign parent for the child to obtain Macedonian nationality (if the other parent is a Macedonian national).</p>	Law on Civil Registration, 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>Human Rights Committee, D.Z. v. Netherlands (2020)</p>	<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.</p>	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 agreement, or other reasons (please specify)?	<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>Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil</p>	<p>Yes. There were 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 impacted Romani communities. This is not the case anymore especially with the new Article 4-a and Article 9 of the Law on Civil Registration (for appointing a guardian in case the parents do not determine the personal name of the child). The amendment applies to all children born after its adoption in June 2023.</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>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>HRC, Resolution 52/25 on birth registration (2023)</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>ECtHR, Mennesson v. France (2014): States must grant legal recognition of parent-child relationship legally established abroad for children born through surrogacy.</p> <p>ECtHR, D.B. and others v. Switzerland (2022): Domestic law must provide a possibility of recognition of a legal parent-child relationship between the child born abroad through surrogacy to a same-sex couple and the intended parent.</p>	<p>In recent years, new cases of people at risk of statelessness have arisen, in particular refugees from Kosovo’s refugee crisis from 1999, whose subsidiary protection has ended and who have continued living in North Macedonia without lawful residence and documents. Their children, usually born in North Macedonia, face difficulties to have their births registered and to regulate their residence because their parents often do not possess valid personal documents, which leaves them at risk of statelessness. There are also cases of intergenerational statelessness, as the parents of some of these children had already been born in North Macedonia but did not have their own births registered. MYLA has identified around 40 cases with this problem so far, although some of these cases are being resolved through existing procedures for facilitated naturalisation and for the registration of people identified in the public call.</p> <p>There are no such cases of children being prevented from registering due to parents' sexual orientation or gender identity.</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> <p>MYLA's casework</p>
<p>PRS.6.f</p>		<p>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>	<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>	<p>MYLA casework practice.</p>

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 20/04 on the right to a nationality (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p> <p>HRC, Resolution 52/25 on birth registration (2023) CRC, General Comment No 7 (2005): States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.</p> <p>CRC, General comment No. 20 (2016): The lack of birth registration can result in significant additional complications during adolescence. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should reduce or remove administrative and financial barriers, such as late registration fees, that inhibit or delay registration.</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 45 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 45 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 provide 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.	Law on Civil Registration, 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)
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	<p>Yes, there are additional requirements. 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 hospital) or vaccination certificate (if the child was born in home conditions) - paediatrician'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, as a last resort, especially if the child is born in home conditions) <p>Gathering these documents can create additional costs for the late birth registration procedure, which are covered by the applicant. For example, the fee to obtain a paediatrician's certificate costs around 5 EUR and notarised statements can cost around 2 EUR.</p> <p>An additional fee of around 4 EUR must be paid to obtain a birth certificate after the late registration procedure.</p>	MYLA casework practice.
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	<p>There have been several initiatives by the Government to promote and facilitate civil registration in recent years.</p> <p>There was a Government-led action in 2011 – 'Action of additional inscription of births and personal names' – whereby the Ministry of</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>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.</p> <p>In 2019, North Macedonia joined other Western Balkan States in committing to addressing remaining civil registration issues affecting the Romani population under the Poznan Declaration, and has participated in follow-up activities and joint commitments in subsequent years since.</p> <p>In 2020, the Law on Persons Unregistered in Birth Registry was introduced, which provided 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 Civil Registration. However, there were issues in practice with its implementation.</p> <p>The Government adopted a Strategy for Inclusion of Romani people 2022-2030 which envisions the issue of civil registration.</p> <p>In June 2023, the Parliament adopted important amendments to the Law on Civil Registration. Among the most significant changes was the introduction of Article 4-a, which mandates the immediate registration of every child born within the territory of North Macedonia, no longer than 45 days after the birth, irrespective of the nationality or status of the child's parents. However, there are still some issues with the implementation of the amendments (see more information under PRS 6.a).</p> <p>Other amendments to the Law on Civil Registration in June 2023 included measures to regularise the situation of the 700 people without personal documentation identified through the 2018 Government-led public call. These amendments provide for a simplified and facilitated procedure for birth registration with the aim of ensuring that everyone identified in the public call is registered in the regular birth register. Between July and December 2023, after the adoption of these amendments, around 500 unregistered people identified through the public call from 2018/19 and registered in the special birth register were registered in the regular registry books. During a case-by-case review process in June 2023, it was concluded that the number of people concerned was actually around 526, even though around 700 people had initially been identified through the public call in 2018/19. Some people who were not identified in the public call remain without regulated civil status. They must initiate a procedure for late birth registration (see PRS.6.g and PRS.6.h). Also in 2023, the Macedonian Parliament adopted further amendments to three other laws connected to regulation of civil status to simplify and facilitate the process of obtaining identification documents. These include the Law on Registration of Temporary and Permanent Residence of Citizens, the Law on Identification Documents, and the Law on Foreigners. These amendments have a positive impact in reducing <i>in situ</i> statelessness. On 5 October</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> <p>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</p> <p>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</p> <p>Law on Persons Unregistered in Birth Registry: https://myla.org.mk/wp-content/uploads/2021/03/Zakon-za-neevidentirani-lica-Feb-2020.pdf (MK)</p> <p>Amendments on the Law on Civil Registration, Official Gazette of the Republic of North Macedonia no.129 from 21 June, 2023: https://www.slvesnik.com.mk/Issues/8e4c3510b5b245458d384111b871390c.pdf</p> <p>Strategy for Inclusion of Romani people 2022-2030 https://www.mtsp.gov.mk/content/pdf/2022/Strategija%20za%20inkluzija%20na%20Romite%202022-2030%2003-02-2022%20finalna%20verzija.pdf</p> <p>Amendments of The Law on Registration on Temporary and Permanent Residence of Citizens and Amendments of the Law on Identification Document, Official Gazette no.209 from 05.10.2023: https://www.slvesnik.com.mk/Issues/3cabf542003b4bb0a4cb31afbd125617.pdf</p>
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				<p>2023, amendments to the Law on Registration of Temporary and Permanent Residence and the Law on Identification Documents introduced a simplified procedure for homeless people to register their residence at the addresses of social work centres. People who are accommodated in a health or social institution can register their address as that of the respective institution. Additionally, the new amendments foresee several options for people living in 'non-legalised houses' to document ownership of the property and obtain an identity document. These amendments were in response to many reported cases where former stateless people who have acquired Macedonian nationality could not register their residence and obtain a Macedonian identity card because they live in 'non-legalised houses' or informal settlements or live in destitution.</p>	
PRS.7.b		<p>Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless or without their nationality confirmed/determined? Please provide details and source of information.</p>	<p>1961 Convention: Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4 HRC, Recommendations of the Forum on Minority Issues (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.</p>	<p>Yes. The majority of people who are unregistered belong to the Romani community. One UNHCR survey from 2008-2011, which covered 70% of the country and reached 13,770 members of the Romani 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.</p> <p>In 2020, the CEDAW Committee made several recommendations to North Macedonia, including the adoption of measures to:</p> <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 Romani women and girls; • ensure that Romani women and girls have access to information about their rights; and <p>ensure that Roma women and girls have recourse to effective, affordable, accessible and timely remedies, with legal aid.</p> <p>Other UN human rights mechanisms have made similar recommendations to North Macedonia on the registration, protection of, and combatting discrimination against minorities.</p> <p>In recent years, new cases of people at risk of statelessness have arisen, in particular refugees from Kosovo's refugee crisis from 1999, whose subsidiary protection ended and who have continued living in North Macedonia without lawful residence and documents. Their children, usually born in North Macedonia, face difficulties to have their births registered and to regulate their residence because their parents often do not possess valid personal documents, which leaves them at risk of statelessness. There are also cases of intergenerational statelessness, as the parents of some of these children had already been born in North Macedonia but did not have their own births registered. MYLA has identified around 40 cases with this problem so far, although some of these cases are being resolved through existing procedures for facilitated naturalisation and for the registration of people identified in the public call.</p>	<p>UNHCR, The right to have Rights: legal identity, citizenship and civil registration key to social inclusion of marginalised communities, 2008-2011</p> <p>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)</p> <p>Census of Population, Households and Dwellings in the Republic of North Macedonia, 2002: http://www.stat.gov.mk/Publikacii/knigaXIII.pdf</p> <p>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</p> <p>MYLA, ERRC, ENS & ISI, Joint Submission to the Human Rights Council for the Universal Periodic Review, 46th session, 11 October 2023: https://www.statelessness.eu/updates/publications/submissions-human-rights-council-46th-session-universal-periodic-review-upr</p>

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.)	<p>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. UN Guiding Principles on Internal Displacement (1998): Principle 20 HRC, Resolution 53/16 on the right to a nationality (2023): States should undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities, including those in hard-to-reach areas or nomadic persons, are aware of and able to exercise their rights, including the right of everyone to a nationality. Measures taken should be developed, designed, implemented and reviewed with the effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities. HRC, Resolution 52/25 on birth registration (2023) Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should conduct public awareness-raising campaigns, establish accessible civil registration units, and implement outreach programmes in remote and marginalised communities. States should sensitise and train health workers and civil registry officials with regard to statelessness and in a gender-sensitive manner. ENS, Statelessness and the prohibition on discrimination against Romani communities (2023): States must protect against arbitrary differential treatment and implement non-discriminatory policies to prevent the further marginalisation of persons already in a position of vulnerability. States should adopt and implement effective policies and measures to combat intersecting forms of discrimination, including in relation to Romani people who are also stateless or without their nationality confirmed/determined.</p>	<p>North Macedonia acceded to the 1961 Convention in January 2020.</p> <p>A procedure was operational under the Law on Foreigners between 2019-2022 (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.</p> <p>Between August 2021 and 8 August 2024, a simplified naturalisation procedure was implemented for all persons who could prove that they continued to live on the territory of North Macedonia after 8 September 1991 (by presenting at least one document issued by the Macedonian institutions at that time). This enabled them to submit a request to acquire Macedonian nationality in a shorter procedure exempted from certain conditions that are mandatory for other foreigners. 273 stateless people acquired Macedonian nationality under this procedure. As answered in PRS 7a, in 2023, the Government adopted amendments to several laws to reduce statelessness, including the Law on Civil Registration, the Law on Registration on Temporary and Permanent Residence of Citizens, the Law on Identification Document, and the Law on Foreigners.</p> <p>At the OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe in October 2023, North Macedonia, together with other South-Eastern European countries, made the following joint pledge in the context of the 2023 Global Refugee Forum: ‘Reaffirming the goals of the #IBelong Campaign, the participating States of the OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe in Skopje, North Macedonia, commit to make all necessary efforts, independently and collectively, to resolve, without delay, all known cases of statelessness within their territories, including by granting citizenship to or confirming the citizenship of existing in situ stateless populations when relevant legally required conditions, as set out by the Statelessness Conventions, are met, and undertake the law reforms, that may be needed, to ensure that no child is born stateless.’</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>Amendments of the Law on Foreigners, Official Gazette no.284 from 28.12.2023: https://www.svesnik.com.mk/Issues/4fab85048cc24a228e1c6747aa74c9f1.pdf</p> <p>OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe Skopje, North Macedonia, 17 October 2023, Final Outcome Document: https://www.osce.org/odihhr/564479</p>
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.).	<p>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</p>	<p>No. There are no provisions on deprivation of nationality in North Macedonia, only on voluntary loss of nationality (see PRS.8.c.).</p>	<p>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)</p> <p>https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)</p>

			<p>HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23</p> <p>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).</p> <p>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.</p> <p>CoE, PACE Resolution 2263 (2019): States should repeal any laws that would allow arbitrary deprivation of nationality; provide for safeguards against statelessness; abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving minors of their nationality.</p> <p>ECtHR, Usmanov v. Russia (2020): A decision on deprivation of nationality must assess the consequences for the person and whether the measure is arbitrary.</p> <p>CJEU, Rottmann (2010): Decisions withdrawing nationality must be afforded a reasonable period of time in order to try to recover the nationality of their Member State of origin.</p> <p>CJEU, JY (2022): Decisions to revoke an assurance that nationality will be granted must be proportionate and consistent with EU law.</p> <p>CJEU, Tjebbes (2019): The loss of nationality must respect the principle of proportionality and national authorities must perform an individual assessment of the consequences for the applicants.</p>		
<p>PRS.8.b</p>		<p>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> <p>Please state if deprivation of nationality is only ever carried out in pursuance of a legitimate purpose, is provided for by law, is necessary, proportionate, in accordance with procedural safeguards, and in accordance with the right to respect for private and family life. Please also state if a reasonable period of time is afforded to allow recovery of the</p>	<p>1961 Convention: Article 8(4)</p> <p>ECN: Articles 10 to 13</p> <p>ECHR: Article 8</p> <p>Charter of Fundamental Rights: Article 7</p> <p>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.</p> <p>ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their 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>	<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.</p>	<p>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)</p> <p>https://www.refworld.org/pdfid/3f54916b4.pdf (ENG older version)</p>

		nationality of the State of origin in case of withdrawal of nationality.	CoE, PACE Resolution 2263 (2019) : States should abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving nationals of their nationality. ECtHR, Usmanov v. Russia (2020) CJEU, Rottmann (2010) CJEU, JY (2022) CJEU, Tjebbes (2019)		
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?	1961 Convention : Article 7 ECN : Articles 7 and 8	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 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.	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. CoE, PACE Resolution 2263 (2019) : States should review provisions allowing for deprivation of nationality on terrorism grounds in light of international human rights obligations, refrain from applying this measure and envisage and prioritise wider use of other counter-terrorism measures.	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.	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. CoE, PACE Resolution 2263 (2019) : States should not discriminate between citizens on the basis of the way in which they have acquired nationality, in order to avoid indirect discrimination against minorities.	No, there are no such provisions.	

PRS.8.g		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>1961 Convention: Article 6 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>Macedonian nationality of a child under 18 years of age shall be lost upon a request of both parents whose Macedonian nationality has been lost by renunciation or if Macedonian nationality has been terminated in this manner for one of the parents, and the other parent has given consent to that. This should not result in statelessness for the child as evidence must be presented that the child will acquire another nationality before terminating Macedonian nationality. It is likely that the child would be able to reacquire Macedonian nationality in case they do not acquire the other nationality, although there are no reported cases.</p> <p>Provided that the child's parents have been living separately, 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 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 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 people with undetermined nationality? 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).			<p>Gazmend Gudaci, The situation of statelessness within mixed migration flows: The case of Republic of North Macedonia, MA Thesis (unpublished)</p> <p>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</p> <p>UNHCR Roadmap on ending statelessness in North Macedonia January 2023 (unpublished)</p>
RES.4.a.	Examples of identity and travel documents	Please insert pictures of anonymised identity and/or travel documents issued to stateless people in your country (if applicable). If the country issues several documents, please specify what each document is.	<p>Temporary residence permits for foreigners. In the field on nationality, it is indicated: XXX.</p> 		