

20180641141

ASSEMBLY OF THE REPUBLIC OF MACEDONIA

Pursuant to Article 75, paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue this

**DECREE FOR PROMULGATION OF THE LAW ON INTERNATIONAL AND
TEMPORARY PROTECTION (*)**

The Law on International and Temporary Protection (*), adopted by the Assembly of the Republic of Macedonia, on its session held on 4 April 2018, is hereby promulgated.

No. 08-2436/1
4 April 2018
Skopje

President
of the Republic of Macedonia
Gjorgje Ivanov

President
of the Assembly of the Republic of
Macedonia
Talat Xhaferi

**LAW ON INTERNATIONAL AND TEMPORARY
PROTECTION (*)**

CHAPTER I

GENERAL PROVISIONS

Subject matter of the Law

Article 1

(1) This law shall regulate the conditions and procedure for granting international protection (hereinafter referred to as: right to asylum), as well as cessation, revocation and cancellation of a right to asylum of a foreigner or a stateless person (hereinafter: foreigner), as well as the rights and obligations of the applicants and persons to whom asylum has been granted in the Republic of Macedonia.

(2) This Law shall also regulate the conditions on which the Republic of Macedonia may grant temporary protection, as well as the rights and obligations of the persons under temporary protection.

(*) This Law serves the purpose of alignment with the European directives in the area of asylum, i.e. international protection, including: 1. DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status of refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, CELEX number 32011L0095; 2. DIRECTIVE 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection, CELEX number 32013L0032; DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection, CELEX number 32013L20033 and 4. COUNCIL DIRECTIVE 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, CELEX number 32001L0055.

Meaning of certain expressions

Article 2

Certain expressions used in this Law have the following meaning:

1. **“International protection”** shall mean a refugee status or status of a person under subsidiary protection.
2. **“Geneva Convention”** shall mean the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees of.
3. **“Temporary protection”** shall mean protection granted in a separate procedure in the event of mass influx or imminent danger of mass influx of displaced persons from third countries, who are unable to return to their country of origin, particularly if there is a risk that the asylum procedure cannot be conducted due to the mass influx, while also being in the interest of the displaced persons and other persons in need of international protection.
4. **“Mass influx”** or **“imminent danger of mass influx”** shall mean the imminent arrival of a large number of displaced persons coming from specific countries or geographic areas, regardless of whether their arrival is spontaneous or organised.
5. **“Foreigner”** shall mean a person who is not a national of the Republic of Macedonia, as well as a stateless person, i.e. a person not considered as a national by any state under the operation of its law.
6. **“Refugee status”** shall mean the recognition of a foreigner as a refugee.
7. **“Person under subsidiary protection”** shall mean a foreigner that meets the conditions for recognizing status of a person under subsidiary protection as defined in Article 9 of this Law.
8. **“Status of a person under subsidiary protection”** shall mean the recognition of a foreigner as a person under subsidiary protection.
9. **“Family members”** shall mean a spouse, provided that the marriage was concluded prior to the arrival in the Republic of Macedonia, unmarried partner, minor children that are not married, parents of minor children, provided that the minor children have been granted asylum, or another adult person in accordance with law.
10. **“Minor”** shall mean a foreigner who has not reached 18 years of age.
11. **“Unaccompanied minor”** shall mean a foreigner below 18 years of age, and who arrives on the territory of the Republic of Macedonia unaccompanied by a parent or a guardian, was left unaccompanied after entering the territory of the Republic of Macedonia, or who is not effectively taken care of.
12. **“Country of origin”** shall mean a country whose nationality the foreigner holds or in the case of stateless persons, a country of former habitual residence.

Right to asylum

Article 3

The right to asylum shall be granted under conditions and procedure stipulated by this Law, to the following categories of persons:

- person with a refugee status (refugee under the Geneva Convention) and
- person under subsidiary protection in accordance with the provisions of this Law;

Applicant

Article 4

(1) Applicant shall be a foreigner that seeks international protection from the Republic of Macedonia, who has expressed intention or submitted an asylum application, in respect of which a final decision has not been taken in the procedure for recognition of the right to asylum.

(2) Asylum application referred to in paragraph (1) of this Article shall be an application submitted by a foreigner that can be understood as an application for international protection.

Person with a refugee status

Article 5

Person with a refugee status shall be a foreigner who, upon the examination of his/her application, was granted refugee status and that is found to meet the conditions set out in the Geneva Convention, i.e. a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

Acts of persecution

Article 6

(1) The acts of persecution as defined in Article 1 A of the Geneva Convention must:

- be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- be an accumulation of various measures, including violations of human rights that is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph (1), indent 1 of this Article.

(2) Acts of persecution as qualified in paragraph (1) can, *inter alia*, take the form of:

- acts of physical or mental violence, including acts of sexual violence;
- legal, administrative, police, and/or judicial measures that are in themselves discriminatory or which are implemented in a discriminatory manner;
- prosecution or punishment that is disproportionate or discriminatory;
- denial of judicial redress resulting in a disproportionate or discriminatory punishment;
- prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include participation in crimes or acts falling under the reasons for exclusion as laid down in Article 8, paragraph (1) of this Law; and
- acts of a gender-specific or child-specific nature.

(3) There must be a connection between the acts of persecution referred to in paragraph (1) of this Article and the reasons for persecution referred to in Article 7 of this Law, in the event of absence of protection against the acts of persecution.

Reasons for persecution

Article 7

(1) Upon assessing the grounds on which a person would be persecuted owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, the elements referred to in paragraphs (3), (4) and (5) of this Law about race, religion, nationality, membership of a particular social group or political opinion shall in particular be taken into account.

(2) The term “race” shall in particular include skin colour, descent or membership of a particular ethnic group.

(3) The term “religion” shall include theistic, non-theistic and atheistic beliefs, participation in or abstention from formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(4) The term “nationality” shall not be confined to nationality or lack thereof, but in particular includes membership of a specific group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another state;

(5) The term “group” shall pertain to membership of a particular social group that includes members that share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it. That group has a distinct identity in the country of origin, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation shall not be considered an act punishable in accordance with the national law. Gender related aspects, which include gender identity, should be considered when determining the membership or a characteristic of a particular social group.

(6) The term “political opinion” shall in particular include the holding of an opinion, ideas or beliefs on a matter related to the potential actors of persecution and to their policies or methods, whether or not the applicant has acted upon his/her beliefs.

(7) Upon assessing if an applicant has a well-founded fear of persecution it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Reasons for exclusion from refugee status

Article 8

(1) A foreigner shall be excluded from being a refugee, if:

- he/she is under the protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees;
- he/she has been accorded by the competent authorities of the Republic of Macedonia the same rights and obligations as to the citizens of the Republic of Macedonia;
- the protection laid down in paragraph (1), indent 1 of this Article ceases for any reason, and his status has not been determined in accordance with the relevant resolutions of the General Assembly of the United Nations, the foreigner shall be entitled to the right to international protection in accordance with the provisions of this Law.

(2) A foreigner shall be excluded from being a refugee, if there is reasonable suspicion that he/she:

- has committed a crime against peace, humanity or a war crime, as defined in the international instruments drawn up to make provision in respect of such crimes;
- has committed a serious crime (non-political) outside the territory of the Republic of Macedonia, prior to his admission in it as a refugee; or
- has been guilty of acts contrary to the purposes and principles of the United Nations.

(3) The provision referred to in paragraph (2) of this Article applies to persons who instigate or participate in the perpetration of the crimes or acts mentioned therein.

Person under subsidiary protection

Article 9

(1) A person under subsidiary protection shall be a foreigner that does not qualify as a refugee, but to whom the Republic of Macedonia will grant the right to asylum and allow him to remain within its territory, because there are reasons to believe that if he/she returns to his/her country of nationality or, in the case of a stateless person, he/she would face a real risk of suffering serious harm in his country of former habitual residence.

(2) Serious harm, as defined in paragraph (1) of this Article, shall be:

- death penalty or execution;

- torture or inhuman or degrading treatment or punishment; or
- serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Reasons from exclusion from subsidiary protection

Article 10

(1) A foreigner shall be excluded from being eligible for subsidiary protection where there is reasonable suspicion that he/she:

- has committed a crime against peace, humanity or a war crime, as defined in the international instruments drawn up to make provision in respect of such crimes;
- has committed a serious crime;
- has been guilty of acts contrary to the purposes and principles of the United Nations; or
- constitutes a danger to the security of the Republic of Macedonia.

(2) A foreigner shall be excluded from being eligible for subsidiary protection if he instigates or otherwise participates in the perpetration of the crimes or acts laid down in paragraph (1) of this Article.

(3) The Republic of Macedonia may relinquish the foreigner's right to subsidiary protection, if he, prior to his admission to the Republic of Macedonia, has committed one or more crimes that are not stipulated in paragraph (1) of this Article that would be punishable by imprisonment had they been committed in the Republic of Macedonia, and if he has left his country of origin solely in order to avoid sanctions for the perpetrated crimes.

International protection *sur place*

Article 11

A foreigner who is already on the territory of the Republic of Macedonia may have international protection granted *sur place* in accordance with Articles 5 and 9 of this Law and in cases where the well-founded fear of persecution or the real risk of suffering serious harm is based on events that took place or activities in which the applicant engaged since he/she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

Actors of persecution or serious harm

Article 12

Actors of persecution or serious harm shall be:

- the state;
- parties or organizations controlling the state or a substantial part of the territory of the state;
- non-state actors, if it can be demonstrated that the actors referred to in indents 1 and 2 of this Article, including international organizations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 13 of this Law.

Actors of protection

Article 13

Protection from persecution or serious harm can only be provided by:

- the state; or
- parties or organizations, including international organizations, controlling the state or a substantial part of the territory of the state, provided that they are able/willing to provide protection in accordance with paragraph (2) of this Article.

(2) Granting protection referred to in paragraph (1) of this Article encompasses taking reasonable steps to prevent the persecution or suffering of serious harm, *inter alia*, by operating an

effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant's access to such protection.

Principle of *non-refoulement*

Article 14

(1) An applicant, a person with a refugee status or a person under subsidiary protection cannot be expelled or returned ("*refouler*") in any manner whatsoever to the frontiers of state:

- where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion; or
- where he/she would be subjected to torture, inhuman or degrading treatment or punishment.

(2) The prohibition referred to in paragraph (1), indent 1 of this Article shall not apply to a foreigner who constitutes a danger to the security of the Republic of Macedonia, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the citizens of the Republic of Macedonia.

(3) The foreigner referred to in paragraph (1), indent 2 of this Article who cannot enjoy the right to asylum in the Republic of Macedonia owing to the reasons referred to in Articles 8 and 10 of this Law, shall be allowed to remain on the territory of the Republic of Macedonia as long as the country of his nationality, or in the event of a stateless person, the country of former habitual residence, would be subjected to persecution, torture, inhuman or degrading treatment or punishment.

Family unity

Article 15

(1) In the asylum procedure, the applicant shall be guaranteed maintenance of family unity.

(2) The principle of family unity referred to in paragraph (1) of this Article shall not apply to the family members that individually do not meet the requirement for granting refugee status, i.e. person under subsidiary protection in accordance with the law, if the reasons for exclusion under Articles 8 and 10 of this Law exist.

Family reunification

Article 16

(1), An asylum procedure shall be conducted for the members of the nuclear family of a person with refugee status and a person under subsidiary protection at their own request.

(2) Members of the nuclear family as defined in paragraph (1) of this Article, shall include: the spouse, provided that the marriage was concluded prior to the arrival in the Republic of Macedonia, the non-married partner, minor children who are unmarried, the parents of minor children, provided that the minor children have been granted asylum, and other persons in accordance with the law.

(3) The principle of family reunification referred to in paragraph (1) of this Article shall not apply if the reasons for exclusion under Articles 8 and 10 of this Law exist.

(4) The person with a refugee status shall acquire the right to family reunification with members of the nuclear family after having the refugee status granted, whereas the person under subsidiary protection shall acquire it two years after the status of subsidiary protection has been granted to him/her.

Safe country of origin

Article 17

(1) A safe country of origin is a country in which its nationals or stateless persons with habitual residence there are safe from persecution for reasons referred to in Article 5 of this Law or from suffering serious harm for reasons stipulated under Article 9 of this Law, which is in particular determined based on the respect for human rights laid down in the international acts, existence of

democratic institutions (democratic processes, elections, political pluralism, freedom of thought and public expression of thought, availability and efficiency of legal protection) and the country's stability.

(2) When making the assessment for a safe country of origin referred to in paragraph (1) of this Article for the applicant, consideration shall be given to, *inter alia*, the extent to which protection is provided against persecution and maltreatment by:

- the laws and regulations of the country in force and the manner in which they are applied;
- respect of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant on Civil and Political Rights and/or the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, in particular the rights from which derogation cannot be made under Article 15, paragraph (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

- respect of the principle of *non-refoulement* in accordance with the Geneva Convention; and
- existence of provisions for an efficient system of legal remedies against the violation of these rights and freedoms.

(3) The applicant shall, during the asylum procedure, be allowed to contest that the country of origin is safe for him/her.

(4) The Ministry of Interior in cooperation with the Ministry of Foreign Affairs shall prescribe the list of safe countries of origin, which shall be published in the "Official Gazette of the Republic of Macedonia".

First country of asylum

Article 18

(1) A first country of asylum is a country that would readmit the applicant on the following grounds:

- he/she has been recognized in that country as a refugee and he or she can still avail himself of that protection; or
- he/she enjoys sufficient protection in that country, including benefiting from the principle of *non-refoulement*.

(2) The applicant shall, during the asylum procedure, be allowed to contest that the first country of asylum is safe for him/her.

Safe third country

Article 19

(1) A safe third country is a country where the applicant has delayed himself prior to the arrival in the Republic of Macedonia and in which it can be presumed he can return safe from persecution as defined in Article 5 of this Law, or from suffering serious harm as defined in Article 9 of this Law, or from torture, inhuman or degrading treatment or punishment.

(2) A country shall be considered a safe third country where:

- the life and liberty of the applicant shall not be endangered on account of race, religion, nationality, membership of a particular social group or political opinion;

- he/she will not face a real risk of suffering serious harm, as defined in Article 9, paragraph (2) of this Law;

- the principle of *non-refoulement* is respected in accordance with the Geneva Convention;
- the prohibition of removal, in violation of the right to freedom, from torture and cruel, inhuman or degrading treatment as laid down in international law is respected;

- the possibility exists for the applicant to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.

(3) The applicant shall, during the asylum procedure, be allowed to challenge that the third country is safe for him.

(4) The safe third country principle in terms of paragraph (1) of this Article shall not apply if the spouse, children or parents of the applicant legally reside in the Republic of Macedonia.

(5) The organizational unit within the Ministry of Interior competent for asylum (hereinafter: the Sector for Asylum) shall, to the applicant whose application is considered inadmissible in accordance with Article 46 of this Law, issue a certificate in the language of the safe third country from which he arrived, with the purpose of informing the state authorities of the third country that the application has not been substantially examined in the Republic of Macedonia, i.e. the reasons for granting refugee status or the status of a person under subsidiary protection have not been considered in accordance with the law.

(6) When the safe third country does not readmit the applicant, the Republic of Macedonia should enable him/her access to the asylum procedure.

Authorities for granting asylum

Article 20

(1) The asylum procedure in the first instance shall be conducted and the decision shall be taken by the Ministry of Interior through the Sector for Asylum.

(2) An administrative dispute before a competent court can may be initiated against the decision referred to in paragraph (1) of this Article.

The role of the United Nations High Commissioner for Refugees in the asylum procedure

Article 21

(1) The authorities referred to in Article 20 of this Law shall cooperate with the United Nations High Commissioner for Refugees (hereinafter: the High Commissioner for Refugees) in all phases of the asylum procedure.

(2) The competent authorities shall, in accordance with the law, allow the High Commissioner for Refugees to have an access to information on individual asylum applications, the course of the procedure and the decisions taken, provided that the applicant has previously agreed thereto.

(3) The Ministry of Interior shall prepare and submit to the High Commissioner for Refugees notifications and statistical data pertaining to the situation of the applicants and the persons who have had asylum granted in the Republic of Macedonia, and the implementation of the Geneva Convention, the provisions of this Law and other regulations in the area of asylum.

(4) The representatives of the High Commissioner for Refugees shall present their opinions in accordance with Article 35 of the Geneva Convention before any competent body, in accordance with the law, related to individual asylum applications, in all phases of the asylum procedure.

Legal assistance

Article 22

(1) The applicants shall have the right to legal assistance and clarification regarding the conditions and asylum procedure, as well as the right to free legal assistance in all phases of the procedure, in accordance with the regulations on free legal assistance.

(2) The applicants may, in all phases of the procedure, contact persons providing legal assistance and the representatives of the High Commissioner for Refugees.

(3) The representatives of the High Commissioner for Refugees shall be entitled to access to and contact with the applicants in all phases of the procedure, wherever they may be.

CHAPTER II ASYLUM PROCEDURE

1. GENERAL PROVISIONS

Application of the Law on General Administrative Procedure

Article 23

In the asylum procedure, the provisions of the Law on General Administrative Procedure shall be accordingly applied, unless otherwise stipulated by this Law.

Relation with the procedure for granting residence permits of the Law on Foreigners

Article 24

(1) The provisions of the Law on Foreigners shall not apply from the day of expressing intention and submission of an asylum application until the day of taking a final decision.

(2) The submitted asylum application shall be considered as a withdrawal of the application for issuance of a residence permit for a foreigner as defined in the provisions of the Law on Foreigners.

Intention for submission of an asylum application

Article 25

(1) A foreigner may express the intention (hereinafter: has expressed intention) for submission of an application for recognition of the right to asylum, verbally or in writing, before a police officer of the Ministry of Interior at a border crossing point or within the territory of the Republic of Macedonia .

(2) The police officer referred to in paragraph (1) of this Article shall note down the personal and other data of the foreigner who has expressed intention, shall photograph him/her, shall fingerprint him/her, shall issue a copy of the certificate for the expressed intention and shall refer him/her to submit an asylum application f before an authorized official in the premises of the Sector for Asylum within 72 hours.

(3) The foreigner who has expressed an intention shall be obliged to cooperate and to enable the police officer to obtain the data referred to in paragraph (2) of this Article.

(4) In the event the foreigner who has expressed intention cannot be fingerprinted for medical and other reasons, which he/she did not cause intentionally, the foreigner shall be obliged to enable the police officer to fingerprint him/her at the moment those reasons have ceased to exist.

(5) The police officers shall deliver the data about the foreigner who has expressed intention to the Sector for Asylum.

(6) Should the foreigner not act in accordance with the provisions referred to in paragraphs (2), (3) and (4) of this Article, he/she shall be treated in accordance with the regulations on foreigners.

Submission of an asylum application

Article 26

(1) The asylum procedure shall begin at the moment of submission of an asylum application by the applicant.

(2) A foreigner may submit an asylum application before the police at a border crossing point, at the nearest police station, in the Reception Centre for Foreigners or to the Sector for Asylum.

(3) In the event the application is submitted to the police at a border crossing point, at the nearest police station or in the Reception Centre for Foreigners, the police officer referred to in paragraph (1) of this Article shall escort the applicant to the Reception Centre for Asylum Seekers.

(4) An applicant who resides on the territory of the Republic of Macedonia shall submit an asylum application to the Sector for Asylum.

(5) In the events of family reunification, the application may be submitted to a diplomatic-consular representation of the Republic of Macedonia abroad.

Unlawful entry and residence in the Republic of Macedonia

Article 27

An applicant who has unlawfully entered or unlawfully resides on the territory of the Republic of Macedonia, and is coming directly from a country where his/her life or freedom were in danger as defined in Articles 5 and 9 of this Law, shall not be treated in accordance with the regulations on foreigners, provided that he/she immediately expresses intention or submits an asylum application, and if he/she gives an elaboration of the well-founded reason for his unlawful entry or residence.

Manner of submission of an asylum application

Article 28

(1) The asylum application shall be submitted in written or oral form with a transcript, in Macedonian language and its Cyrillic alphabet, or, if that is not possible, in the language of the country of origin, in some of the widely spoken foreign languages or in a language for which it can reasonably be presumed to be understood by the applicant.

(2) After the submission of the asylum application, the applicant will be photographed and fingerprinted.

(3) After the reception of the asylum application by the Sector for Asylum, an initial interview for registration of the applicant shall be conducted, by filling out a stipulated form.

(4) After the submission of the asylum application, the Sector for Asylum, within three working days, shall issue a certificate to the applicant containing a seal, number and date of submission, which certifies the applicant's status and proves that the applicant is allowed to stay on the territory of the Republic of Macedonia during the course of the procedure for his asylum application.

(5) In the event of failure to issue the certificate within the deadline referred to in paragraph (4) of this Article, the applicant shall have the right to file an appeal to the Sector for Asylum within 15 days since the expiration of the deadline.

(6) The head of the immediate higher organizational unit of the Ministry of Interior with authority competent for taking decisions on appeals shall decide upon the appeal referred to in paragraph (5) of this Article, within 15 days of the submission of the appeal.

(7) In the event of simultaneous submission of a large number of asylum applications, the deadline for issuing a certificate by the Sector for Asylum laid down in paragraph (4) of this Article may be extended by 10 working days.

(8) The Sector for Asylum within the Ministry of Interior shall notify the applicants in written and oral form, in a language they may reasonably be presumed to understand and within a deadline not longer than 15 days from the day of submission of the asylum application on the manner of conducting the asylum procedure, the rights and obligations of the applicants in that procedure, the possible consequences in the event that they fail to comply with their obligations and do not cooperate with the competent authorities, as well as about the reception conditions, the right to legal assistance, as well as the right to contact persons providing legal assistance, representatives of the High Commissioner for Refugees and non-governmental humanitarian organizations, in all phases of the procedure, wherever the applicants may be.

Obligation to submit documents

Article 29

(1) If the applicant is in possession of documents, he/she shall enclose them with the asylum application if they are necessary for the asylum procedure, in particular:

- a travel document;
- visas, residence permits or other similar documents;
- an ID card or another identification document;
- a birth certificate and a marriage certificate;

- travel tickets and the like; as well as
- other documents that may be relevant in the asylum procedure;

(2) The documents referred to in paragraph (1) of this Article shall be kept in the Sector for Asylum during the asylum procedure, whereas the applicant shall be provided with copies of the submitted documents and shall be issued a certificate confirming that his/her original documents are in the Sector for Asylum.

Assessment of facts and circumstances

Article 30

(1) The applicant shall be obliged to submit the complete documentation at his/her disposal as soon as possible, and to present information regarding his/her age, family relations, identity, nationality, countries and places of former residence, previously submitted asylum applications, travel itineraries, identification and travel documents and reasons for submitting an asylum application.

(2) The Sector for Asylum shall examine the submitted asylum application separately, taking in consideration all facts and circumstances that are relevant to taking the decision, including:

- all relevant facts from various sources, such as the European Asylum Support Office (EASO) and the United Nations High Commissioner for Refugees (UNHCR) and relevant international human rights organizations, which pertain to the country of origin at the moment of taking a decision for the submitted application, including the laws and regulations in the country of origin and the manner in which they are applied;

- relevant statements and documentation presented by the applicant, including information about whether the applicant has been or may be subject to persecution or serious harm;

- the individual situation and personal circumstances of the applicant, including factors such as origin, sex and age, with the purpose of assessing whether, on the basis of the applicant's personal conditions, the acts to which he/she has been or may be exposed would amount to persecution or serious harm;

- whether the activities taken by the applicant, following his/her leaving of the country of origin, were taken for the sole purpose of creating the necessary conditions for submitting an asylum application, so as to assess whether those activities would expose him/her to persecution or serious harm, if he/she returns in that country; and

- whether the applicant could reasonably be expected to avail himself of the protection of another country where he/she could assert nationality;

(3) In the event the applicant does not support, by documented or other evidence, certain aspects of his/her statements and does not justify certain facts and circumstances regarding his/her application, the applicant's statement shall be considered credible if:

- the applicant has made a genuine effort to substantiate his/her application;

- all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;

- the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;

- the applicant submitted an asylum application at the earliest possible time, unless the applicant can demonstrate good reason for not having done so; and

- the general credibility of the applicant has been established;

Right to an interpreter

Article 31

(1) When the applicant does not understand the language of the procedure, the Sector for Asylum shall provide that person with an interpreter in the language of the country of origin or a language he/she understands.

(2) The expenses for hiring an interpreter shall be covered by the Ministry of Interior;

(3) The interpreter shall be obliged to treat the data that he/she learned during the procedure as confidential;

(4) The applicant, upon his/her justified request, has the right to an interpreter of the same sex, to the extent possible.

Openness of the procedure to the public

Article 32

(1) The public shall be excluded from the interview of the applicant.

(2) The term “public”, in the sense of paragraph (1) of this Article, shall not include the person providing legal assistance authorized by the applicant, the guardian, the interpreter and the representative of the High Commissioner for Refugees.

(3) The persons referred to in paragraph (2) of this Article shall be informed in writing about the date, time and location of the interview.

(4) The persons present at the interview shall be obliged to treat as confidential the data that they have learned during the procedure, unless the applicant explicitly allows them communication with the public, while at the same time the authorized official from the Sector for Asylum does not consider that it would harm the course of the procedure.

(5) The Sector for Asylum may share data about the policy and practice in the area of asylum that is of relevance to scientific research.

Minors

Article 33

(1) The asylum application for minors, shall be submitted by a parent or a guardian, in accordance with the Law on Family.

(2) When applying the provisions of this Law, the best interests of the child shall be a primary consideration.

(3) When examining the child’s asylum application, it shall be necessary to consider the child-specific forms of persecution.

Unaccompanied minors

Article 34

(1) An unaccompanied minor shall be a foreigner under 18 years of age, who has arrived on the territory of the Republic of Macedonia unaccompanied by a parent or a guardian, or who has been left unaccompanied upon entering the territory of the Republic of Macedonia.

(2) Unaccompanied minors who are in need of protection in accordance with Article 3 of this Law shall have a guardian appointed to them as soon as possible, in accordance with the Law on Family.

(3) The guardian referred to in paragraph (2) of this Article shall be allowed to inform the unaccompanied minor about the meaning and possible consequences of the interview, as well as actively take part in the interview of the unaccompanied minor conducted by an authorized official from the Sector for Asylum.

(4) With the consent of the unaccompanied minor, the guardian shall take measures to trace the family members of the unaccompanied minor.

(5) The best interests of the child shall be a primary consideration when examining the asylum applications for unaccompanied minors.

(6) The care and accommodation arrangements for unaccompanied minors shall be prescribed by the Minister of Labour and Social Policy.

Vulnerable persons

Article 35

(1) When applying this Law, the special needs of vulnerable persons that are applicants, persons with refugee status, persons under subsidiary protection and persons under temporary protection shall be taken into consideration.

(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.

(3) The special needs of the vulnerable persons referred to in paragraph (1) of this Article shall be established by way of individual assessment of their condition by the competent public institution for social protection.

(4) When accommodating and meeting the living standards of the persons referred to in paragraph (2) of this Article, their condition will be taken into consideration by ensuring adequate health, psychosocial and other assistance.

(5) When examining the asylum application, it is necessary to take into consideration gender-specific forms of persecution.

(6) The care and accommodation arrangements for vulnerable persons shall be prescribed by the Minister of Labour and Social Policy.

Withdrawal of the asylum application

Article 36

(1) The asylum application shall be considered withdrawn and the procedure shall be stopped with a decision if it is established that the applicant:

- has withdrawn the asylum application;
- has not replied to an invitation for an interview in the Sector for Asylum, and has not justified his/her failure to attend the interview within five days as of the day of the scheduled interview; or
- has left the designated place of accommodation without permission during the course of the procedure, for longer than three days, without informing the competent authority or has not obtained approval to leave the designated place of accommodation from the competent authority;

(2) The applicant may file an appeal for initiating an administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court, within 30 days of the day of delivery of the decision.

(3) The appeal shall postpone the execution of the decision.

Delivery

Article 37

The official documentation in the asylum procedure shall be delivered in person to the applicant or to his/her parent, guardian or a proxy.

2. REGULAR PROCEDURE

Conducting a regular procedure

Article 38

(1) The regular asylum procedure in the first instance shall be conducted by the Sector for Asylum, which shall be obliged to take the decision within six months of the day of submission of the application.

(2) By way of derogation from paragraph (1) of this Article, should the Sector for Asylum, out of justified reasons, be unable to take the decision within the deadline established in paragraph (1), the procedure may be extended for three additional months, but no longer than up to nine months.

- (3) The justified reasons referred to in paragraph (2) of this Article shall imply that:
- it is necessary to establish complex factual, i.e. legal issues related to the asylum application;
 - a large number of third country nationals or stateless persons had simultaneously submitted asylum applications;
 - the applicant does not comply with his/her obligations laid down in Article 62 of this Law;
- (4) By way of derogation from paragraph (3) of this Article, the deadline can be extended for three additional months, for the purpose of full examination of the asylum application.
- (5) In the cases referred to in paragraphs (2) and (3) of this Article, the applicant shall be informed by the Sector for Asylum about the extension of the deadline for taking a decision, and at his/her own request, shall receive information on the reasons for extending the procedure and the deadline within which a decision should be taken.

Interview of the applicant

Article 39

- (1) Before the Sector for Asylum takes a decision, the applicant shall be provided with an opportunity to be interviewed in person, and the interview may be audio-recorded, of which the applicant shall be informed beforehand.
- (2) In the event the applicant is a person without procedural capacity, the interview shall be conducted in the presence of a parent, i.e. a guardian or a legal representative.
- (3) Interviewing of minors, i.e. unaccompanied minors, shall be conducted in the presence of a parent, i.e. a guardian or a legal representative.
- (4) The interview referred to in paragraph (1) of this Article shall be conducted under conditions that ensure adequate confidentiality.
- (5) The interview shall be conducted without the presence of the applicant's family members, unless the authorized official from the Sector for Asylum estimates that the presence of other family members shall be necessary to examine the asylum application.
- (6) The applicants shall have the right, at their own request, to be interviewed by an authorized official of the Sector for Asylum of the same sex, to the extent possible.
- (7) The authorized official conducting the interview shall have the expertise to take into consideration the personal or general circumstances of the applicant that are relevant to the asylum application, including the cultural background or vulnerability of the applicant, to the extent possible.
- (8) The authorized official conducting the interview shall provide an interpreter for the purpose of enabling adequate communication. In the event it is impossible for the communication to be in a language chosen by the applicant, the interview shall be conducted in a language the applicant can reasonably be assumed to understand and communicate in.
- (9) During the interview, the applicant shall present all facts and evidence relevant to establish the existence of well-founded fear of persecution in the sense of Article 5 of this Law or of serious harm in the sense of Article 9 of this Law.
- (10) Minutes shall be taken during the interview. The minutes shall be signed by the persons who participated in the interview. In the event the applicant does not agree with the contents of the minutes and refuses to sign them, this shall be recorded in the applicant's file.
- (11) When taking a decision during the asylum procedure, the authorized official may also take into consideration the fact that the applicant did not appear for an interview, except in the event there were justified reasons for his/her absence.

Subsidiary protection asylum interview

Article 40

In the event it has been established that the applicant does not meet the requirements for recognition of the right to asylum, the Sector for Asylum shall, *ex officio*, examine the existence of the

reasons for recognition of the right to asylum for subsidiary protection in accordance with Article 3, paragraph (1), indent 2 of this Law for a person with a refugee status in accordance with Article 3, paragraph (1), indent 1 of this Law,.

Reasons for rejection

Article 41

The asylum applications shall be rejected in a regular procedure if it is established that:

- there is no well-founded fear of persecution as defined in Article 5 of this Law;
- there are no risks of suffering serious harm as defined in Article 9 of this Law;
- there are reasons for exclusion referred to in Articles 8 and 10 of this Law;
- the persecution for reasons as defined in Article 5 of this Law and risks of suffering serious harm as defined in Article 9 of this Law, are limited only to a particular geographic area of the country of nationality, or, in the event of a stateless person, the country of former habitual residence, and there is a possibility for efficient protection in another part of the country, unless in light of all circumstances it cannot be expected for the person to ask for protection there.

Taking a decision and types of decisions

Article 42

(1) Based on the facts and evidence found during the procedure, the Sector for Asylum shall take a written decision for recognition of a refugee status, decision for recognition of status of a person under subsidiary protection, or a decision rejecting the asylum application.

(2)) Based on the facts and evidence found during the procedure, if both parents have acquired a refugee status or a status of a person under subsidiary protection, the Sector for Asylum may also take a decision recognizing the same status to their minor child who was born and lives on the territory of the Republic of Macedonia.

(3) In the event one parent has acquired the status referred to in paragraph (1) of this Article, the Sector for Asylum may take a decision recognizing the right to asylum, refugee status or status of a person under subsidiary protection, to a child who was born and lives on the territory of the Republic of Macedonia.

(4) The decision rejecting the application for recognizing of the right to asylum shall contain the reasons for which the application was not accepted as well as a reference to possible legal remedies.

Right to appeal and taking a decision

Article 43

(1) The applicant may initiate an administrative dispute against the decision of the Sector for Asylum before a competent court within 30 days of the day of delivery of the decision.

(2) The appeal shall postpone the execution of the decision.

(3) The procedure before the court shall be accelerated.

Subsequent asylum application

Article 44

A foreigner may submit a subsequent asylum application in the event new circumstances have emerged, i.e. the circumstances have significantly changed or the applicant has presented new evidence at the moment of taking a final decision rejecting his/her previous application.

3. ACCELERATED PROCEDURE

Objective of the procedure

Article 45

(1) The accelerated procedure shall be conducted if the asylum application is inadmissible or manifestly unfounded, unless the application was submitted by an unaccompanied minor or a person with mental disabilities, as well as persons for whom there is evidence or serious indications of exposure to torture, rape and other severe forms of psychological, physical or sexual violence.

(2) The Sector for Asylum shall conduct an interview in accordance with Article 39 of this Law, for the persons referred to in paragraph (1) of this Article.

Inadmissible applications

Article 46

The asylum application shall be considered inadmissible if:

- the person has arrived from a safe third country, where he/she could ask for recognition of the right to asylum, unless he/she contests that the third country is safe for him;
- has had the right to asylum recognized in another country and continues to enjoy the protection of that country; or
- upon submitting a subsequent asylum application it is established that the conditions from Article 44 of this Law have not been met;

Manifestly unfounded applications

Article 47

The asylum application shall be considered manifestly unfounded if:

- there are no grounds in the claim about fear of persecution because the application has not been submitted for the reasons laid down in this Law, but for the possibility of employment and better living conditions, or in the event the applicant gives no information that he/she would be exposed to persecution, or when his/her claims are impossible or contradictory;
- the application is based on deliberate deception or abuse of the procedure for recognizing the right to asylum;
- the person has arrived from a safe country of origin, unless he/she contests that the country of origin is safe for him;
- the person has arrived from a safe country of origin that is a Member State of the European Union, unless he/she contests that the country of origin is safe for him;
- without having a reasonable explanation, gives false statements deliberately in his/her asylum application, verbally or in writing, and those statements are of substantial nature and relevance for the determination of his/her status;
- without having a reasonable explanation, has based his/her application on a false identity or on forged documents, which he/she claims are authentic;
- deliberately destroys, damages or conceals a travel document, another document or evidence relevant to the procedure, in order to obstruct the course of the procedure and to delude the asylum authorities regarding his/her identity;
- the asylum application has been submitted to prevent the execution of the decision for expulsion from the territory of the Republic of Macedonia, and the applicant previously had sufficient opportunities to ask for recognition of the right to asylum;
- the person's asylum application has been rejected in another country upon examining the merits of the application, in a procedure that included adequate procedural guarantees in accordance with the Geneva Convention, except when new circumstances have emerged, i.e. the circumstances based on which his/her application in another country was rejected have significantly changed.

Taking a decision

Article 48

(1) In the events where the asylum application shall be considered inadmissible or manifestly unfounded, the Sector for Asylum shall take a decision rejecting the asylum application.

(2) The exposition of the decision referred to in paragraph (1) of this Article, shall state the reasons for rejection of the asylum application.

(3) The decision referred to in paragraph (1) of this Article shall be taken within 15 days of the day of submission of the asylum application.

Appeal against the decision rejecting the application

Article 49

(1) The applicant shall have the right to an appeal initiating an administrative dispute against the decision rejecting the asylum application in accelerated procedure, within 15 days of the day of delivery of the decision.

(2) The appeal referred to in paragraph (1) of this Article shall postpone the execution of the decision.

(3) The procedure before the competent court shall be accelerated.

CHAPTER III

CESSATION, CANCELLATION AND REVOCATION OF THE RIGHT TO ASYLUM

Cessation of the right to asylum

Article 50

(1) The right to refugee status recognized in the Republic of Macedonia shall cease for a person who:

- has voluntarily re-availed himself/herself of the protection of the country of his/her nationality;

- after having lost his/her nationality, has voluntarily re-acquired it;

- has voluntarily resettled in the country that he/she left or outside which he/she remained owing to fear of persecution;

- can no longer continue to refuse to avail himself/herself of the protection of the country of his/her nationality, because the circumstances in which he/she has been recognized as a refugee have ceased to exist;

- is a stateless person and may return to the country of his/her former habitual residence, because the circumstances in which he/she has been recognized as a refugee have ceased to exist.

(2) Apart from the cases referred to in paragraph (1) of this Article, the status of a person under subsidiary protection shall also cease if the conditions under which the status was approved no longer exist or have changed to such an extent that such protection is no longer necessary;

(3) Upon assessment of the existence of cases referred to in paragraph (1), indents 5 and 6 of this Article, it shall be considered whether the change in circumstances is of such significant and non-temporary nature that the fear of persecution of the person with refugee status can no longer be regarded as well-founded;

(4) The provisions referred to in paragraph (1), indents 5 and 6 of this Article shall not apply for a person with a refugee status who is able to state compelling reasons arising out of previous persecution, for refusing to avail himself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

(5) The provisions of this Law pertaining to the asylum procedure shall be applied accordingly for cessation of the right to asylum referred to in paragraphs (1) and (2) of this Article.

Cancellation and revocation of refugee status

Article 51

(1) The refugee status shall be cancelled in the event it is established that:

- the reasons for exclusion referred to in Article 8 of this Law existed before the recognition of the right to asylum in the Republic of Macedonia; or

- the status has been acquired by misrepresenting or not presenting facts, including by use of forged documents that were decisive for acquiring the refugee status;

(2) The Sector for Asylum that took the decision recognizing the refugee status to a person shall, on an individual basis, determine whether the person stopped being or never was a refugee, without prejudice to the duty of the refugee to submit the entire documentation at his/her disposal.

(3) The refugee status shall be revoked in the event it is established that:

- the reasons for exclusion referred to in Article 8 of this Law have arisen;

- the person constitutes a danger to the security of the country; or

- the person has been convicted for a particularly serious crime with a final decision and constitutes a danger to the country.

(4) The provisions of this Law pertaining to the asylum procedure shall be applied accordingly for the cancellation and revocation of the refugee status referred to in paragraphs (1) and (3) of this Article,

Cancellation and revocation of the status of a person under subsidiary protection

Article 52

(1) The status of a person under subsidiary protection shall be cancelled in the event it is established that:

- there were reasons for exclusion referred to in Article 10 of this Law prior to the recognition of the right to asylum in the Republic of Macedonia;

- the status has been acquired by misrepresenting or not presenting facts, including the use of forged documents that were decisive for acquiring the refugee status;

(2) The Sector for Asylum that took the decision recognizing the status of a person under subsidiary protection to a person shall, on an individual basis, determine whether the person stopped being or never was a person under subsidiary protection, without prejudice to the duty of the person under subsidiary protection to submit the entire documentation at his/her disposal.

(3) The status of a person under subsidiary protection shall be revoked in the event it is established that:

- the reasons for exclusion referred to in Article 10 of this Law have arisen;

- the person constitutes a danger to the community or the security of the country; or

- prior to entering the country, the person has committed a crime that is punishable by imprisonment, and the reason for leaving the country of origin was solely to avoid punishment prescribed with the national legislation of that country;

(4) The provisions of this Law pertaining to the asylum procedure shall be applied accordingly for the cancellation and revocation of the status of a person under subsidiary protection referred to in paragraphs (1) and (3) of this Article,

CHAPTER IV

DOCUMENTS

Issuing of documents

Article 53

(1) In terms of this Law, the following items shall be considered as documents:

- identification document for an applicant;

- identity card for a person with a refugee status and a person under subsidiary protection; and

- travel document for a person with a refugee status, in accordance with the Geneva Convention

(2) The person under subsidiary protection shall be issued a travel document in accordance with the regulations on foreigners.

(3) The documents referred to in paragraphs (1) and (2) of this Article shall be, in accordance with this Law, issued by the Ministry of Interior.

(4) The document referred to in paragraph (1), indents 1 and 2 of this Article shall be an identification document which the person shall be obliged to carry with himself and show upon request of the official legally authorized to identify;

(5) It shall be prohibited to give a document from paragraphs (1) and (2) of this Article to be used by another person or for the person to use another person's document as his/her own.

Identification document for an applicant

Article 54

(1) The applicant shall be issued an identification document within 15 days of the day of submission of the asylum application.

(2) The identification document for an applicant shall be valid until a final decision is taken in the asylum procedure, i.e. until the expiry of the period within which the person is obliged to leave the territory of the Republic of Macedonia, upon the entry into force of the decision rejecting his/her application.

(3) The identification document referred to in paragraph (1) of this Article shall certify the right to residence of the applicant for the duration of the period of validity of the identification document laid down in paragraph (2) of this Article.

Identity card

Article 55

(1) A person with a refugee status and a person under subsidiary protection at the age of over 18 shall be obliged to submit a request for issuing an identity card.

(2) The identity card may also be issued to a person with a refugee status and a person under subsidiary protection over the age of 15, at his/her own request, upon prior consent by the parent or the guardian.

(3) The identity card for a person with a refugee status shall be issued with a validity period of at least three years and it shall be renewed, unless that is impossible due to reasons related to national security or public order.

(4) The identity card for a person under subsidiary protection shall be issued with a validity period of at least one year and it shall be renewed for at least two years, unless that is impossible due to reasons related to national security or public order.

(5) The identity card for a person with a refugee status or a person under subsidiary protection shall certify the right to residence.

(6) A personal identification number shall be designated for a person with a refugee status and a person under subsidiary protection.

Travel document

Article 56

(1) A travel document for a person with a refugee status shall be issued with a validity period of two years. The travel document of a person with a refugee status shall be issued upon personal request, except for a person with a refugee status under 18 years of age, on behalf of whom the request for issuing a travel document shall be submitted by his/her parent or guardian.

(2) The person with refugee status shall not, in principle, acquire the right to receive assistance from the diplomatic missions and consular posts of the Republic of Macedonia abroad, by issuing to him/her a travel document referred to in paragraph (1) of this Article,.

(3) Upon request of a person under subsidiary protection, he/she shall be issued a travel document in accordance with the regulations on foreigners.

Rejection to issue and confiscation of a travel document

Article 57

(1) A travel document shall not be issued to a person with a refugee status:

- against whom there are ongoing criminal or misdemeanor proceedings, upon request of a competent court;
- who has been sentenced to imprisonment without possibility of probation, until the complete serving of the sentence; and
- upon request of a competent authority, in the event he/she has not settled his/her property and legal or financial duties toward the Republic of Macedonia;

(2) If the reasons referred to in paragraph (1) of this Article existed prior to the day of issuing of the travel document and they were discovered later, or the reasons arose after the day of issuing, the travel document shall be confiscated.

(3) The decision rejecting the request for issuing a travel document, i.e. confiscating a travel document, shall contain the reasons thereof.

(4) An administrative dispute against the decision from paragraph (3) of this Article may be initiated before a competent court.

(5) The appeal against the decision for confiscation of a travel document shall not postpone its execution.

(6) The regulations on foreigners shall apply for the rejection to issue or confiscation of a travel document.

Return of documents

Article 58

(1) Upon entering into force of the decision rejecting the asylum application, cessation, cancellation or revocation of the right to asylum, the person shall be obliged to return the issued documents.

(2) The applicant who has submitted a request for withdrawal in accordance with Article 36 of this Law, shall be obliged to return the documents issued by the Ministry of Interior with the request.

Disappearance or damaging of a document

Article 59

(1) The person who has been issued a document in accordance with this Law shall be obliged, within two days from the day he/she became aware that the document has disappeared or was damaged, to report its disappearance or damaging to the Ministry of Interior.

(2) The person referred to in paragraph (1) of this Article shall submit a written statement to the Sector for Asylum regarding the time, place and manner in which the document has disappeared or was damaged.

CHAPTER V

LEGAL STATUS

General obligations

Article 60

(1) Each applicant or person with granted asylum in the Republic of Macedonia, during his residence in the Republic of Macedonia, is obliged to uphold the Constitution of the Republic of Macedonia, the laws, other regulations and decisions of state authorities, as well as act in accordance with the obligations laid down in international treaties ratified in accordance with the Constitution of the Republic of Macedonia.

(2) The Ministry of Labour and Social Policy, for the purpose of facilitating the integration of applicants or persons with granted asylum in the Republic of Macedonia, prepares integration programmes.

1. RIGHTS AND OBLIGATIONS OF THE APPLICANTS

Rights of the applicants

Article 61

(1) The applicants shall, until the taking of a final decision in the procedure for recognition of the right to asylum, have the right to:

- residence;
- identification document;
- freedom of movement;
- free legal assistance;
- adequate accommodation and care in a Reception Centre or another place of accommodation determined by the Ministry of Labour, should he/she express need for it;
- family unity;
- basic health services in accordance with the regulations on health insurance;
- right to social protection in accordance with the regulations on social protection;
- right to education in accordance with the regulations on elementary and secondary education;
- work only within the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy, and right to free access to the labour market for an applicant whose asylum application has not been decided upon by the Sector for Asylum within a period not exceeding nine months since the submission of the application;
- access to available programmes for early integration; and
- contacts with the High Commissioner for Refugees, as well as non-governmental organizations for the purpose of providing legal assistance in the procedure for recognition of the right to asylum.

(2) The Ministry of Labour and Social Policy shall inform the applicants on the rights listed in paragraph (1) of this Article in writing, in a language they can reasonably be presumed to understand, or verbally with the assistance of an interpreter.

(3) The Ministry of Labour and Social Policy shall be responsible about ensuring means of sustenance and health insurance for the applicants as long as they stay in the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy.

(4) The reception standards for applicants shall be prescribed by the Minister of Labour and Social Policy.

Obligations of the applicants

Article 62

(1) The applicant shall be obliged to:

- to reside in the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy and not leave the place of accommodation determined by the competent authority without informing it thereof or without having permission to leave the place, if necessary;

- to cooperate with the asylum authorities, especially to provide personal data, to hand over the identification and other types of documents that he/she may possess, to allow his or her photographing and fingerprinting, physical search and search of the luggage, as well as search of the vehicle by which he/she has arrived in the Republic of Macedonia, as well as to provide data about his or her property and income;

- to subject himself/herself to medical examinations, treatments and omitted immunisation upon request of the competent authorities in the area of healthcare, in case of danger to public health; and

- to respect the house rules of the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy and not manifest violent behavior;

(2) If the applicant commits serious violations of the provisions referred to in paragraph (1), indent 4 of this Article, as well as if he/she manifests violent behaviour, the competent authority may take a decision to revoke the right to accommodation in the Reception Centre, i.e. for compensation of the damage that the applicant has caused. The competent authority shall take the decision for each case separately and objectively, by listing the reasons behind it, against which the applicant has the right to appeal in accordance with the regulations for social protection. The appeal shall postpone the execution of the decision.

(3) During his stay in the Reception Centre, the applicant may submit a request to the Ministry of Labour and Social Policy to reside outside the Reception Centre at his/her own expense, after the photographing and fingerprinting has been conducted.

(4) The applicants that have been approved stay outside the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy shall be obliged to report their new address to the Sector for Asylum within three days of the day of delivery of approval to reside outside the Reception Centre.

Limitation of freedom of movement

Article 63

(1) The applicant may, by exception, have his freedom of movement limited, if other less coercive alternative measures in accordance with the national legislation (confiscation of an identification document, regular reporting) cannot be applied effectively.

(2) The exceptions referred to in paragraph (1) of this Article shall include only:

- establishing and check of identity and nationality;
- establishing the facts and circumstances on grounds of which the asylum application has been submitted, which cannot be established without limitation of the freedom of movement, especially if it is estimated that there is a risk of absconding;
- protection of public order or national security or
- detention of the foreigner for the purposes of a procedure in accordance with the regulations on foreigners on return of foreigners who reside in the country illegally, in order to prepare the return or to implement the process of removal, when he/she has already had access to the asylum procedure, and there is reasonable ground to believe that he/she has submitted an application for international protection in order to postpone or obstruct the execution of the decision for return.

(3) The risk of absconding of the applicant shall be assessed on the basis of facts and circumstances for an individual case, especially taking into consideration previous attempts to voluntarily leave the Republic of Macedonia, refusal to have their identity checked and established, presenting of false data about his/her identity and nationality.

Measures for limitation of freedom of movement

Article 64

(1) The freedom of movement from Article 63 of this Law may be limited with the following measures:

- prohibition of movement outside the Reception Centre for Asylum-Seekers or another place of accommodation determined by the Ministry of Labour and Social Policy; or
- Accommodation in a Reception Centre for Foreigners.

(2) The measures for limitation of freedom of movement referred to in paragraph (1) of this Article shall be imposed for a maximum period of three months from the day of delivery of the decision imposing limitation of freedom of movement, and by exception, provided that the reasons for their imposing continue to exist, they may be extended by a maximum of three months.

(3) The manner of limitation of freedom of movement for an applicant shall be prescribed by the Minister of Interior.

Authority taking a decision for limitation of freedom of movement

Article 65

(1) The Ministry of Interior shall take a decision imposing a measure for limitation of freedom of movement for an applicant, determining the validity period of the measure.

(2) Against the decision referred to in paragraph (1) of this Article, the applicant has the right to appeal before a competent court within five days of the day of reception of the decision.

(3) The appeal shall not postpone the execution of the decision.

(4) The procedure before the competent court shall be accelerated.

Rights of the applicant regarding limitation of freedom of movement

Article 66

(1) The applicant that has had a measure of limitation of freedom of movement imposed has the right to be immediately informed about the right to appeal and exercising of the right to free legal assistance in a language the applicant can reasonably be presumed to understand.

(2) 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.

(3) The accommodation of unaccompanied minors and vulnerable persons in a Reception Centre for Foreigners shall be prescribed with an act of the Reception Centre for Foreigners.

2. RIGHTS AND OBLIGATIONS OF A PERSON WITH REFUGEE STATUS

Personal status and right to residence

Article 67

The person with refugee status shall have the right to reside on the territory of the Republic of Macedonia.

Rights and obligations

Article 68

(1) If not otherwise stipulated by this Law or another law, the persons with refugee status have the same rights and obligations as the citizens of the Republic of Macedonia, with the following exceptions:

- they do not have the right to vote;
- they cannot conduct business activity, be employed or form associations or political parties, in case when there is a legal requirement that the person has nationality of the Republic of Macedonia.

(2) The persons with refugee status may acquire the right to property for movable or immovable property, employment or conducting business activity, under conditions established by a law that regulates this right for the foreigners in the Republic of Macedonia.

Accommodation

Article 69

(1) The person with refugee status shall be provided accommodation by the Ministry of Labour and Social Policy, by way of providing for use an adequate apartment or financial assistance necessary to secure accommodation space, until securing means of sustenance for oneself, in a period not exceeding two years from acquiring refugee status, and in case the person actively participates in the process of integration, this period may be extended in accordance with the integration programme.

(2) If the person with refugee status refuses the accommodation space granted by the Ministry of Labour and Social Policy, or if the person is not actively included in the integration programmes after a period of two years, he/she loses the right to accommodation and may settle elsewhere at his own choice and expense.

(3) The Minister of Labour and Social Policy shall prescribe the immediate criteria and manner of use of an adequate apartment for accommodation or financial assistance necessary for securing accommodation space for persons with refugee status in accordance with their needs.

Principle of local participation

Article 70

The principle of local participation shall mean an obligation of the local self-government units to accept responsibility for accommodation of persons with refugee status and persons under subsidiary protection, depending on the level of economic development and number of inhabitants of local self-government units, which is decided by the Government of the Republic of Macedonia (hereinafter referred to in as: the Government).

Social protection rights

Article 71

A person with refugee status, from the day of delivery of the decision recognizing refugee status, shall become equal with the nationals of the Republic of Macedonia with regard to the exercising of social protection rights established by the Law on Social Protection.

Healthcare

Article 72

Until acquiring capacity of a person with health insurance in accordance with the Law on Health Insurance, the person with refugee status has the right to health care under the same conditions as the nationals of the Republic of Macedonia.

Employment and social security rights

Article 73

(1) The persons with refugee status exercise the right to employment in accordance with this Law and the regulations on employment and work of foreigners.

(2) With regard to the rights of employment, health, pension and disability insurance, the persons with refugee status are equal with the nationals of the Republic of Macedonia.

Sources of funding and competent authority in charge of the exercising of the rights

Article 74

(1) The funds for accommodation, social protection and healthcare referred to in Articles 35, 69, 71, 72 and 73 of this Law shall be provided from the Budget of the Republic of Macedonia.

(2) The Ministry of Labour and Social Policy shall be in charge of accommodation and exercising of social protection and healthcare rights referred to in Articles 35, 69, 71, 72 and 73 of this Law.

Transfer of property, invested capital and profit

Article 75

In accordance with the legal regulations of the Republic of Macedonia, the person with refugee status shall have the right to transfer of property that has been brought into the territory of the Republic of Macedonia and freedom of taking out invested capital and profit to another country in which he/she has been admitted for the purpose of residence.

3. RIGHTS AND OBLIGATIONS OF PERSONS UNDER SUBSIDIARY PROTECTION

Personal status and right to residence

Article 76

The person under subsidiary protection shall have the right to reside on the territory of the Republic of Macedonia.

Rights and obligations

Article 77

(1) The person under subsidiary protection, from the day of delivery of the decision recognizing status of a person under subsidiary protection, shall become equal with the nationals of the Republic of Macedonia with regard to the exercising of social protection rights established by the Law on Social Protection, and shall exercise the right to healthcare in accordance with Article 72 of this Law.

(2) The persons under subsidiary protection shall have the same rights and obligations as the foreigners with granted temporary residence on the territory of the Republic of Macedonia, unless otherwise stipulated by this Law or another law.

Accommodation

Article 78

The person under subsidiary protection shall be provided accommodation in accordance with Article 69 of this Law.

CHAPTER VI VOLUNTARY LEAVING AND VOLUNTARY REPATRIATION

Voluntary leaving

Article 79

(1) Following the finality of the decision rejecting, cancelling revoking or ceasing the right to asylum in the Republic of Macedonia, the Ministry of Interior, Sector for Asylum, shall inform the person in writing about the deadline within which the person is obliged to voluntarily leave the territory of the Republic of Macedonia, which cannot be shorter than 15 days, or regulate his/her stay in accordance with the Law on Foreigners.

(2) Should the person not act in accordance with paragraph (1) of this Article, he/she shall be treated in accordance with the regulations for foreigners.

Voluntary repatriation

Article 80

Upon request of a person who has had international protection recognized in the Republic of Macedonia, as well as following cessation of the right to asylum in the Republic of Macedonia, the Ministry of Labour and Social Policy in cooperation with the Ministry of Interior and the High

Commissioner for Refugees, shall enable organized voluntary repatriation of the persons to their country of origin.

CHAPTER VII

APPLICATION OF PROVISIONS FOR EXPULSION

Application of provisions for expulsion from the Law on Foreigners

Article 81

In case the rejected person, as well as the person whose right to asylum has ceased, has been cancelled or revoked in accordance with this Law, does not leave the territory of the Republic of Macedonia within the timeframe prescribed by the Sector for Asylum, his or her expulsion from the Republic of Macedonia shall be implemented in accordance with this Law and the regulations on foreigners.

CHAPTER VIII

RIGHT TO TEMPORARY PROTECTION

Conditions for acquiring temporary protection

Article 82

(1) In the event of mass influx of persons arriving directly from a country where their lives, safety or freedom have been endangered by war, civil war, occupation, internal conflict characterized by violence or mass violations of human rights, the Government may grant them temporary protection.

(2) The Government, before the expiry of the period of temporary protection, shall re-examine the existence of the circumstances referred to in paragraph (1) of this Article and shall decide on extension or termination of the temporary protection.

(3) The temporary protection in the Republic of Macedonia shall have a validity period of one year. The total validity period of the temporary protection shall not exceed three years.

Article 83

A person shall be excluded from temporary protection in the event of existence of reasons for exclusion from Articles 8 and 10 of this Law.

Application of provisions from this Law

Article 84

The provisions referred to in Articles 14 (principle of *non-refoulement*), 16 (family reunification), 27 (unlawful entry and residence in the Republic of Macedonia), 34 (unaccompanied minors), 35 (vulnerable persons) and 60 (general obligations) of this Law apply also to the persons under temporary protection.

Information on the rights and obligations

Article 85

The Sector for Asylum shall, in writing, as soon as possible, inform the person under temporary protection about his rights and obligations, in a language the person under temporary protection can reasonably be presumed to understand and communicate in.

Rights of persons under temporary protection

Article 86

(1) The persons under temporary protection shall have the right to:

- residence and care in the Republic of Macedonia for the duration of the temporary protection, in accordance with the economic possibilities of the Republic of Macedonia;
- work, healthcare and pension and disability insurance, under the same conditions that are envisaged by adequate regulations for foreigners with granted temporary residence in the Republic of Macedonia;
- humanitarian assistance and basic health services for unemployed persons under temporary protection; and
- elementary and secondary education, whereas with regard to the higher degrees of education, the persons under temporary protection are equal with the foreigners who have been granted temporary residence in the Republic of Macedonia.

(2) The residence referred to in paragraph (1), indent 1 of this Article shall not be considered as legal residence in terms of the Law on Foreigners and the Law on Citizenship of the Republic of Macedonia.

(3) The Ministry of Labour and Social Policy shall be responsible for exercising of the rights referred to in paragraph (1) of this Article.

(4) After cessation of the person's temporary protection, he is treated in accordance with the regulations on foreigners.

Identity document for a person under temporary protection

Article 87

(1) The Ministry of Interior shall keep a registry of the persons under temporary protection and shall issue them identification documents.

(2) The identification document referred to in paragraph (1) of this Article is with a validity period until the ending of the temporary protection in the Republic of Macedonia.

(3) The provisions of Article 53, paragraphs (3), (4) and (5) of this Law, apply also to the identification document of persons under temporary protection.

Submission of asylum application

Article 88

(1) A person under temporary protection has the right to submit an asylum application at any given time.

(2) The person under temporary protection whose asylum application has been rejected, shall enjoy temporary protection until the expiry of the period for which it was granted.

(3) For the person under temporary protection that submitted an asylum application which has not been decided upon within the period of the temporary protection, the asylum procedure continues after the expiry of that period.

Voluntary repatriation and forced removal

Article 89

(1) Following the ending of the temporary protection in the Republic of Macedonia, upon request of the person under temporary protection, the Ministry of Interior shall take all necessary measures in accordance with the law for organized voluntary return of the persons in their country of origin, taking into account human dignity.

(2) In case when the person does not leave the territory of the Republic of Macedonia voluntarily, he/she shall be forcibly removed from the territory of the Republic of Macedonia, in accordance with the regulations on foreigners.

CHAPTER IX

PROCESSING AND PROTECTION OF PERSONAL DATA

Integrated database of foreigners, including data on asylum, migrations and visas

Article 90

(1) The Sector for Asylum shall process and use data from the Integrated database of foreigners that is based in the Ministry of Interior, including data on asylum, migrations and visas, in accordance with the regulations on data protection and regulations on foreigners, as well as processes other personal data of an applicant, person with refugee status, person under subsidiary protection, members of nuclear family accompanying the applicant, person with refugee status, i.e. person under subsidiary protection, and data on their residence and rights they exercise in the Republic of Macedonia.

(2) Personal data processed by the Sector for Asylum about an applicant, person with refugee status and person under subsidiary protection shall be: personal name, maiden name, pseudonym, parents' names, sex, day, month and year of birth, place of birth, nationality, identification number, fingerprints and photograph.

(3) Personal data processed by the Sector for Asylum about members of nuclear family accompanying the applicant, person with refugee status, i.e. the person under subsidiary protection shall be: personal name, day, month and year of birth, place of birth, nationality and relation.

(4) The personal data processed and used by the Sector for Asylum shall be kept for 10 years since the day of beginning their processing.

Using data of other authorities

Article 91

The Sector for Asylum may use data of other authorities, which in accordance with their legal authority, keep registries of applicants and persons with refugee status and persons with status of subsidiary protection, for the objectives established by this Law.

Exchange of data

Article 92

(1) The data from the Integrated database on foreigners, including data on asylum, migrations and visas, cannot be exchanged with the country of origin of the person to whom that data pertains or with the country of origin of his family members.

(2) In order to execute the decision for expulsion from the territory of the Republic of Macedonia for a person whose application for recognition of the right to asylum has been rejected with a final decision, or whose right to asylum in the Republic of Macedonia has ceased in accordance with Article 50 of this Law with a final decision, the Ministry of Interior may exchange the following data with the competent authorities of other countries:

- personal and family name, date and place of birth, sex, nationality, last place of residence and address of the apartment, data on the number of family members and documents issued by the country of origin; and
- fingerprints and photographs.

CHAPTER X

MISDEMEANOUR PROVISIONS

Article 93

A fine in the amount of 20 to 40 Euros in Denar equivalent shall be imposed for a misdemeanour to a natural person who:

- gives the documents referred to in Article 53, paragraph (1) for service, i.e. uses another person's identification document as his own (Article 53, paragraph (5));
- having completed 18 years of age, does not submit a request for issuing of an identity card (Article 55, paragraph (1)); and

- does not return the issued travel document and identity card to the Ministry of Interior upon cessation of the right to asylum (Article 58).

Article 94

A fine in the amount of 100 to 200 Euros in Denar equivalent shall be imposed for a misdemeanor to a natural person who:

- does not keep as confidential the data he learned during the course of the procedure (Article 31, paragraph (3) and Article 32, paragraph (4));
- does not carry along the identification document or refuse to show it upon request of an official legally authorised for identification (Article 53, paragraph (4));
- does not report disappearance of or damage to a document in accordance with this Law to the Ministry of Interior within two days (Article 59, paragraph (1)); and
- acts contrary to Article 62 of this Law.

Article 95

For the misdemeanors established by this Law, the misdemeanor proceedings are conducted and a misdemeanor penalty is imposed by a competent court.

CHAPTER XI

AUTHORISATION FOR ADOPTING A BYLAW

Article 96

The Minister of Interior adopts a bylaw on the form certifying the expressed intention for submitting an asylum application, the form of the asylum application, the form for initial registration interview of an applicant, the form for a transcript for a conducted interview about a submitted asylum application, the form for an asylum application on the basis of family reunification, the manner of obtaining fingerprints and photographing of the applicants, the form and manner of issuing and replacement of documents of applicants and persons who have had the right to asylum recognised or temporary protection granted (identification document for an applicant, identity card for a person with refugee status, identity card for a person under subsidiary protection, travel document for a person with refugee status, identification document for persons under temporary protection) in the Republic of Macedonia, and the manner of keeping registry.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Article 97

The bylaws envisaged by this Law shall be adopted within six months of the day of entry into force of this Law.

Article 98

The procedures initiated until the day of entry into force of this Law shall be completed in accordance with the provisions of the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” number 49/2003, 66/2007, 142/2008, 146/2009, 166/12, 101/15, 152/15, 55/16 and 71/16).

Article 99

The documents issued in accordance with the provisions that were valid until the day of entry into force of this Law shall continue to be valid until the expiry of the period of validity entered therein.

Article 100

With the day of entry into force of this Law, the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” number 49/2003, 66/2007, 142/2008, 146/2009, 166/12, 101/15, 152/15, 55/16 and 71/16) ceases to be valid.

Article 101

This Law enters into force on the eighth day from the day of publishing in the “Official Gazette of the Republic of Macedonia”.