

Official Gazette of the Republic of Macedonia
Number 142, Year: LXIV, Monday, 10 November 2008

2898.

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 the:

PROMULGATION

DECLARING THE LAW CHANGING AND AMENDING THE LAW ON ASYLUM AND TEMPORARY PROTECTION

The Law Changing and Amending the Law on Asylum and Temporary Protection, adopted by the Assembly of the Republic of Macedonia at its session held on 6 November 2008, is hereby declared.

No. 07-4885/1
6 November 2008
Skopje

President of the
Republic of Macedonia
Branko Crvenkovski
(given under his hand)

President of the
Assembly of the Republic of
Macedonia
Trajko Veljanoski
(given under his hand)

LAW CHANGING AND AMENDING THE LAW ON ASYLUM AND TEMPORARY PROTECTION

Article 1

In the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Macedonia", No. 49/2003 and 66/2007), in Article 2, sub-paragraph 2 the conjunction "and" is being replaced with a full stop, and the sub-paragraph 3 is being deleted.

Article 2

Article 5 is being deleted.

Article 3

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In Article 7, paragraph 1, following the word “refugee” the words “or person under humanitarian protection” are being replaced with the words: “or person under subsidiary protection”.

Article 4

In Article 8, paragraph 1, following the word “refugee” the comma is being replaced with the conjunction “and” , while the words: “and person under humanitarian protection” are being deleted.

Article 5

In Article 9, following paragraph 2 a new paragraph 3 is being added, which reads:

“The Government of the Republic of Macedonia shall establish the list of safe country of origin.”

Article 6

In Article 11, following the word “refugees” the comma is being replaced with the conjunction “and”, and the words “and persons under humanitarian protection” are being deleted.

Article 7

In Article 12, paragraph 2 is being changed and it reads:

“Against the decision of paragraph 1 of this Article an administrative dispute may be initiated before the competent court.”

Article 8

In Article 17, paragraph 1 the words “4, 4-a and 5” are being replaced with the words: “4 and 4-a”.

Article 9

The heading of Article 19 is being changed and it reads: “Relation to the Procedure for Granting Residence Permit of the Law on Aliens”.

Article 10

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In Article 19, paragraphs 1 and 2 the words: “Law on Movement and Residence of Aliens” are being replaced with the words: “Law on Aliens”, while in paragraph 2 the word “approval” is being replaced with the word “permit”.

Article 11

In Article 24 paragraph 2 is being changed and it reads:
“Against the conclusion set forth in paragraph 1 of this Article, the asylum seeker may submit a lawsuit for instigating an administrative dispute before the competent court, within 30 days from the day of delivery of the conclusion.”

In paragraph 3, the word “appeal” is being replaced with the word “lawsuit”.

Article 12

In the heading of and in the very Article 25, the words: “Law on Movement and Residence of Aliens” are being replaced with the words: “Law on Aliens”.

Article 13

In the heading of Article 30, the words “or humanitarian protection” are being deleted.

Article 14

In Article 30 a full stop is being placed after the words “pursuant to Article 2 subparagraph 2 of this law”, while the rest of the words until the end of the sentence are being deleted.

Article 15

In Article 31, paragraph 1, following the word “protection” the words “a decision to recognise the status of a person under humanitarian protection” are being deleted.

Article 16

The heading of Article 32 is being changed and it reads:
“Right to Lawsuit and Taking of Decision”

Article 17

Article 32 is being changed and it reads as follows:

“The asylum seeker may instigate an administrative dispute against the decision of the Section for Asylum to a competent court within 30 days from the day of delivery of the decision.

The lawsuit shall suspend the execution of the decision.

The competent court shall take the decision within two months from the day of submission of the lawsuit.

Upon request of the plaintiff, the Section for Asylum shall suspend the execution of the decision, until the final court verdict, in the cases and in a manner established by the Law on Administrative Disputes.”

Article 18:

In the heading of Article 37, the word “Appeal” is being replaced with the word “Lawsuit”.

Article 19

In Article 37, paragraph 1 the word “Appeal” is being replaced with the word “Lawsuit”.

In paragraph 2 the word “Appeal” is being replaced with the word “Lawsuit”.

Paragraph 3 is being changed and it reads:

“The competent court shall decide upon the lawsuit of paragraph 1 of this Article within 15 days from the day of submission of the lawsuit. “

Paragraph 4 is being deleted.

Article 20

In Article 38, paragraph 1, sub-paragraph 7, the words “Law on Movement and Residence of Aliens” are being replaced with the words “Law on Aliens”.

Article 21

In Article 39, paragraph 1 sub-paragraph 2 after the word “refugee”, the comma is being replaced with the conjunction “and”, and the words “and person under humanitarian protection” are being deleted.

Article 22

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In Article 41 paragraph 1, after the word “refugee” the comma is being replaced with the conjunction “and”, and the words “and person under humanitarian protection” are being deleted.

In paragraph 3 the words “and person under humanitarian protection” are being deleted.

In paragraph 4 after the word “refugee” the comma is being replaced with the conjunction “and” and the words “and the person under humanitarian protection” are being deleted.

Article 23

In Article 43 paragraph 4 the words “an appeal to the Competent Commission of the Government may be lodged” are being replaced with the words “an administrative dispute may be instigated before a competent court”.

In paragraph 5 the word “appeal” is being replaced with the word “lawsuit”.

Article 24

Article 45 is being changed and it reads:

“The asylum seeker or person under subsidiary protection may be issued a travel document, in accordance with the provisions of the Law on Aliens.”

Article 25

In Article 48, paragraph 1, following sub-paragraph 3 a new sub-paragraph 4 is added which reads:

- “right to social protection”.

In sub-paragraph 4 which becomes sub-paragraph 5, following the conjunction “and” the following words are added: “as well as the right of free access to the labour market for an asylum-seeker whose application for recognition of the right of asylum has not been decided upon during the period of one year, after the expiry of the one year period.”

Article 26

In Article 56 paragraph 1, the word “approval” is being replaced with the word “permit”.

Article 27

In Chapter V in the heading of sub-chapter 3 “RIGHTS AND DUTIES OF PERSONS UNDER SUBSIDIARY PROTECTION AND PERSONS UNDER HUMANITARIAN

PROTECTION” the words: “AND PERSONS UNDER HUMANITARIAN PROTECTION” are being deleted.

Article 28

Article 58 is being changed and it reads:

“With the day of delivery of decision for recognition of the right to asylum for subsidiary protection, the person under subsidiary protection shall acquire the right of residence in the territory of the Republic of Macedonia for a period of up to one year and the same shall be extended should the reasons of Article 4-a of this Law still exist.”

Article 29

Article 59 is being changed and it reads:

“The person under subsidiary protection shall be provided with accommodation pursuant to Article 52 of this law, but for a maximum period of one year from the day of delivery of the decision for recognition of the status of person under subsidiary protection. “

Article 30

In Article 60 paragraph 1 the words: “and person under humanitarian protection” are being deleted.

In paragraph 2, the words: “and persons under humanitarian protection” are being deleted, while the word “approval” is being replaced with the word “permit”.

Article 31

In Article 64, paragraph 1, in sub-paragraphs 2 and 4, the word “approval” is being replaced with the word “permit”.

In paragraph 2 the words: “Law on Movement and Residence of Aliens” are being replaced with the words: “Law on Aliens”.

Article 32

In Article 67 following the word “refugees” the comma is being replaced with the conjunction “and” while the words: “and persons under humanitarian protection” are being deleted.

Article 33

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The Legislative - legal Committee of the Assembly of the Republic of Macedonia is hereby authorised to establish the Revised Text of the Law on Asylum and Temporary Protection.

Article 34

This Law shall enter into force on the eighth day from the day of its publication in the “Official Gazette of the Republic of Macedonia”.