

871.

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 18 May 2007, is hereby declared.

No. 07-2245/1
18 May 2007
Skopje

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

President of the
Assembly of the Republic of
Macedonia
Ljubisa Georgievski
(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), in Article 2, following sub-paragraph 1, the conjunction “and” at the end of the sentence is replaced with a semicolon:

Following sub-paragraph 1 a new sub-paragraph 2 is added which reads:

- “a Person under Subsidiary Protection, and”

Sub-paragraph 2 becomes sub-paragraph 3.

Article 2

Following Article 4 a new Article 4-a is added, which reads:

“Person under Subsidiary Protection Article 4-a

A Person under Subsidiary Protection is an alien who does not qualify as a recognised refugee but to whom the Republic of Macedonia shall recognize the right of asylum and shall allow to remain within its territory, because substantial grounds exist for believing that if he returns to the state of his nationality, or if he is a stateless person, to the state of his previous habitual residence, he would face a real risk of suffering serious harms.

Serious harms, in the sense of paragraph 1 of this Article are:

- death penalty or execution;
- torture or inhuman or degrading behaviour or punishment, or
- serious and individual threats to a civilian’s life or person by reason of indiscriminate violence in situation of international or internal armed conflict.”

Article 3

In Article 6 following paragraph 1 a new paragraph 2 is added which reads:

“Besides the reasons established in paragraph 1 of this Article, a Person under Subsidiary Protection cannot enjoy the right of asylum of the Republic of Macedonia, also if she or he:

- constitutes a danger to the security of the Republic of Macedonia and
- prior to his or her admission in the Republic of Macedonia has committed one or more crimes outside the scope of paragraph 1 of this Article, which would be punishable by imprisonment, had they been committed in the Republic of Macedonia, and if she or he has left her/his country of origin in order to avoid sanctions for the crimes committed.”

Article 4

In Article 8 paragraph 1, after the word: “refugee”, a comma and the words: “ Person under Subsidiary Protection” are added.

Article 5

In Article 9 and 10 paragraph 1, after the word “law”, the words “or from suffering serious harms as defined in Article 4-a of this law” are added.

Article 6

In Article 11, after the word: “refugee” a comma and the words: “Persons under Subsidiary Protection” are added.

Article 7

In Article 17 paragraph 1, after number 4, a comma and number: 4-a” are added.

Article 8

In the heading of Article 30, after the word “for” the words “subsidiary protection or” are added.

In Article 30, after the word “for” the words “subsidiary protection, pursuant to Article 2, sub-paragraph 2 of this law or” are added, and the words “sub-paragraph 2”, are replaced with the words “sub-paragraph 3”.

Article 9

In article 31 paragraph 1, after the word “refugee” the words: “decision for recognition of the status of a person under subsidiary protection” are added.

Article 10

In Article 38 paragraph 1, after sub-paragraph 4, four new sub-paragraphs are added which read as follows:

- “who will pass away;
- who has acquired citizenship of the Republic of Macedonia;
- who has been issued a residence permit pursuant to the provisions of the Law on Movement and Residence of Aliens;
- who will voluntarily leave the territory of the Republic of Macedonia;”

Sub-paragraphs 5 and 6 become sub-paragraphs 9 and 10.

Article 11

In Article 39 paragraph 1 sub-paragraph 2, after the word “refugee” a comma and the words: “a person under subsidiary protection” are added.

Article 12

In Article 41, paragraph 1, after the word “refugee” a comma and the words: “a person under subsidiary protection” are added.

In paragraph 3, after the word “for” the words: “a person under subsidiary protection and” are added.

In paragraph 4, after the word “refugee”, a comma and the words: “a person under subsidiary protection” are added.

Article 13

In Article 45, after the word “asylum” a comma and the words: “a person under subsidiary protection” are added.

Article 14

In Chapter V, in the title of sub-heading 3, after the word “OF” the words: “PERSONS UNDER SUBSIDIARY PROTECTION AND” are added.

Article 15

In Article 58, after the words: “delivery of “, the words: “decision for recognition of the right of asylum for subsidiary protection respectively of”, after the word “person” the words “under subsidiary protection respectively the person” are added, and after the word “of” the words “Article 4-a or” are added.

Article 16

In Article 59, after the word “of” in the first raw, the words: “person under subsidiary protection respectively” are added, and after the words “delivery of” the words: “decision for recognition of the status of person under subsidiary protection respectively” are added.

Article 17

In Article 60, the word “the person” in the first raw is replaced by the words: “the person under subsidiary protection and person”.

In paragraph 2, after the word “determined” the words “persons under subsidiary protection and” are added.

Article 18

In Article 67, after the word “refugees” a comma and the words “persons under subsidiary protection” are added.

Article 19

The title of Chapter VIII is changed and reads: “MISDEMEANOR PROVISIONS”

Article 20

In Article 69 paragraph 1, the introductory sentence is changed and it reads:

“A fine in the amount of 20 up to 80 euro in denar counter value shall be declared for an offence to a natural person who:”.

Article 21

In Article 70 paragraph 1, the introductory sentence is changed and it reads:

“A fine in the amount of 300 euro in denar counter value shall be declared for an offence to a natural person who:”.

Article 22

Following Article 70 a new Article 70-a is added, which reads:

“Article 70-a

A Commission of the Ministry of the Interior conducts the misdemeanour procedure for the offences defined in the provisions of Article 69 and 70 of this law.

The Commission of paragraph 1 of this Article consists of two Members and a President of the Commission.

The Members of the Commission have completed high education and a working experience of at least four years on the subject matter, while the President of the Commission is a graduate lawyer who has passed the judicial exam and has a working experience of at least six years in the subject matter.”

Article 23

This Law shall enter into force on the eighth day following the day of its publication in the “Official Gazette of the Republic of Macedonia” and its application shall commence as of 1 July 2008, with the exception of the provisions of Articles 10, 19, 20, 21 and 22 of this law”.