

## **LEGISLATIVE -LEGAL COMMITTEE OF THE ASSEMBLY OF THE REPUBLIC OF MACEDONIA**

**20130541215**

Pursuant to Article 29 of the Law Changing and Amending the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No.166/2012), the Legislative – legal Committee of the Assembly of the Republic of Macedonia, at its session held on 9 April 2013, established the Revised Text of the Law on Asylum and Temporary Protection.

The Revised Text of the Law on Asylum and Temporary Protection encompasses the following: Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” No.49/2003), Law Changing and Amending the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” No.66/2007), the Law Changing and Amending the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia”, No. 142/2008), Law Changing and Amending the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” No.146/2009) and Law Changing and Amending the Law on Asylum and Temporary Protection (“Official Gazette of the Republic of Macedonia” No.166/2012).

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12 April 2013  
Skopje

President of the Legislative-legal  
Committee of the Assembly of  
the Republic of Macedonia  
Blagorodna Dulic  
(under her own hand)

## **LAW ON ASYLUM AND TEMPORARY PROTECTION (REVISED TEXT)**

### **CHAPTER I GENERAL PROVISIONS**

#### **Purpose of the Law Article 1**

This Law governs the conditions and procedure for granting and cessation of the right of asylum to an alien or a stateless person (hereinafter referred to as: alien), seeking recognition of the right to asylum in the Republic of Macedonia, as well as the rights and duties of the asylum seekers and persons who have been recognized the right of asylum in the Republic of Macedonia.

This Law governs also the conditions under which the Republic of Macedonia can grant temporary protection as well as the rights and duties of persons under temporary protection.

#### **Right to Asylum Article 2**

The right to asylum is **international** protection granted by the Republic of Macedonia, under the conditions and in the procedure defined by this Law, to the following categories of persons:

- recognised refugee (refugee according to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees) and
- person under subsidiary protection.

**Asylum seeker**  
**Article 3**

Asylum seeker is an alien who seeks protection in the Republic of Macedonia, and has submitted an application for recognition of the right to asylum, in respect of which a final decision has not yet been taken in the procedure for recognition of the right to asylum.

The application for recognizing the right to asylum referred to in Paragraph 1 of this Article is an application made by an alien which can be understood as a request for international protection in the sense of Article 2 of this Law.

**Recognised Refugee**  
**Article 4**

Recognised refugee is an alien who, after examination of his claim, has been found to fulfil the requirements set out in the Convention of Article 2 sub-paragraph 1 of this law, that is, a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or his political opinion, is outside the state of his nationality and is unable, or, owing to such fear, is unwilling to avail himself of the protection of that state, or who, not having a nationality and being outside the state in which he had a habitual place of residence, is unable, or, owing to such fear, is unwilling to return to it.

**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 s/he returns to the state of his/her 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 harm, in the sense of paragraph 1 of this Article consists of:

- death penalty or execution;
- torture or inhuman or degrading treatment 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.

**Recognised refugee and person under subsidiary protection *sur place***  
**Article 4-b**

Recognized refugee and person under subsidiary protection *sur place* is an alien who already finds himself in the territory of the Republic of Macedonia, whose right to asylum shall be recognized pursuant to Article 4 and 4-a of this Law, also in cases when his well-founded fear of persecution or real risk of suffering serious harms is based on events which have taken place, or activities in which he has been engaged since he left the country of origin, in particular where it is established that the activities constitute the expression and continuation of convictions or orientations held in the country of origin.

**“Acts of persecution”**  
**Article 4-c**

Acts of persecution within the meaning of article 1 A of the 1951 Geneva Convention relating to the Status of Refugees 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 paragraph 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 which is sufficiently severe as to affect an individual in a similar manner as mentioned in paragraph 1 hyphen 1 of this Article.

Acts of persecution in paragraph 1 of this Article, 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 which are in themselves discriminatory or which are implemented in a discriminatory manner;
- prosecution or punishment, which 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, whereas performing the military service would include crimes or acts falling under the exclusion clauses as set out in Article 6 paragraph 1 of this Law;
- acts of a gender-specific or child-specific nature.

**Actors of persecution or serious violations**  
**Article 4-d**

Subjects of persecution or serious violations include:

- the State;
- parties or organizations controlling the State or most of its territory;
- non-state subjects, provided one can demonstrate that subjects set out in Paragraphs 1 and 2, including organizations, are unable or unwilling to provide protection from prosecution or severe violations.

**Actors of Protection**  
**Article 4-e**

Protection may be provided by:

- the State, or;
- parties or organizations controlling the State or most of its territory.

The provision of protection referred to in Paragraph 1 of this Article refers to taking appropriate measures aimed at prevention of persecution or suffering of serious injury, *inter alia* by implementation of a functioning legal system for detection, legal prosecution and punishment of actions constituting prosecution or serious injury, and access of the asylum seeker to such protection.

**Article 5 is deleted**

**Reasons for Exclusion**  
**Article 6**

An alien cannot enjoy the right of asylum in the Republic of Macedonia if there is well-grounded suspicion that he has:

- committed a crime against peace, humanity or a war crime, according to the international acts in which such crimes are provided for;
- committed a serious (non-political) crime, outside the territory of the Republic of Macedonia prior to being admitted in it as a refugee; or,
- has been guilty of acts contrary to the purposes and principles of the United Nations.

Besides the reasons established in paragraph 1 of this Article, an alien shall not be granted subsidiary protection, that is cannot enjoy the right to asylum in the Republic of Macedonia, also if she or he constitutes a danger to the security of the Republic of Macedonia.

An alien cannot enjoy the right to asylum if she or he instigates or in other manner participates in committing the crimes and acts mentioned in paragraphs 1 and 2 of this Article.

Republic of Macedonia may exclude the right to subsidiary protection to an alien who 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.

### **Principle of Non-Refoulement**

#### **Article 7**

The asylum seeker, recognised refugee or person under subsidiary protection cannot be expelled, or in any manner whatsoever be forced to return to the frontiers of the state:

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

The prohibition referred to in paragraph 1, sub-paragraph 1 of this Article shall not apply to an alien who constitutes a danger to the security of the Republic of Macedonia, or who, after having been convicted by a final judgement of a crime or in particular of a serious crime, constitutes a danger for the citizens of the Republic of Macedonia.

The alien referred to paragraph 1, sub-paragraph 2 of this Article, who for the reasons referred to in Article 6 of this Law cannot enjoy the right of asylum in the Republic of Macedonia, shall be allowed to remain within the territory of the Republic of Macedonia as long as in the state of his nationality, or in which, not having a nationality he has had a habitual place of residence, he would be subjected to torture, inhuman or degrading treatment or punishment.

The alien referred to in paragraph 3 of this Article, during his stay in the Republic of Macedonia has the same rights and duties as the persons under temporary protection in the Republic of Macedonia.

### **Family Reunification**

#### **Article 8**

The members of the nuclear family of the recognised refugee and a person under subsidiary protection, upon their request, shall have the right of asylum recognised.

Members of the nuclear family, in the sense of paragraph 1 of this Article, are considered as being the spouse, if the marriage has been stipulated prior to the arrival in the Republic of Macedonia, and the minor children who are not married, as well as the parents of the minor children, if the minor children have acquired the right of asylum.

The principle of family reunification of paragraph 1 of this Article shall not be applied if:

- the reasons for exclusion referred to in Article 6 of this Law exist; and,
- the persons of paragraph 2 of this Article are nationals of another state which can grant protection to them.

## **Safe Country of Origin**

### **Article 9**

Safe country of origin is a state in which its citizens or stateless persons, having there their last habitual place of residence, are safe from persecution for reasons referred to in Article 4 of this Law or from suffering serious harms as defined in Article 4-a of this Law, or from torture, inhuman or degrading treatment or punishment which is determined particularly based upon the respect for human rights defined by the international acts, existence of democratic institutions (democratic processes, elections, political pluralism, freedom of thought and public expression of the thought, availability and effectiveness of the legal protection) and the stability of the country.

The evaluation of the asylum seeker's safe country of origin referred to in Paragraph 1 of this Article shall *inter alia* take into consideration the scope of provided protection from persecution or abuse by the:

- relevant laws and regulations in the country and the modes of their implementation;
- respect for the laws 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 Cruel, Inhuman or Degrading Treatment or Punishment, particularly 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 for the principle of non-refoulement according to the Convention referred to in Article 2, Paragraph 1 of this Law;
- existence of provisions providing for an effective system of legal remedy against violations of these rights and liberties.

The asylum seeker, during the procedure for recognition of the right of asylum, may prove that the country of origin is not safe for him.

## **First country of asylum**

### **Article 9-a**

First country of asylum is a state which has readmitted the asylum seeker given that:

- his refugee status has been recognized in that state and he can still avail himself of that protection, or
- he enjoys sufficient, that is effective protection in that state, including benefiting from the principle of non-refoulement.

## **Safe Third Country**

### **Article 10**

Safe third country is a state in which the asylum seeker delayed himself, prior to his arrival in the Republic of Macedonia, and in which it may be presumed that he can return safe from persecution pursuant to Article 4 of this Law or from suffering serious harms as defined in Article 4-a of this law, or from torture, inhuman or degrading treatment or punishment.

A country shall be considered a safe third country:

- in which the asylum-seeker's life and freedoms are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
- which respects the principle of non-refoulement in accordance with the Convention referred to in Article 2, paragraph 1 of this Law;
- which respects the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman and degrading treatment, as laid down in international law; and

- in which possibility exists to request recognition of refugee status, and if found to be a refugee, to receive protection in accordance with the Convention referred to in Article 2, paragraph 1 of this Law.

During the procedure for recognition of the right of asylum, the asylum seeker may prove that the third country is not safe for him.

The safe third country principle of paragraph 1 of this Article shall not be applied if the spouse of the asylum seeker, the children, or the parents, are lawfully residing in the Republic of Macedonia.

**Principle of Local Contribution**  
**Article 11**

The principle of local contribution implies an obligation of the local self-government units to accept the responsibility of accommodating recognised refugees and persons under subsidiary protection depending on their economic development and the number of their inhabitants, on which the Government of the Republic of Macedonia (hereinafter referred to as: Government) will decide.

**Asylum Bodies**  
**Article 12**

The Ministry of Interior, through its organisational unit in charge of asylum (hereinafter referred to as: Section for Asylum), shall implement the procedure for recognition of the right of asylum and make a decision in the first instance.

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

**The Role of the United Nations High Commissioner for Refugees**  
**in the Asylum Procedure**  
**Article 13**

The bodies from Article 12 of this Law shall co-operate with the United Nations High Commissioner for Refugees (hereinafter: High Commissioner for Refugees) in all stages of the procedure for recognition of the right of asylum.

**The High Commissioner for Refugees shall have access to information on individual applications for recognition of the right to asylum, on the course of the procedure and on the decisions taken, provided that the asylum-seeker agrees thereto.**

The Ministry of Interior shall prepare and provide the High Commissioner for Refugees with reports and statistical data relating to the status of the asylum seekers and persons who have been recognised the right of asylum in the Republic of Macedonia, as well as to the implementation of the Convention of Article 2 sub-paragraph 1 of this Law, this Law and other regulations in the field of asylum.

**The representatives of the High Commissioner for Refugees shall present their opinions, in line with Article 35 on the Convention, referred to in Article 2, paragraph 1 of this Law, before any competent body regarding individual asylum application for recognition of the right to asylum, at any stage of the procedure for recognition of the right to asylum.**

**Legal Assistance**  
**Article 14**

The asylum seekers have the right of legal assistance and explanation regarding the conditions and procedure for recognition of the right of asylum, as well as the right to free legal aid in all stages of the procedure, in line with the regulations on free legal aid.

The asylum seekers in all stages of the procedure may communicate with persons who provide legal assistance, with the representatives of the High Commissioner for Refugees as well as with non-governmental humanitarian organisations.

The representatives of the High Commissioner for Refugees have the right of access to and communication with the asylum seekers, in all stages of the procedure, wherever they are staying.

**CHAPTER II**  
**PROCEDURE FOR RECOGNITION OF THE RIGHT OF ASYLUM**  
1. COMMON PROVISIONS

**Application of the Law on General Administrative Procedure**  
**Article 15**

In the procedure for recognition of the right of asylum, the provisions of the Law on General Administrative Procedure apply accordingly, if not defined in another way by this Law.

**Submission of Asylum Application**  
**Article 16**

An asylum seeker must apply for recognition of the right of asylum when entering the Republic of Macedonia. The request shall be declared to the police at the border crossing point or to the nearest police station.

Upon declared request for asylum, the police officer shall escort the asylum seeker to the Section for Asylum or to the Reception Centre for Asylum seekers.

An asylum seeker who resides within the territory of the Republic of Macedonia shall submit an asylum application to the Section for Asylum.

Regarding cases of family reunification, the application can be submitted to the diplomatic/consular mission of the Republic of Macedonia abroad.

**Illegal Entry and Stay in the Republic of Macedonia**  
**Article 17**

An asylum-seeker who has illegally entered or has been illegally staying in the territory of the Republic of Macedonia, and is coming directly from a state where his life or freedom have been threatened in the sense of Articles 4 and 4-a of this Law, shall not be punished, provided that he immediately applies for the recognition of the right of asylum at the Section for Asylum or reports himself at the nearest police station and give explanations for his application for recognition of the right of asylum as well as valid reasons for his illegal entry or stay.

In the case of paragraph 1 of this Article the police shall immediately escort the person to the Section for Asylum.

## **Manner of Submission of Asylum Application**

### **Article 18**

The asylum application shall be submitted in writing or orally upon minutes, in the Macedonian language, or if that is not possible, in the language of the country of origin, in some of the foreign languages in common use or in a language the asylum seeker may reasonably be supposed to understand.

While submitting an asylum application, the asylum seeker shall be photographed and fingerprinted.

The Section for Asylum shall issue to the asylum seeker a sealed attestation within three days after submitting an asylum application, with reference number and date of submission, that is certifying his or her status as an asylum seeker and proves that the asylum seeker is allowed to remain in the territory of the Republic of Macedonia during the period of procedure upon his/ her application for recognition of the right for asylum.

The Section for Asylum of the Ministry of the Interior shall inform the asylum seekers in writing and orally, in a language which they may reasonably be supposed to understand and within a timeframe not exceeding 15 days from the day of submission of the asylum application on: the manner of implementation of the procedure for recognition of the right to asylum, on the rights and obligations of asylum seekers during that procedure, **the possible consequences should they not meet their obligations and not cooperate with the authorities**, as well as of the right to communicate with persons providing legal assistance, the representatives of the High Commissioner for Refugees and non-governmental humanitarian organizations, in all stages of the procedure and wherever the asylum-seekers are.

## **Assessment of Facts and Circumstances**

### **Article 18-a**

The asylum seeker is obliged to submit as soon as possible the complete available documentation and to provide information regarding his/her age, family relationships, identity, citizenship, country and place of previous residency, previous asylum applications, travel routes, identity and travel documents and the reasons for applying for recognition of the right to asylum.

The Section for Asylum shall consider the submitted asylum application separately, on individual basis, taking into account all facts and circumstances of importance for taking a decision, such as:

- all relevant facts as they relate to the country of origin at the moment of taking a decision on the application submitted, including laws and regulations of the country of origin and the manner of their implementation;
- the relevant statements and documentation presented by the asylum-seeker, including information on whether the asylum-seeker has been or may be subject to persecution or serious harm;
- the individual position and personal circumstances of the asylum-seeker, in which asylum-seeker find him/ herself, including factors such as origin, gender and age, so as to assess whether, on the basis of the personal situation in which asylum-seeker found him/ herself, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;
- whether the asylum-seekers' activities since leaving the country of origin were undertaken for the sole purpose for creating necessary conditions for submitting an asylum application, so as to assess whether, these actions will expose him/ her to persecution or serious harm if returned to that country;
- whether the asylum-seeker could reasonably be expected to avail him/ herself of the protection of another country, where he/ she could assert citizenship.

In case the asylum-seeker is unable to support with documentary or other evidence certain aspects of his/her statements, and does not justify certain facts and circumstances regarding his/ her application, the asylum seeker's statement shall be considered credible if:

- the asylum-seeker made a genuine efforts to support his/her application;
- all relevant elements at his/her disposal have been submitted and a satisfactory explanation regarding any lack of other relevant elements has been given;
- the asylum seeker's statements are found to be coherent and plausible and the same are not contradicting the available specific and general information which are relevant to the specific application for recognition of the right to asylum;
- the asylum seeker submitted an application for asylum at the earliest convenience, or demonstrated justified reasons for not having done so; and
- the general credibility of the asylum-seeker's statement has been established.

### **Relation to the Procedure for Granting Residence Permit of the Law on Aliens**

#### **Article 19**

From the day of submission of the asylum application to the day of issuing of the final decision, the Law on Aliens shall not apply.

The submitted asylum application shall be regarded as a withdrawal of the application for issuance of residence permit to an alien, pursuant to the provisions of the Law on Aliens.

### **Obligation of Document Submission**

#### **Article 20**

If the asylum-seeker is in possession of documents, the same need to be attached to the asylum application when they are necessary for the procedure for recognition of the right of asylum, and in particular:

- travel document;
- visas, residence permits, or other similar documents;
- identity card or other identification documents;
- a birth and marriage certificate (where possible);
- travel tickets and similar, as well as,
- other papers or documents that could be of significance in the procedure for recognition of the right of asylum.

Papers referred to in paragraph 1 of this Article are kept at the Section for Asylum during the procedure for recognition of the right of asylum, and the asylum seeker will be provided with photocopies of the submitted documents and issued with an attestation that the originals are with the Section for Asylum.

### **Right to Interpreter**

#### **Article 21**

When the asylum seeker does not understand the language of the procedure, the Section for Asylum shall provide an interpreter for that person in the language of his country of origin or in the language he understands.

The Ministry of Interior shall cover the costs for the interpreter.

The interpreter is bound to keep as confidential the data learned during the procedure.

Asylum seekers are entitled to an interpreter of the same sex, within the boundaries of possibilities.

**Publicity during the Procedure**  
**Article 22**

In the interview of the asylum seeker, the public is excluded.

The person who gives legal assistance authorised by the applicant, the interpreter and the representative of the High Commissioner for Refugees, shall not be regarded, as public in the sense of paragraph 1 of this Article.

Persons referred to in paragraph 2 of this Article shall be informed in writing about the date, the time and the place of the interview.

Persons present at the interviewing are bound to keep confidential the data learned during the procedure, unless the asylum seeker explicitly allows them to communicate with the public, and the competent official of the Section for Asylum is of the opinion that this would not harm the course of the procedure.

The Section for Asylum can share the information regarding policy and practice in the field of asylum, which are of significance for particular scientific researches.

**Minors**  
**Article 22-a**

The representative of the minors **in accordance with the Law on Family** shall submit asylum application for them.

The best interests of the child shall be a primary consideration when implementing the provisions of this law.

It is necessary when assessing the application for recognition of the right to asylum of a child to have regard to child-specific forms of persecution

**Unaccompanied Minors, Persons with Mental Disabilities and Persons with no Procedural Capacity**  
**Article 23**

Unaccompanied minors, persons with mental disabilities and persons with no procedural capacity, who are in need of protection pursuant to Article 2 of this Law shall be appointed a guardian, as soon as possible, pursuant to the Law on Family.

**The guardian referred to in paragraph 1 of this Article shall be given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and shall be allowed to actively participate during the course of the interview conducted by the authorized official of the Section for Asylum.**

The unaccompanied minor in the sense of paragraph 1 of this Article is an alien below the age of 18, who arrives in the territory of the Republic of Macedonia, unaccompanied by his representative by law, or who is left without such accompaniment after he has entered the territory of the Republic of Macedonia.

The Ministry of the Interior shall take all necessary measures to trace the members of the family of the unaccompanied minor.

The best interests of the child shall be a primary consideration when examining applications for recognition of the right to asylum of unaccompanied minors.

**Vulnerable persons with special needs**  
**Article 23-a**

In the implementation of this Law, the special needs of vulnerable persons who are asylum seekers, recognized refugees, persons under subsidiary protection or persons under temporary protection, shall be taken into account.

Vulnerable persons, in the sense of paragraph 1 of this Article, are persons with no procedural capacity, minors, unaccompanied minors, **victims of trafficking in human beings**, persons with serious medical condition, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

The special needs of vulnerable persons of paragraph 1 of this Article shall be established after an individual evaluation of their situation, undertaken by the competent public institution for social protection.

When accommodating and meeting the standard of living of persons of paragraph 2 of this Article their condition shall be taken into account with the provision of appropriate medical, psycho-social and other assistance.

It is necessary when assessing the application for recognition of the right to asylum to have regard to gender-specific forms of persecution.

**Withdrawal of Asylum Application**  
**Article 24**

The asylum application shall be considered as withdrawn and the procedure shall be discontinued with a conclusion, if it is established that:

- the asylum seeker withdrawn the application for recognition of the right to asylum;
- has not appeared upon invitation for an interview to the Section for Asylum and does not justify his or her absence within 48 hours from the day of scheduled interview or;
- has left without authorisation the place assigned for accommodation during the procedure for more than three days, without informing the competent authority or ensuring consent from the competent authority for leaving the place assigned for his accommodation.

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.

The lawsuit suspends the execution of the conclusion.

The asylum seeker who justifies the failure to perform the actions referred to in Paragraph 1 of this Article shall be given the opportunity to submit a request for reopening of his case, no later than 30 days following the failure to perform the above actions.

## **Application of Expulsion Provisions of the Law on Aliens**

### **Article 25**

Should the rejected person, asylum seeker, not leave the territory of the Republic of Macedonia within the time limit foreseen in the decision of the Section for Asylum, the expulsion from the Republic of Macedonia will be carried out in compliance with this Law and the provisions of the Law on Aliens.

### **Delivery**

#### **Article 26**

The written correspondence in the procedure for recognition of the right of asylum shall be delivered personally to the asylum seeker or to his legal representative or proxy.

## 2. REGULAR PROCEDURE

### **Implementation of Regular Procedure**

#### **Article 27**

The Section for Asylum implements the regular procedure for recognition of the right of asylum in the first instance and is obliged to take the decision within **six** months from the day of submission of the application.

### **Interview of Asylum seeker**

#### **Article 28**

Before a decision is taken by the Section for Asylum, the asylum seeker will have the opportunity of a personal interview and the interview may be audio recorded, for which he or she will be informed in advance.

The interview referred in paragraph 1 of this Article shall take place under conditions which ensure appropriate confidentiality.

The interview shall take place without the presence of asylum-seeker's family members unless the authorized official of the Section for Asylum considers that the presence of other family members is necessary for an appropriate examination of a particular application for recognition of the right to asylum.

The asylum seekers, upon their request, have the right to be interviewed by a competent same sex authorised official of the Section for Asylum.

The authorized official conducting the interview is competent to take account of the personal and general circumstances surrounding the asylum-seeker, pertaining to the asylum request, including the asylum seeker's cultural origin or vulnerability, in so far it is possible to do so.

To ensure proper communication, the authorized official conducting the interview selects an interpreter. The communication shall not necessarily be carried out in a language preferred by the asylum seeker in cases when the asylum seeker is capable of communicating in another language which he is reasonably presumed to understand.

During the interview, the person from paragraph 1 of this Article shall present all facts and evidence that are of relevance for establishing the existence of well-founded fear of persecution in the sense of Article 4 of this Law.

During the interview minutes shall be kept. The persons who participated in the interview shall sign the minutes. In cases where the asylum seeker disagrees with the content of the minutes from the interview and refuses to sign them, the same is recorded in the asylum seeker's case file.

**Reasons for Rejection**  
**Article 29**

The asylum application shall be rejected in the course of regular procedure when it is established that:

- there is no well-founded fear of persecution in the sense of Article 4 of this Law;
- there are reasons for exclusion of Article 6 of this Law; and,
- the persecution for reasons of Article 4 of this Law is limited only to a particular geographic area of the state of his nationality, or in which, if not having a nationality, he had a habitual place of residence, and there is a possibility for effective protection in another part of the state, unless in light of all circumstances it cannot be expected that the person will seek protection there.

**Investigation of Grounds for Recognition of the Right of Asylum for Subsidiary Protection**  
**Article 30**

In cases when it will be established that the asylum seeker does not meet the conditions for recognition of the right of asylum in compliance with Article 2 sub-paragraph 1 of this Law, the Section for Asylum shall, in the line of duty, investigate the existence of reasons and conditions for recognition of the right of asylum for subsidiary protection, pursuant to Article 2, sub-paragraph 2 of this Law.

**Decision Taking and Types of Decisions**  
**Article 31**

On the basis of the facts and evidence established during the procedure, the Section for Asylum shall take a decision **in writing** to recognise the status of recognised refugee, a decision for recognition of the status of a person under subsidiary protection or a decision rejecting the application for recognition of the right of asylum.

On the basis of the facts and evidence established during the procedure, if both parents were granted a status of recognised refugee or subsidiary protection, the Section for Asylum may also issue an additional decision recognizing the same status to their minor child who was born and lives on the territory of the Republic of Macedonia.

In cases where one of the parents were granted a status referred in paragraph 1 of this Article, the Section for Asylum may issue an additional decision recognizing the same status to a minor child who was born and lives on the territory of the Republic of Macedonia, recognizing the right to asylum, recognized refugee or subsidiary protection.

The decision by which the asylum application is rejected shall state the reasons, owing to which the application has not been accepted, the advice on legal remedy and the time frame within which the person is obliged to leave the territory of Republic of Macedonia, which cannot be less than 15 days from the day on which the decision will become effective.

**Right to Lawsuit and Taking of Decision**  
**Article 32**

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.

**New Asylum Application**  
**Article 33**

Should the asylum seeker submit a new asylum application, he must provide evidence that his circumstances have altered substantially since the moment of issuance of the former decision by which his application has been rejected. If he fails to do so, the Section for Asylum shall reject the application.

**3. ACCELERATED PROCEDURE**

**Purpose of the Procedure**  
**Article 34**

The accelerated procedure shall be implemented when the asylum application is manifestly unfounded, unless an unaccompanied minor or a mentally disabled person has submitted the application.

**Manifestly Unfounded Applications**  
**Article 35**

The asylum application is considered to be manifestly unfounded if:

- in the claim there are no grounds for fear of persecution because the application has not been submitted for reasons established by this law, but for the possibility of employment and better living conditions or when the asylum seeker gives no data that he would be subjected to persecution or when his claims are impossible or contradictory;
- the application is based on a deliberate deception or an abuse of the procedure for recognition of the right of asylum;
- the person has arrived from a safe country of origin, unless he proves that the country of origin is not safe for him;
- the person has arrived from a safe third country, where he could have applied for asylum, unless he proves that the third country is not safe for him and
- the person has arrived from a safe country of origin which is a Member State of the European Union, unless he/she proves that the country of origin is not safe for him/her.

The asylum seeker commits a deliberate act of deception and abuse of the procedure for recognition of the right of asylum in compliance with paragraph 1 sub-paragraph 2 of this Article, in cases if:

- without reasonable explanation, deliberately makes false statements in his asylum application, orally or in written form, and these statements are of crucial nature and significance for the determination of his status of recognised refugee;
- without reasonable explanation, has based his application on a false identity or on forged documents which he maintains are authentic;
- deliberately destroys, damages or conceals a travel document, other document or evidence of importance for the procedure, in order to obstruct the course of the procedure and to deceive the asylum bodies regarding his identity;
- the asylum application is submitted in order to obstruct the execution of the decision for expulsion from the territory of the Republic of Macedonia, and the asylum seeker has had ample possibility to previously apply for recognition of the right of asylum;

- the asylum seeker's application has been rejected in another country, following an examination on the substance of the claim, in a procedure comprising adequate procedural safeguards, in accordance with the Convention of Article 2 sub-paragraph 1 of this law; and,
- he has been granted asylum in another country and continues to enjoy protection in that country.

**Taking of Decision**  
**Article 36**

In cases where the asylum application is rejected as manifestly unfounded, the Section for Asylum takes a decision rejecting the asylum application and sets a time limit within which the person is obliged to leave the territory of Republic of Macedonia, which cannot be shorter than **five** days from the day on which the decision will become effective.

In the explanation of the decision of paragraph 1 of this Article, the reasons for rejection of the asylum application shall be stated.

The decision of paragraph 1 of this Article shall be issued within 15 days from the day of the submission of the asylum application.

**Lawsuit against the Decision Rejecting the Asylum Application**  
**Article 37**

The asylum seeker has the right to a lawsuit against the decision rejecting the asylum application in accelerated procedure within **seven** days from the day of delivery of the decision.

The lawsuit of paragraph 1 of this Article shall suspend the execution of the decision.

The competent court shall decide upon the lawsuit of paragraph 1 of this Article within 30 days from the day of submission of the lawsuit.

**CHAPTER III**  
**CESSATION OF THE RIGHT OF ASYLUM**

**Cessation of the Right of Asylum**  
**Article 38**

The right of asylum recognised in the Republic of Macedonia ceases for a person:

- who has voluntarily re-availed himself of the protection of the country of his nationality;
- who has, after loosing the nationality of that country, voluntarily re-acquired it;
- who has acquired a new nationality and enjoys the protection of the state of his new nationality;
- who has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;
- who can no longer, because the circumstances in connection with which he has been granted asylum have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; and,
- who has no nationality, and is able to return to the state of his former habitual place of residence, because the circumstances in connection with which he has been granted asylum have ceased to exist.

On the cessation of the right of asylum for reasons of paragraph 1 of this Article, a procedure is implemented, as for recognition of the right of asylum, established by this Law.

## CHAPTER IV DOCUMENTS

### Issue of Documents Article 39

As documents in the sense of this Law shall be considered:

- identification document for asylum seeker;
- identity card for recognised refugee and a person under subsidiary protection and,
- travel document for recognised refugee, in accordance with the Convention of Article 2 sub-paragraph 1 of this Law.

In compliance with this Law, the Ministry of Interior shall issue the documents referred to in paragraph 1 of this Article.

The documents referred to in paragraph 1 sub-paraphraphs 1 and 2 of this Article are identification documents which should always be carried by the person and should be presented upon request of the competent official who in compliance with the law is authorised to ask for identity cards.

It is forbidden to give the documents referred to in paragraph 1 of this Article for use to another person, or that a person make use of an identification document of another person as his own.

### Identification Document for Asylum Seeker Article 40

**The identification document for the asylum seeker shall be issued within 15 days from the day of submission of the application for asylum.**

The identification document for asylum seeker is valid until the issue of a final decision in the asylum procedure that is until the expiration of the time period within which the person is obliged to leave the territory of the Republic of Macedonia after the final decision rejecting his application comes into legal force.

**The identification document referred to in Paragraph 1 of this Article establishes the right of residence for a period of validity of the identification document established in paragraph 2 of this Article.**

### Identity Card Article 41

The recognised refugee and person under subsidiary protection over 18 years of age, are obliged to apply for the issuance of identity card.

The identity card for recognised refugee shall be issued with validity of five years and for a person under 27 years of age with validity of three years.

The identity card for person under subsidiary protection shall be issued with validity **of minimum** one year.

The identity card for recognised refugee and persons under subsidiary protection establishes the right of residence.

The recognised refugee and person under subsidiary protection shall be determined a personal registration number for an alien.

**Travel Document**  
**Article 42**

Upon application of the recognised refugee over 18 years of age, a travel document with two-year validity shall be issued. The validity of the travel document may be extended. The application for issuance of a travel document for a person under 18 years of age, shall be made by his legal guardian.

With the issuance of the travel document in compliance with paragraph 1 of this Article, the recognised refugee shall not acquire the right to ask for the protection of the diplomatic-consular missions of the Republic of Macedonia abroad.

**Rejection of Issue and Seizure of Travel Document**  
**Article 43**

A travel document shall not be issued to a recognised refugee:  
against whom penal or misdemeanour proceedings have been instituted, upon demand by a competent court;  
who has been given an unsuspended sentence to imprisonment, until he has served the sentence and, upon the demand of a competent body in case he has not cleared his legal-property obligations or financial obligations towards the Republic of Macedonia.

If the reasons referred to in paragraph 1 of this Article have existed before the day of issuance of the travel document, and they were discovered at later stage, or if the reasons occurred after the day of the issuance, the travel document shall be seized.

In the decision by which the application for issuance of a travel document has been rejected, or respectively the travel document has been seized, the reasons for it shall be stated.

Against the decision referred to in paragraph 3 of this Article, an administrative dispute may be instigated before a competent court.

The lawsuit against the decision for seizure of a travel document shall not delay its execution.

**Return of Travel Document and Identity Card**  
**Article 44**

After the final decision for cessation of the right of asylum comes into legal force the person is obliged to return the issued travel document and the identity card to the Ministry of Interior.

**Crossing of the State Border**  
**Article 45**

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

## **Disappearance or Damaging of a Document** **Article 46**

The person who has been issued with a document in compliance with this Law is obliged to report to the Ministry of Interior its disappearance or damaging within 2 days from the moment he has noticed it.

To the person referred to in paragraph 1 of this Article, an attestation shall be issued for reporting disappearance or damaging of its document.

## **CHAPTER V** **LEGAL STATUS**

### **General Obligations** **Article 47**

Every asylum seeker or a person who has had the right of asylum in the Republic of Macedonia recognised is obliged to conform to the Constitution of the Republic of Macedonia, the laws, other regulations and decisions of the state organs, as well as in compliance with the obligations established by international treaties, ratified in accordance with the Constitution during his stay in the Republic of Macedonia.

The Ministry of Labour and Social Policy in order to facilitate the integration of asylum seekers or of persons whose right to asylum has been recognized in the Republic of Macedonia shall be preparing appropriate integration programmes

#### 1. RIGHTS AND DUTIES OF ASYLUM SEEKERS

### **Rights of Asylum seekers** **Article 48**

The asylum seekers until the taking of a final decision in the procedure for recognition of the right of asylum have the right to:

- residence;
- free legal aid;
- accommodation and care in a Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy, if he or she express a need for it;
- basic health services according to the regulations for health insurance;
- right to social protection according to the Law on Social Protection;
- right to education according to the regulations for primary and secondary education;
- work only within the Reception Centre or the other place of accommodation assigned by the Ministry of Labour and Social Policy and 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; and
- communication with the High Commissioner for Refugees, as well as with non governmental humanitarian organisations for the purpose of providing legal assistance in the course of the procedure for recognition of the right of asylum.

The Ministry of Labour and Social Policy informs the asylum seekers on the rights established in paragraph 1 of this Article in writing, in a language which they may reasonably be supposed to understand, or orally with the assistance of an interpreter.

The Ministry of Labour and Social Policy takes care for the provision of means of subsistence and healthcare for the asylum seekers, while they find themselves in the Reception Centre or other place of accommodation assigned by this Ministry.

**Duties of Asylum seekers**  
**Article 49**

The asylum seeker is obliged to:

- reside in the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy **and not to leave the place of residence assigned by the competent authority without informing it, or without having permission to leave, and it is needed;**
- co-operate with the asylum bodies, in particular to give his personal data, to hand over the identity and other documents which he may possess, to allow his photographing and fingerprinting, his person searched as well as the search of his luggage and the vehicle by which he has arrived in the Republic of Macedonia, as well as to give data about his property and income;
- subject himself to medical examinations, treatment and omitted immunisation upon request of the bodies competent for the activities in the field of the healthcare, in case of a threat for the public health;
- to respect the house rules of the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy **and to not demonstrate violent behavior.**

If the asylum-seeker commits serious breaching of the provision set out in paragraph 1, sub-paragraph 4 of this article, the authorised organ may take a decision to withdraw the right to accommodation in the reception centre or a decision for compensation of the damage that the asylum seeker has caused. The authorised organ is taking the decision for each case individually and objectively stating the reasons for the same, which the asylum seeker has the right to appeal in accordance with the regulations on social protection.

The asylum seeker after being accommodated in the Reception Centre may submit a request to the Ministry of Labour and Social Policy to reside outside the Reception Centre on its own expenses, after the photographing and fingerprinting.

Asylum seekers to whom the residence outside the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy has been approved are obliged to report their new address to the Section for Asylum.

**2. RIGHTS AND DUTIES OF RECOGNISED REFUGEES**

**Personal Status and the Right of Residence**  
**Article 50**

The personal status of the recognised refugee shall be established according to the laws of the Republic of Macedonia.

The recognised refugee has the right of residence in the territory of the Republic of Macedonia.

**Rights and Duties**  
**Article 51**

If not otherwise determined by this or any other law, the recognised refugees have the same rights and duties as the nationals of the Republic of Macedonia, exclusive of the following:

they do not have the right to vote;

they are not subject to the military draft; and,

they cannot practise a profession, engage in wage-earning employment or found associations of citizens or political parties in cases when, as a condition, it is prescribed by law that the person is to be a national of the Republic of Macedonia.

Recognised refugees may acquire the right of possession of movable and immovable property, to engage in wage-earning employment or practice a profession, under conditions defined by the law which regulates this right for aliens in the Republic of Macedonia.

**Accommodation**  
**Article 52**

The recognised refugee will be provided with accommodation, according to the principle of local contribution, through giving an appropriate flat for use or financial assistance necessary for provision of accommodation facilities until the moment when he will secure his means of subsistence but for a maximum period of two years from the day of delivery of the decision for recognition of the status of recognised refugee.

The Minister of Labour and Social Policy prescribes the criteria and the manner of use of appropriate flat for accommodation or of financial assistance necessary to provide premises for accommodation of the recognized refugee

Should the recognised refugee refuse the allocated accommodation facilities in the municipality, he loses the right of accommodation and he may settle in another municipality of his own choice at his own expense.

**Rights of Social Protection**  
**Article 53**

The recognized refugee, from the day of delivery of the decision for recognition of the status of a recognized refugee shall be equal with the citizens of the Republic of Macedonia in relation to the exercise of the rights of social protection established with the Law on Social Protection..

**Healthcare**  
**Article 54**

Until the acquisition of the capacity of an insured person pursuant to the Law on Health Insurance, the recognised refugee has the right to basic health services, same as the nationals of the Republic of Macedonia.

**Sources of Financing and Competent Body in Charge of the Realisation of the Rights**  
**Article 55**

The funds for accommodation, social protection and health care of Articles 23-a, 52, 53, 54 and 60 of this law shall be provided in the Budget of the Republic of Macedonia.

The Ministry of Labour and Social Policy takes care of the accommodation, exercise of the rights of social protection and health care of Articles 23-a, 52, 53, 54 and 60 of this law.

**Labour Legislation and Social Security Rights**  
**Article 56**

The recognized refugees shall exercise the right to work pursuant to this Law and the regulations for employment and work of aliens.

In the case of application of restrictive measures for employment of aliens, the same will not be applicable for the recognised refugees, coming from a state towards the nationals of which those measures are directed, if the recognised refugee meets one of the following conditions:

- resides for at least three years in the territory of the Republic of Macedonia;
- is married with a national of the Republic of Macedonia; and,
- has one or more children who are nationals of the Republic of Macedonia.

As regards the rights in the labour legislation, healthcare, pension and invalid insurance, the recognised refugees have equal treatment as the nationals of the Republic of Macedonia.

**Transfer of Property, Invested Capital and Profit**  
**Article 57**

In compliance with the legislative regulations of the Republic of Macedonia, the recognised refugee has the right to transfer the property which has been brought into the territory of the Republic of Macedonia and to freely take out the invested capital and profit in another state to which he has been admitted for resettlement.

**3. RIGHTS AND DUTIES OF PERSONS UNDER SUBSIDIARY PROTECTION**

**Right of Residence**  
**Article 58**

With the day of delivery of decision for recognition of the right of 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 at least one year and the same shall be extended should the reasons of Article 4-a of this Law still exist.

**Accommodation**  
**Article 59**

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.

**Rights and Duties**  
**Article 60**

The person under subsidiary protection, from the day of delivery of the decision for recognition of the status of a person under subsidiary protection shall be equal with the citizens of the Republic of Macedonia in relation to the exercise of the rights of social protection established with the Law on

Social Protection, while he shall exercise the right to basic health services pursuant to Article 54 of this law.

If not otherwise determined by this or by another law, the persons under subsidiary protection have the same rights and obligations as the aliens under temporary residence permit in the territory of the Republic of Macedonia.

**Voluntary Repatriation**  
**Article 61**

After the cessation of right of asylum in the Republic of Macedonia, the Ministry of Interior in co-operation with the High Commissioner for Refugees will make possible the organised voluntary repatriation of the persons in their country of origin.

**CHAPTER VI**  
**RIGHT OF TEMPORARY PROTECTION**

**Conditions for Granting Temporary Protection**  
**Article 62**

In the event of a mass influx, the Government may grant temporary protection to persons coming directly from a state where their life, safety or freedom have been threatened by war, civil war, occupation, internal conflict linked with violence or mass violation of human rights.

The Government re-examines periodically the existence of the conditions of paragraph 1 of this Article, and decides on the extension of the temporary protection.

The temporary protection in the Republic of Macedonia cannot last longer than two years.

**Application of the Provisions of this Law**  
**Article 63**

The provisions of Article 6, 7, 8, 14, 17 and 47 of this Law, also apply to persons under temporary protection.

**The Rights of Persons under Temporary Protection**  
**Article 64**

The persons under temporary protection have the right to:

- residence and care in the Republic of Macedonia in the course of duration of the temporary protection, in accordance with the economic possibilities of the Republic of Macedonia;
- the rights to work, healthcare, pension and invalid insurance, under the same conditions prescribed by appropriate regulations for aliens under temporary residence permit in the Republic of Macedonia;
- humanitarian assistance and basic health services for unemployed persons under temporary protection; and,
- primary and secondary education, and as regards the higher levels of education, the persons under temporary protection are equal to the aliens under temporary residence permit in the Republic of Macedonia.

The residence of paragraph 1 sub-paragraph 1 of this Article shall not be considered as lawful residence in the sense of the Law on Aliens and the Law on Citizenship of the Republic of Macedonia.

The Ministry of Labour and Social Policy of the Republic of Macedonia takes care of the realisation of the rights of paragraph 1 of this Article.

**Identification Document**  
**Article 65**

The Ministry of Interior shall keep records on the persons under temporary protection and shall issue them with an identification document.

The identification document of paragraph 1 of this Article is valid until the cessation of the temporary protection in the Republic of Macedonia.

The provisions of Article 39, paragraphs 2, 3 and 4 of this Law, also refer to the identification document for persons under temporary protection.

**Submission of Application for Recognition of the Right of Asylum**  
**Article 66**

The person under temporary protection has the right to submit an application for recognition of the right of asylum at any time.

The person under temporary protection, whose application for recognition of the right of asylum has been rejected, shall enjoy the temporary protection until the expiration of the time for which it has been granted.

**CHAPTER VII**  
**PROCESSING AND PROTECTION OF PERSONAL DATA**

**Integrated database for aliens, including data on asylum, migration and visa**  
**Article 67**

The Section for Asylum processes and uses data from the Integrated database for aliens, including data on asylum, migration and visas, pursuant to the regulations on protection of personal data and the regulations on aliens, which contains, *inter alia*, the personal data of the asylum seekers, recognized refugees and persons under subsidiary protection; data about the close family members accompanying the asylum seeker; the recognized refugee i.e. the person under subsidiary protection as well as data about their residence and rights which they enjoy in the Republic of Macedonia.

Personal data of asylum-seekers, recognized refugees and persons under subsidiary protection include: name and surname, maiden name, nickname, name of the parents; gender; day, month and year of birth; place of birth; unique identification number; fingerprints and photography.

The processed personal data referring to the close family members accompanying the asylum seeker, recognized refugee i.e. the person under subsidiary protection are as follows: personal name, day, month and the year of birth, place of birth and the type of family relation.

The personal data processed and used by the Section for Asylum shall be kept ten years from the start date of their processing.

## **Data Exchange** **Article 68**

The data of the **integrated database for aliens, including data on asylum, migration and visas** may not be exchanged with the country of origin of the person to whom these data are related or with the country of origin of the members of his family.

For the purpose of execution of the decision for expulsion from the territory of the Republic of Macedonia of a person whose asylum application has been effectively rejected or whose asylum in the Republic of Macedonia has ceased with an effective decision, the Section for Asylum may exchange with the competent bodies of other states the following data:

Name and family name, date and place of birth, sex, citizenship, last place of domicile and address of the flat, data on the number of family members and documents issued by the country of origin; and, Fingerprints and photography.

## **CHAPTER VIII** **MISDEMEANOR PROVISIONS**

### **Article 69**

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:

- gives the documents of Article 39 paragraph 1 for use, respectively shall make use of another person's identification document as his own (Article 39 paragraph 4);
- at 18 years of age shall not submit application for issuance of an identity card (Article 41 paragraph 1) and
- shall not return the issued travel document and identity card to the Ministry of Interior at the cessation of asylum (Article 44) .

### **Article 70**

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

- shall not keep as confidential the data learnt in the course of the procedure (Article 21 paragraph 3 and Article 22 paragraph 4);
- shall not carry with him the identification document or shall refuse to show it upon the request of an official authorised by law to ask for identity cards (Article 39 paragraph 3);
- shall not report the disappearance or damage of the document issued pursuant to this Law to the Ministry of Interior within two days from the moment they have noticed it (Article 46 paragraph 1); and,
- shall act contrary to Article 49 of this Law.

### **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.

## **CHAPTER IX** **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 71**

(Transitional provision Article 71 of the Law published in the “Official Gazette of the Republic of Macedonia” No. 49/2003)

Within six months from the day of entry into force of this Law, the Minister of Interior shall adopt a sub-legislative regulation on: the form for asylum application, the manner of fingerprinting and photographing and asylum seekers, the form and procedure for issuance and replacement of documents of asylum seekers and persons who have been recognised the right of asylum, or temporary protection in the Republic of Macedonia and on the manner of keeping the records.

### **Article 72**

(Transitional provision Article 72 of the Law published in the “Official Gazette of the Republic of Macedonia” No. 49/2003)

With the day of entry into force of this Law, the procedures for recognition of the right of asylum and for recognition of refugee status, which have not been finalised pursuant to the Law on Movement and Residence of Aliens (“Official Gazette of the Republic of Macedonia” No. 36/92, 66/92, 26/93 and 45/2002), shall be finalised pursuant to the provisions for regular procedure for recognition of the right of asylum, of this Law.

### **Article 73**

(Transitional provision Article 73 of the Law published in the “Official Gazette of the Republic of Macedonia” No. 49/2003)

The right of asylum or refugee status granted to an alien or a stateless person pursuant to the Law on Movement and Residence of Aliens shall continue if the person has been residing in the territory of the Republic of Macedonia after the entry into force of this Law.

### **Article 74**

(Transitional provision Article 74 of the Law published in the “Official Gazette of the Republic of Macedonia” No. 49/2003)

From the day of entry into force of this Law, the persons from the Serbia and Montenegro from Kosovo, with the status of temporary humanitarian assisted persons in the Republic of Macedonia, shall be considered as persons under temporary protection, in accordance with this Law.

### **Article 75**

(Transitional provision Article 75 of the Law published in the “Official Gazette of the Republic of Macedonia” No. 49/2003)

With the day of entry into force of this Law, the provisions of Articles 40 - 55, Article 56 paragraph 3, Article 58 paragraph 1, Article 59 paragraph 1, Article 60 paragraph 1 and Article 61 in the section

relating to the travel document for refugees, Article 77 paragraph 1 sub-paragraph 7 and 8 and Article 79 paragraph 1 sub-paragraph 1, 2 and 7 of the Law on Movement and Residence of Aliens, shall cease to be valid.

**Article 76**

(Transitional provision Article 28 of the Law published in the “Official Gazette of the Republic of Macedonia” No. 166/2012)

The procedures from Article 27 of the Law on Asylum and Temporary Protection (“Official Gazette of Republic of Macedonia no. 49/03, 66/07, 142/08 and 146/09), initiated before this Law entered into force will be completed in accordance with the provisions of the Law on Asylum and Temporary Protection (“Official Gazette of Republic of Macedonia” no. 49/03, 66/07, 142/08 and 146/09).

**Article 77**

This Law enters into force from the eighth day of the day it was published in the “Official Gazette of Republic of Macedonia”.