



Immigration detention in North Macedonia expressed in numbers

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Facts:

- The number of detained persons in 2021 (388) is continuously increasing compared to the previous years (2020 – 317, 2019 – 225).
- There is a slight decrease in the number of detained children in 2021 (55) compared to the same period in 2020 (76).
- The average period that children spent in detention in RTC Vinojug is 29 days and the maximum is 50 days.
- In most cases, legal guardian was appointed to the unaccompanied detained children. However sometimes there was a delay in the timely appointment of a guardian.
- In 2021 the persons were detained at three locations in RC Gazi Baba, RTC Vinojug and RTC Tabanovce. Migrants at RTC Vinojug who were detained as witnesses in the proceedings against the smugglers continued to be held in quarantine before being brought in front of a public prosecutor.
- Decisions for detention were not issued for the detainees in RTC Vinojug and RTC Tabanovce as opposed to the RC for foreigners where the decisions for detention were issued, but MYLA does not have the data on the basis on which these decisions were made.
- In 2021, RTC Tabanovce also served as a center for detaining witnesses in proceedings against smugglers or victims of violence and incidents caused by third parties.
- Detained persons in RTC Vinojug had difficulties seeking free legal aid and access to relevant information. MYLA lawyers made the contact indirectly through telephone calls and social networks and applications.
- Most of the detainees were returned to Greece outside the formal deportation procedure after testifying against the smugglers or they submitted an asylum application and they were transported within the site of RC for asylum seekers.
- There is a decrease in persons (13962) who were prevented from entering illegally on the territory of RNM or returned to Greece outside the formal procedure, unlike the same period in 2020 (24153).
- Most of the detainees in RTC Tabanovce and RTS Vinojug complained about the conditions and lack of information about the reasons for their detention.
- From April 2021, MYLA was granted an access to the RC for foreigners, but with limited access to persons detained there. MYLA made 26 visits and provided legal advice regarding the asylum procedure with 9 persons.



Total number of persons detained for immigration: 388

Number of detainees in the RC for foreigners in Gazi Baba: 177

Number of detainees in RTC Vinojug: 198

Number of detainees in RTC Tabanovce: 13

Number of detained children: 55

Number of unaccompanied detained children: 44

Number of detained women: 40

Average duration of detention in RTC Vinojug: 20 days

Longest detention in RTC Vinojug: 62 days

Average duration of detention of children in RTC Vinojug: 29 days

Longest detention of a child in RTC Vinojug: 50 days

Average duration of detention in RTC Tabanovce: 2 days

Longest detention in RTC Tabanovce: 5 days

Number of expelled persons: 98

Number of criminal charges against smugglers: 24

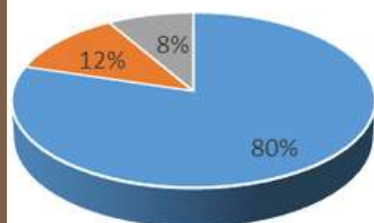
Number of smuggling victims (prevented by the police): 420

Number of persons that were prevented from illegal entry in RNM: 13962

Number of asylum requests submitted in the RC for foreigners: 30

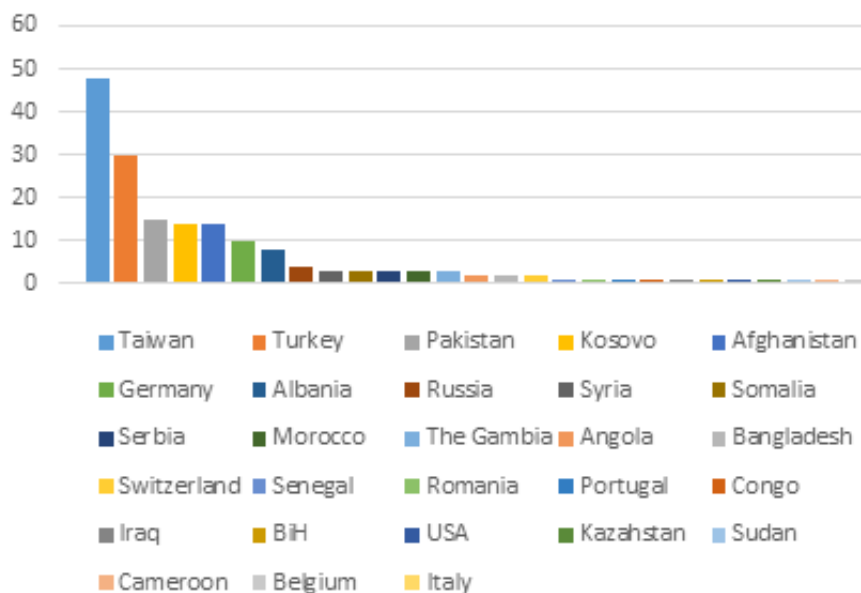
Number of detention decisions issued in the RC for foreigners: 160

Detained persons in the RC for foreigners

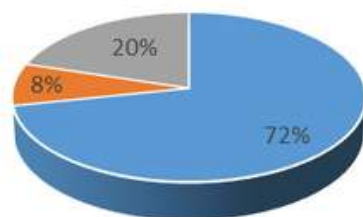


■ male ■ female ■ children

CoO of detained persons

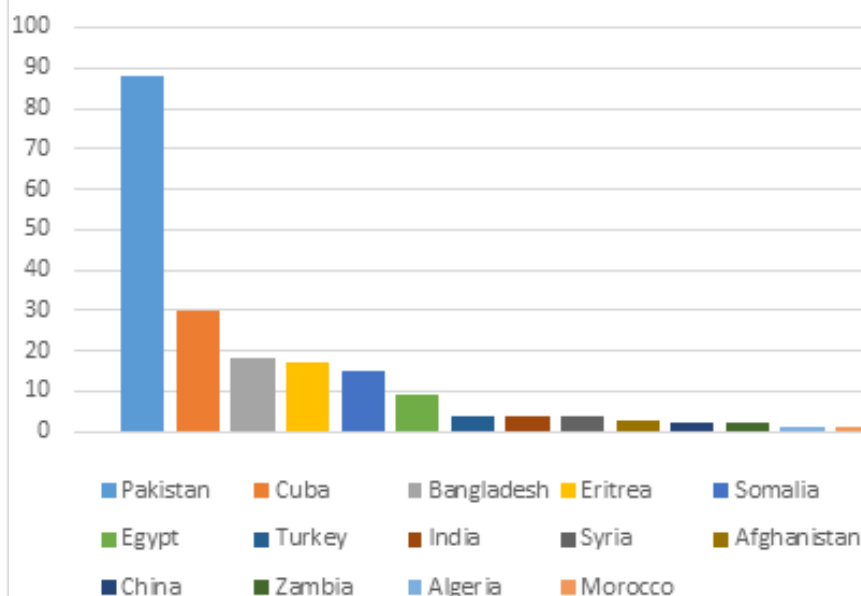


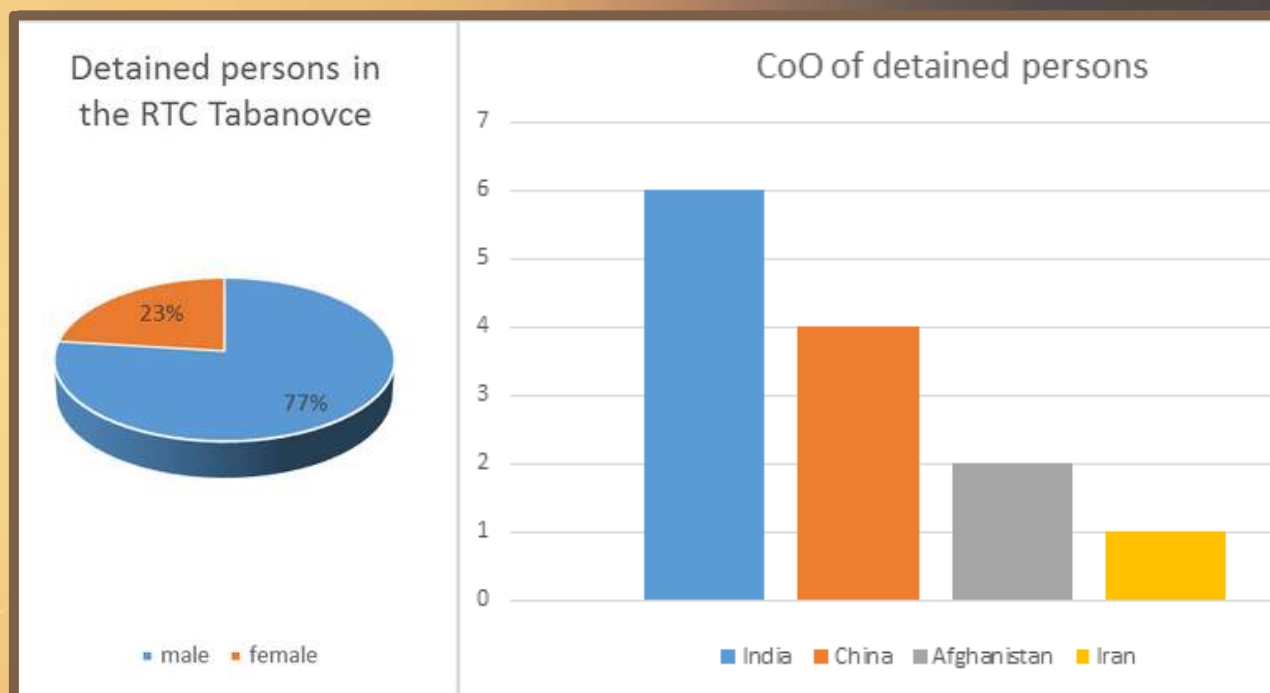
Detained persons in the RTC Vinojug



■ male ■ female ■ children

CoO of detained persons





Presence of witnesses in criminal proceedings is still the main reason for detention for immigration reasons in North Macedonia, although according to the positive legal provisions and norms this is not a ground for detention.

The detainees did not always understand the reason, the duration of their detention and sometimes the reasons for their detention were not explained in a language understandable to them. Considering this and that some of them were quarantined for 15 days before being brought to testify, these persons were denied access to effective legal aid.

Detained persons in RTC Vinojug had difficulties seeking free legal aid and access to relevant informations. MYLA lawyers made the contact indirectly through telephone calls and social networks.

Some of the detainees in the RC for foreigners complained that their rights were not properly explained to them or they did not understand the language used by the institutions. In a conversation with some of them, they pointed out that they are not aware what they have signed nor did anyone explain those documents to them.

In 2021, the immigration detention is still treated as a part of an administrative procedure and it is not reviewed by a judge after 12 hours.



RECOMMENDATIONS:

- Child detention alternatives should be a priority and they must be legally available in order to avoid child immigration detention;
- Child detention should be considered as a last resort only if all other alternatives are not appropriate and applicable. Even then, children have the right to fresh air, education, and interactive activities according to their age;
- Securing the presence of witnesses in criminal proceedings by detaining them is against the law. Appropriate alternatives should be considered;
- Effective legal assistance and the opportunity to adequately challenge the legality of the decision are crucial in ensuring that the rights of the detained persons are respected and fulfilled;
- Overcoming the problem of the long duration of the procedure and the absence of interpreters will contribute to greater efficiency of the procedures;
- Delaying the processing of submitted asylum applications due to giving a statement in front of the Public Prosecutor is a practice that should be changed in the future to prevent restrictions on the basic human rights of these people;
- Quarantine accommodation without legal basis is an illegal application of the positive legal regulations and denial of the human rights to refugees and migrants. In a time of pandemic, migrants are one of the most vulnerable groups, and proper assessment of the needs and risks of these people is necessary and plays a key role.

*All of the presented information in this report are based on received public information, as on data available to MYLA for the persons detained in RTC Vinojug, RTC Tabanovce and RC for foreigners.



Macedonian Young Lawyers Association (MYLA) is an independent, non-profit professional organization which provides legal aid and strategically litigates to protect human rights.

MYLA is an organization in North Macedonia that provides free legal aid and represents asylum seekers, refugees, stateless persons and other persons of concern in procedures related to asylum, legal residence and other social rights.

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