

MACEDONIAN YOUNG LAWYERS ASSOCIATION

EMERGENCY RESPONSE



Macedonian Young Lawyers Association

2015 - A Year in Review

MACEDONIA IN CRISIS

In the first half of 2015, Macedonia witnessed a significant increase in the number of refugees and migrants transiting through the country to reach Western Europe. With the lack of legal means of traveling through Macedonia, the refugees and migrants resorted to the use of smugglers and unsafe traveling routes. The refugees walked along the highway and railway tracks leading to Serbia. Walking along such unsafe terrain, many refugees lost their lives on the train tracks. As a response, the Macedonian Government provided a way for the refugees and migrants to transit through the country legally and have the possibility to use public transportation.

The amendments to the Law on Asylum and Temporary Protection, which came into force on 18 June 2015, introduced a new legal instance, an intention to seek asylum. These changes provided that every person can express an intention to seek asylum at the border crossing points or to any police officer after entering the country, allowing that person to reside legally in Macedonia for 72 hours, in which time he or she can apply for asylum.

The purpose of introducing such a change was to improve access to the asylum procedure for persons in need of international protection and provide a possibility to those who do not wish to seek asylum in Macedonia to transit through the country legally. Following the amendments, there was a significant increase in the number of refugees arriving at the southern border and transiting through Macedonia.



A MYLA field lawyer informing refugees about the registration procedure at the Reception Site Vinojug. Photo: M.Kostovski/MYLA

MYLA IMMEDIATE RESPONSE

MYLA, as the only organization providing legal aid and representation to asylum seekers and refugees in Macedonia, began providing legal assistance and information to the refugees and migrants from the onset of the crisis in the country. Since the amendments came into force, MYLA has had a daily presence at the southern border. MYLA's field team has been steadily growing and now consists of 40 staff members, who provide legal assistance and information to refugees, conduct protection referrals for vulnerable persons, best interest assessments for unaccompanied children, and assist the Border Police in the registration process.

This report provides an overview of MYLA's activities in 2015 in response to the refugee crisis. The report focuses on MYLA's field activities, divided into three periods. The Initial Period section covers the period from June to August when the registration and the daily increases in the number of refugees and migrants were at their onset. The State of Emergency section covers the period from September to mid-November, which were the first three months of the declared state of emergency. The last section, Selective Borders, refers to the period from mid-November until the end of the year.

MYLA FIELD STAFF

- 10 Field Lawyers
- 22 Data Entry Clerks
- 10 Interpreters
- 4 Mobile Teams
- 7 on-the-call attorneys
- 24/7 Free Legal Aid Number

INITIAL PERIOD

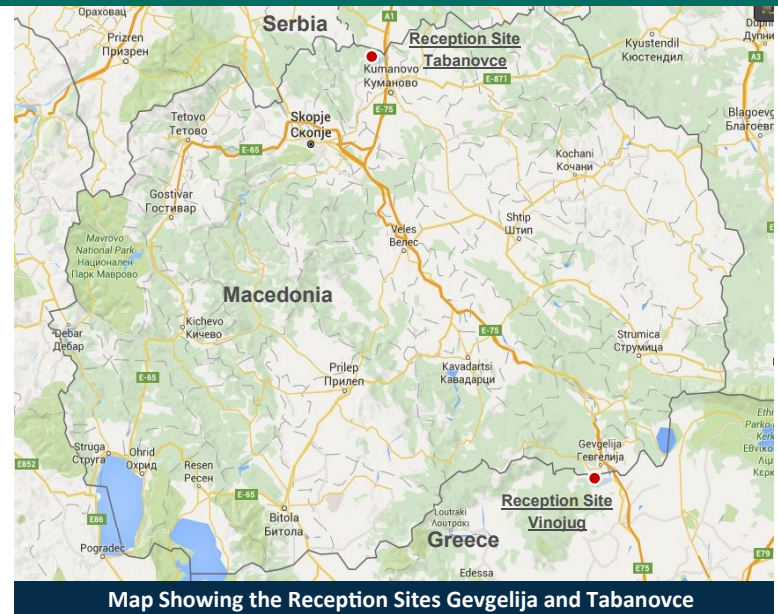
Following the amendments to the Law on Asylum and Temporary protection, the Border Police at the southern border town of Gevgelija began issuing intentions to seek asylum to the refugees and migrants transiting through Macedonia. The registration and issuing of the intentions to seek asylum was conducted at the Police Station in Gevgelija, which is adjacent to the Train Station where the refugees boarded the trains to the northern border village of Tabanovce. MYLA began its field activities and daily presence at the Train Station since the first day the border police began issuing the intentions to seek asylum. The field team, consisting of two lawyers, provided information about the intention to seek asylum and the asylum procedure in Macedonia to the refugees and migrants, and assisted the border police in issuing the intentions to seek asylum.

With the increasing number of daily arrivals and the increase in the numbers of women, families and vulnerable groups among the refugees and migrants in July, MYLA's lawyers conducted protection referrals and registration prioritization to the most vulnerable individuals. The protection referrals focused on referring vulnerable individuals to the Red Cross field teams for medical care and to UNHCR staff in cases of separated children. The registration of vulnerable individuals that were not able to wait in the long queues or needed to continue their transit were prioritized and their intentions to seek asylum were issued promptly by the Border Police with the assistance of the MYLA field teams.

During the field visits, MYLA conducted regular informal interviews with the refugees and migrants in order to identify their most pressing needs and the demographic of the groups. Throughout this period the refugees complained about the slow



Refugees boarding the train to Serbia at the Train Station in Gevgelija. Photo: M. Martinova/MYLA



Map Showing the Reception Sites Gevgelija and Tabanovce

registration process and the inadequate conditions at the Train Station in Gevgelija, including the lack of sanitary toilets, shades, resting areas and child friendly spaces. The registration process was slow as the Border Police Officers issued a certain number of intentions to seek asylum per day without considering that the number of refugees arriving was increasing daily. This practice led to a large number of refugees boarding the trains and continuing to Serbia without being registered and without having the intentions to seek asylum. The heat, long waiting hours and unsanitary conditions often made the refugees restless and led to occasional fights among them, attempts to push through the fence of the police station and incidental clashes with the police.

In August, due to the constant increase in the number of refugees arriving the police began issuing more intentions to seek asylum, but despite their best efforts and MYLA's assistance they were not able to register and issue the intentions to seek asylum to all refugees. As a response to the growing need of effective protection of vulnerable groups, MYLA advocated for the return of the prioritization policy, which at the time was temporarily suspended by the Border Police. Even though the practice was not fully reinstated, MYLA was able to ensure the prioritization of the most vulnerable cases. As a response to the growing numbers of daily arrivals, MYLA established a field team consisting of 12 Data Entry Clerks, who assisted the Border Police in issuing the intentions to seek asylum and 4 Field Lawyers that provided legal aid and assistance to the refugees on a daily basis.

Throughout the field visits in June, July and August MYLA's field team provided legal information and assistance to 17,000 refugees and migrants, and prioritized registration and conducted protection referrals to 300 persons. In this period, the Border Police registered and issued intentions to seek asylum to 105,194 refugees. Most of the refugees and migrants were from Syria and Afghanistan, with occasional large groups of refugees from Congo, Nigeria, Pakistan, Somalia and Iran.

STATE OF EMERGENCY

With the development of the refugee crisis and the continuous increase in the number of refugees arriving, the Macedonian Government declared a state of emergency in the area near the southern border on 19 August. The following day, on 20 August, the Macedonian Army and the Border Police closed off the border and allowed only a small number of refugees to pass through every few hours.

On 22 August, after two days of tensions and occasional clashes between the Special Police Units and the refugees at the border line, the border was opened and everyone was allowed to pass through. With the state of emergency declared, the registration of the refugees was moved to the newly established Reception Site Vinojug near the border line.

The Reception Site Vinojug quickly became operational and provided basic accommodation and sanitation facilities to the refugees. MYLA's field team was present at the site from the onset of its establishment providing legal assistance to the refugees and registration support to the Border Police. MYLA's data entry clerks, while closely working with and supporting the Border Police, were able to improve the registration process and significantly increase the number of issued intentions to seek asylum, leading to a fewer refugees transiting through Macedonia unregistered.

With the further increase in the number of refugees arriving daily and the more efficient registration system, the need for a 24 hour presence of MYLA's field staff at the site was evident. As a response, MYLA expanded its field team with additional data clerks and interpreters, meaning that by the end of September MYLA had 32 staff members - 4 field lawyers, 18 data entry clerks and 10 Arabic interpreters – present at the Reception Site Vinojug, the main entry point in Macedonia for refugees transiting through the Western Balkans Route.

The field lawyers with the assistance of the interpreters, in-



MYLA data entry clerks assisting the police in issuing the intentions to seek asylum at the Reception Site Vinojug. Photo: M.Kostovski/MYLA

formed arriving refugees about the registration procedure at the Reception Site Vinojug, the possibility of seeking asylum in Macedonia and the available protection services at the site. MYLA, in cooperation with the organizations providing psychosocial support, child care and medical aid, provided protection assistance to unaccompanied minors, children, vulnerable individuals (pregnant women, elderly and persons in need of medical attention) and prioritized their registration and transportation. To persons who were interested in applying for asylum in Macedonia or had to remain in the country for more than 72 hours (ex. due to a medical treatment), MYLA provided legal counselling and informed them in detail about the asylum procedure and the ways of regulating their status in the country.

In October, MYLA noted significant improvements in the registration system and reception conditions. At the Reception Site Vinojug various service points were established including an information desk near the border line, a legal assistance point, medical care point, child friendly spaces and separate accommodation areas for families and vulnerable individuals. The health and hygiene conditions were also improved at the site with the provision of sanitary water, the construction of hard-construction toilets and showers and the engagement of cleaning and sanitation teams.

MYLA's assistance in the field was particularly effective in this period due to the calm and orderly atmosphere at the reception site, which was a result of an established and coordinated system of registration and referral of the refugees and the easily accessible services at the site. However, despite these improvements the accommodation and protection capacities of the site were insufficient to meet the needs of the rising number of refugees. MYLA was particularly concerned about the lack of a protection sensitive system of screening and referral of different vulnerable groups, particularly unaccompanied and separated children. *Continues on Page 4*



MYLA lawyers at the preliminary Reception Site Vinojug near the Macedonian-Greek border. Photo: I.Kochovski/MYLA

Continued from page 3. In September, October and November there were more than 14,700 unaccompanied children that were registered at the Reception Site Vinojug. MYLA's field team particularly focused on unaccompanied children, ensuring their timely identification and registration, and referring them to the appropriate medical or child protection care. Despite the high number of unaccompanied children, most of them did not have any contact with an appropriate social worker or a legal guardian from the Center for Social Welfare, which is the responsible public institution for such cases. A legal guardian was appointed in only 9 cases, in which the children had to remain in the country for an immediate medical treatment and applied for asylum in order to regulate their stay. Throughout this period the Reception Site Vinojug was able to accommodate 700 persons at any time and effectively manage with the average 3000 arrivals per day. The site was equipped with large rub halls and small housing units (IKEA houses), used for families and vulnerable persons, medical facilities, breastfeeding areas, as well as child friendly spaces.

In the beginning of October the daily average of refugees arriving was between 4000 and 5000 persons. This number steadily rose and on 18 October over 10,000 refugees arrived in Macedonia. The registration continued without any significant obstacles, but the reception capacities of the Reception Site Vinojug were overburdened and the majority of the refugees that day were not able to receive the appropriate protection support. Nevertheless, the refugees were able to leave right after their registration was completed due to the increased availability of trains. Throughout late October and early November, due to the relatively good weather conditions the number of daily arrivals significantly increased, and on 9 November 11,072 refugees arrived and were registered in Macedonia, the highest number of refugees since the beginning of the crisis.

Throughout September, October and November MYLA provided legal information and assistance to 134,875 refugees, and prioritized registration and conducted protection referrals to 1426 vulnerable individuals. In this period, the Border Police, with the assistance of MYLA, registered and issued intentions to seek asylum to 238,951 refugees.

PREVENTING STATELESSNESS AMONG REFUGEE CHILDREN

The prevention and reduction of statelessness has been a key component of MYLA's work since 2010. One of the main methods of preventing statelessness among children is the timely and adequate birth registration of newborn children. With the increased risk of statelessness among vulnerable populations on the move such as refugees and migrants, MYLA has particularly focused on this issue. MYLA assisted in registering a newborn child and obtaining a birth certificate in two cases in 2015 since the beginning of the crisis.



MYLA assisting a Syrian family in obtaining a birth certificate for their newborn child. Photo: A.Kochev/MYLA

ANTENNA LAWYERS

In 2014 MYLA launched its Antenna Lawyers Initiative with the aim of establishing a team of attorneys across the country that will provide immediate legal counselling and assistance to asylum seekers along the transit route and the border entry points the refugees use. Due to their easier access to local public institutions, border entry points and police stations, the Antenna Lawyers monitor the access to the asylum procedure in their respective regions. In 2015, the Antenna Team consisted of 7 local attorneys.



A MYLA field lawyer and a translator, assisting the Red Cross in a case of family separation. Photo: M.Kostovski/MYLA

SELECTIVE BORDERS

On 19 November, the Macedonian Border Police deported 40 refugees from the Reception Centre Vinojug to Greece, since they were not from Syria, Iraq, or Afghanistan. This practice came as a response to similar deportations conducted by the Serbian authorities the previous day, which were in turn a response to deportations by the Croatian authorities.

The rationale behind such selective border closures was the idea that Syria, Iraq and Afghanistan are countries engulfed in war, thus people coming from these countries are in need of international protection, while, by default, all others are considered to be 'economic migrants', not in need of international protection. Ever since, the term 'economic migrants' became widely used by both government officials and media across the region to refer to persons coming from other countries than Syria, Iraq and Afghanistan.

MYLA raised particular concerns about this alarming practice, and continuously highlighted that the key criterion for assessing if one is entitled to international protection in accordance with international and national law, including the UN's 1951 Convention and 1967 Protocol relating to the Status of Refugees, is the subjective and well-founded fear of persecution or serious bodily harm in the persons country of origin. Additionally, MYLA warned about the possible revival of smuggling routes across Macedonia, increasing the likelihood of human trafficking among the refugees and migrants.

With its presence at the Reception Site Vinojug and at the border line, MYLA informed persons that were going to be deported about the asylum procedure in Macedonia. In this period, MYLA identified numerous instances where not only refugees and migrants, but persons that have stated that they wish to apply for asylum in Macedonia, i.e. asylum seekers, were deported or pushed back to Greece. *Continues on page 6*

“Macedonia's closure of the border with Greece to refugees that are not from Syria, Afghanistan and Iraq, brings to fear the revival of alternative smuggling routes, leading to an increased number cases of human trafficking. The current circumstances increase the possibility of push-backs towards Greece which is not a good practice for the Macedonian Border Police to set in motion. Western Balkan countries must not forget that appropriate authorities must decide if an asylum-seeker has a well-founded fear of being persecuted in his or her country of origin based on objective and personal circumstances, and not based on selective general lists.”

- **Martina Smilevska**, MYLA President

CHILD PROTECTION AND UNACCOMPANIED CHILDREN

In October, the National Committee on Human Trafficking and Illegal Migration adopted new Standard Operating Procedures for unaccompanied children, developed in cooperation with MYLA, UNHCR and other relevant institutions. With the lack of engagement of the Centre for Social Welfare (CSW) in the field and the increasing number of unaccompanied children, MYLA in cooperation with UNHCR began conducting best interest assessments for unaccompanied children. These assessments were conducted with the aim of identifying if a child is accompanied by a guardian, examining possible indicators of human trafficking and determining if it is in the best interest of the child to continue or remain in Macedonia.

Throughout this period MYLA advocated for a proactive Center for Social Welfare and highlighted that in accordance with the Standard Operating Procedures, the CRW must be present in the field, determine the best interest of unaccompanied children and appoint legal guardians when necessary. In late December, the CSW began participating in the interviews, appointed temporary guardians for children that applied for asylum and organized their transport to a specialized safe house for vulnerable asylum seekers.



MYLA conducting a best interest assessment with an unaccompanied child at the Reception Site Vinojug. Photo: M.Kostovski/MYLA

Continued from page 5

The deportations and pushbacks of persons created a domino effect in the Western Balkans, leaving many people stranded at the exist points in each of the countries along the route. On 20 November, 100 refugees from Iran, Morocco and Pakistan were stranded at the Reception Site Tabanovce near the Macedonian-Serbian border. In order to further facilitate the registration process and ensure that persons from Syria, Afghanistan and Iraq will be admitted to Serbia, an additional registration point was opened at the site in Tabanovce where the police issued intentions to seek asylum to the persons that might have lost their documents or were not registered when they entered Macedonia.

On 21 November, 2000 people that were not allowed to enter Macedonia blocked the main railway tracks leading from Greece to Macedonia in protest of the selective border closures, stating that they as well have well-founded reasons for leaving their country and will face harm if they return. In late November and December, the Macedonian Border Police returned on average 100 refugees and migrants daily to Greece.

With the selective border closures, and the rise in the number of refugees and migrants transiting through Macedonia MYLA identified the need for a continuous presence at the Reception Site Tabanovce. In December, MYLA established a mobile team of lawyers that provides information about the asylum procedure in Macedonia and identifies and refers unaccompanied children that have transited through

the country unregistered. Throughout this period, an increasing number of refugees and migrants arrived at the Reception Site Tabanovce that were not registered and were not from Iraq, Syria and Afghanistan. Most of them did not want to apply for asylum in Macedonia and continued their way to Serbia unregistered.

In December MYLA's field lawyers provided legal information and assistance to 88,325 refugees and conducted protection referrals and registration prioritization for 1358 vulnerable individuals. In this period, the Border Police, with the assistance of MYLA, registered and issued intentions to seek asylum to 90,895 refugees.



A MYLA lawyer informing refugees about the procedure for asylum in Macedonia at the Reception Site Vinojug. Photo: M.Kostovski/MYLA

MYLA 2015 EMERGENCY RESPONSE ASSISTANCE IN NUMBERS

- Refugees registered and issued with an intention to seek asylum in Macedonia: 435,907
- Refugees informed about the asylum and legal procedures: 238,200
- Protection referrals and interventions in cases of vulnerable individuals: 2,784
- Interviews with unaccompanied children: 150

The Macedonian Young Lawyers Association (MYLA) is an independent, non-partisan, professional organization which provides legal aid and strategically litigates to protect human rights. By using the knowledge and innovative capacities of young lawyers, MYLA promotes the rule of law and influences policy through research and advocacy. MYLA strives for a society in which the rule of law is established and people proactively strive for the respect of their human rights.

MYLA is the only organization in the Republic of 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.

MYLA's work has been generously supported by The United Nations High Commissioner for Refugees.

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