

## ANNEX 5

### **Cluster 1: Incoming migrants**

#### *Part 1 Migrants who come to work in the country*

#### **1.1 Adhering to the system**

##### **A. Migrant Foreign worker**

###### **a) work permit**

According to the Macedonian Law on employment of citizens (Zakon za vrabotuvanje na stranci) and the Law on movement and residence of foreigners (Zakon za dvizenje i prestop na stranci) all categories of migrant foreign workers in Macedonia need a work permit.

The work permit is issued by the Agency for employment.

The demand for a work permit is submitted by the employer.

Work permits can last for 12 months, and can be extended each year.

In principle the temporary residence is determined with the length of the working permit.

###### **b) residence permit**

In case the migrant foreign worker wants to work in Macedonia, then he first personally needs to submit a request for a temporary residence to the Ministry of Interior. The temporary residence lasts up to 12 months but it can be renewed each year.

After three years of a continuous temporary residence a foreigner can request for approval of a residence permit.

As soon as he receives a residence permit, he does not need to submit a request for a work permit.

###### **c) registration**

The migrant foreign worker needs to register in different institutions under the Ministry of Labour and Social Policy, dealing with social security.

As soon as he is registered in the Ministry of Interior and has a temporary residence permit, he is receiving an ID card for foreigners, with unique personal number. With this ID he can register at the institutions dealing with social security.

###### **d) contributions**

Please see below under the opening entitlement

###### **e) affiliation abroad**

Please see below under the opening entitlement

###### **f) complaint**

The foreign migrant worker can launch a complaint at the Governmental Commission at the second instance, while The Supreme Court is the final institution deciding about

the complain. The Macedonian Courts are responsible for complain since the migrant foreign worker is working on the territory of the Republic of Macedonia.

g) non-compliance

There is a sanction against the employer, and this is under the authority of the Labour Inspectorate. The sanctions are mostly administrative.

In case the person is working without filing the administrative procedures, than he/she will be treated as if he has committed an offence against the Macedonian Laws and the sanctions can be administrative, or in case he is employed without any residence (permit or temporary) he/she will be treated as an illegal foreigner and will be expelled from the country.

## **1.2. Opening entitlements**

### 1.2.1 Old age

#### Contributions

Migrant foreign workers with residence permit are equal with the Macedonian citizens, in terms of paying contributions. The contribution rate that they are paying is 20% from the gross monthly salary.

Migrant foreign workers with temporary residence are also paying contribution for pension and disability insurance of 20% from the gross monthly salary.

#### a) Procedure

The demand for an old age benefit is submitted to the branch offices of the Fund for pension and disability insurance. The branch office is determined in accordance with the last insurance (place where a person has been working-for example if the person lives in Skopje, but he has been working in Kumanovo, then the demand needs to be submitted at the Kumanovo branch office of the Fund for pension and disability insurance).

In case the migrant foreign worker wants to launch a complain he can apply to the Governmental Commission for solving the rights from the area of pension and disability insurance.

#### b) Entitlement conditions

Law on pension and disability insurance (Zakon za penzisko i invalidsko osiguruvanje) is also applied for the migrant foreign workers with residence permit. This means: 64 years of age for men and 62 for women, with at least 15 years of insurance period.

In case a qualifying period is used, we are taking into account foreign insurance periods but only in case they were realised in a country with which Macedonia has a bilateral agreement on social insurance.

#### c) Calculations

The pensions are calculated in accordance with the monthly wage average and contributions realised in the period from 1 January 1970 until the end of the insurance of the worker.

This is the pension basis. The amount of the pension is calculated and the percentage of the pension depends of the length of the working period. Only the salary earned in Macedonia is taken into account when determining the pension base. On the other hand when it comes to the percentage of the pension a working period spend in another country with whom Macedonia has a bilateral agreement on social insurance is also taken into account.

d) Anti-cumulation

If a person has realised a right to a pension in Macedonia and in some other country, he can receive both pensions. On the contrary if he has combined two professional activities in Macedonia and he has been insured for both of them for the same time, he can receive pension for only one professional activity.

e) Multilateral calculation

When calculating the pensions only insurance periods realised in countries with whom Macedonia has a bilateral agreement on social insurance are taken into account, and a multilateral calculation can be made.

### 1.2.2 Survivorship

a) Procedure

The demand should be launched to the Fund for pension and disability insurance, in all cases (when the survivor is living Macedonia or abroad) and in case a person wants to launch a complain he can apply to the Governmental Commission for solving the rights from the area of pension and disability insurance.

b) Entitlement conditions

Qualifying periods are used with those countries with whom we have a bilateral agreements. The place of residence of the surviving relatives is irrelevant. The pensions can be transferred to the relatives residing abroad but only in the European countries.

c) Calculations

The pensions are calculated in accordance with the monthly wage average and contributions realised in the period from 1January 1970 until the end of the insurance of the worker.

This is the pension basis and the amount of the pension is calculated and the percentage of the pension depends of the length of the working period. Only the salary earned in Macedonia is taken into account when determining the pension base, but when it comes to the percentage of the pension a working period spend in another country with whom Macedonia has a bilateral agreement on social insurance is also taken into account.

d) Anti-cumulation

If a person has realised a right to a pension in Macedonia and in some other country, his/her survivor can receive both pensions. On the contrary if he has combined two

professional activities in Macedonia and he has been insured for both of them for the same time, his/her survivor can receive pension for only one insurance period.

e) **Multilateral calculation**

When calculating the pensions only insurance period realised in countries with whom Macedonia has a bilateral agreement on social insurance are taken into account, and a multilateral calculation can be made.

1.2.3 Incapacity to work

1.2.3.1 Sickness

a) **Procedure**

The migrant foreign worker has a right to a sickness benefit. Up to 15 days of using the sickness benefit he/she needs to submit a confirmation from his personal doctor to the employer, that he/she has a problem due to which he/she needs a sickness leave.

In case his/hers sickness leave is from 15-60 days, than he/she needs to be examined by the local commission from the Fund for health insurance.

In case of problem he/she can launch a complain to the supervisory body of the organisation where she is working.

In both cases (sickness leave up to 15 days, or up to 60 days) he/she is entitled to a cash benefit paid by the employer.

In case he/she needs to use more than 60 days, the further expenses in terms of sickness benefit are paid from the Fund for health insurance.

In this case the user of the sickness benefit is launching a demand to the branch office of the Fund for health insurance.

In case of problem he can apply to the Minister of Health, who is deciding in second instance.

The third instance is the administrative dispute in front of the Supreme Court.

b) **Assessment work incapacity**

Up to 15 days of sickness migrant foreign worker he need to submit a confirmation from his personal doctor to the employer, that he has a problem due to which he needs a sickness leave.

In case his sickness leave is from 15-60 ore more than 60 days, than he needs to be examined by the local commission from the Fund for health insurance.

In case the person is residing abroad and is examined from a foreign doctor, he needs to submit all the medical documentation for checking to the local commission from the Fund for health insurance.

He needs to make a regular check-ups in the branch office of the Fund for health insurance. He can make a check ups in another country but in that case he/she again needs to submit his medical documentation to the Fund for health insurance.

c) **Entitlement conditions**

The only condition is that he/she is employed with the work permit in Macedonia and he/she proves the need of using the sickness benefit.

#### d) Calculation

The benefit is calculated on the basis of the salaries paid in the last 6 months before the period when the sickness benefit has been used.

In case of sickness because of injury or disease the benefit varies from 70% till 100% from the average of the salary paid in the last 6 months. The amount of benefit is determined by the employer or by the Fund for health insurance, in accordance with their regulations and based on the period of use of the sickness benefit.

We do not take into account incomes from other countries.

#### e)Employer abroad

In case we have a bilateral convention/agreement with the country where the employer is located then we are applying this convention/agreement.

In case we do not have this type of convention then the migrant foreign worker can not use the sickness benefit.

The above mentioned is when the migrant foreign worker is not insured in Macedonia.

In case he/she is insured in Macedonia then he/she can use the sickness benefit.

#### f) Anti-cumulation

In Macedonia double insurance on the basis of performing two professional activities is not possible.

### 1.2.3.2 Maternity

The foreign migrant worker has a right to a 9 months maternity leave.

During this period the migrant foreign worker is receiving the whole benefit calculated as average from the salaries in the last 6 months of her working period before she has realised her right to a maternity leave. The maternity benefits are paid from the Fund for health insurance.

In Macedonia at the moment there is no parental leave.

### 1.2.3.3 Invalidity

#### f) Procedure

The demand should be launched by the employer or the employee to the branch office of the Fund for pension and disability insurance. The incapacity for work is evaluated by the Commission for evaluation of the working capacity in PDF (Fund for pension and disability insurance). In case a person wants to launch a complain he can apply to the Governmental Commission for solving the rights from the area of pension and disability insurance.

#### g) Assessment work incapacity

The incapacity for work is evaluated by the Commission for evaluation of the working capacity in PDF (Fund for pension and disability insurance). The

Commission for evaluation of the working capacity is composed of: doctors specialist in various areas. There is one more Commission for revision of the work of the previously mentioned Commission that is formed by the Ministry of Labour and Social Policy and composed also by the doctors specialists in various institutions.

If the insured person is staying in another country, then the Commission in that country is making the control, but it is submitting the results to the Macedonian Fund for pension and invalidity insurance.

Check ups are only possible in Macedonia.

h) Entitlement conditions

The only condition is that the Commissions mentioned above needs to approve the incapacity to work.

i) Calculation

The pensions are calculated in accordance with the monthly wage average and contributions realised in the period from 1 January 1970 until the end of the insurance of the worker.

This is the pension basis and the amount of the pension is calculated and the percentage of the pension depends of the length of the working period. Only the salary earned in Macedonia is taken into account when determining the pension base, but when it comes to the percentage of the pension a working period spend in another country with whom Macedonia has a bilateral agreement on social insurance is also taken into account.

The invalidity pensions are also followed by the invalidity benefit, which is determined in dependence with the working period and can be 10%, 15% or 20% from the determined amount of the invalidity pension.

j) Anti-cumulation

If a person has realised a right to a pension in Macedonia and in some other country, he can receive both pensions. On the contrary if he has combined two professional activities in Macedonia and he has been insured for both of them for the same time, he can receive pension for only one professional activity.

#### 1.2.3.4 Labour accidents/professional diseases

a) Procedure

The demand should be launched by the employer or the employee to the branch office of the Fund for pension and disability insurance. The labour accidents or a professional diseases is evaluated by the Commission for evaluation of the working capacity in PDF (Fund for pension and disability insurance). In case migrant foreign worker wants to launch a complain he/she can apply to the Governmental Commission for solving the rights from the area of pension and disability insurance.

b) Assessment work incapacity

The incapacity for work is evaluated by the Commission for evaluation of the working capacity in PDF (Fund for pension and disability insurance). The Commission for evaluation of the working capacity is composed of: doctors specialist

in various areas. There is one more Commission for revision of the work of the previously mentioned Commission that is formed by the Ministry of Labour and Social Policy and composed also by the doctors specialists in various institutions. If the insured person is staying in another country, then the Commission in that country is making the control, but it is submitting the results to the Macedonian Fund for pension and invalidity insurance.

Check ups are only possible in Macedonia.

There is a list of professional diseases which is determined by the Ministry of Labour and Social Policy, prepared by the doctors specialists from the Labour medicine institution.

c) Entitlement conditions

The only condition is that the Commissions mentioned above needs to approve the professional disease or labour accident.

d) Calculation

In case the invalidity pension depends on determining the labour accidents or professional disease the mentioned Commission for evaluation of working capacity needs to be consulted.

In those cases the amount of the pension is 80% of the pension base (maximum percentage for calculating the pensions amount).

e) Anti-cumulation

If a person has realised a right to a pension in Macedonia and in some other country, he can receive both pensions. On the contrary if he has combined two professional activities in Macedonia and he has been insured for both of them for the same time, he can receive pension for only one professional activity that he has conducted.

#### 1.2.4 Unemployment

Every foreign person can receive a job in the Republic of Macedonia, only if he has a regulated permanent or temporary residence in the Republic of Macedonia, and receives a work permit. Work permits for foreign citizens are issued by the State Employment Agency on the basis of the submitted request from the employer.

-contributions

Migrant foreign workers are paying the employment contributions, which is 1.6 % from the monthly salary.

a) Procedure

Migrant foreign workers with residence permit on the territory of the Republic of Macedonia are entitled to an unemployment benefit. They need to submit a request to the Centre for employment in the municipality where they live. In case of problems a second instance deciding about the unemployment benefit is the Ministry of Labour and Social Policy. Migrant foreign workers with temporary residence can also use the unemployment benefits in case they have been staying, working and paying the employment contribution on the territory of the Republic of Macedonia for a longer period of time and possess a personal ID for foreigners with a unique personal number.

Those persons in case they loose their job, can use the unemployment benefits in accordance with their working period spend in Macedonia.

b) Control origin character unemployment

Only migrant foreign workers with residence permit need to check regularly in their municipal Centre for employment, and the same Centaur is the responsible institution for controlling their unemployment status.

c) Entitlement conditions

The basic condition is to have a residence permit. As soon as he has this residence permit he can register at the local Centre for employment and he is entitled to the health insurance (since this is the only way for the unemployed persons to be medically insured in Macedonia). In case he had a job in Macedonia and he has lost his job, the condition for using the unemployment benefit is that he was employed in Macedonia continuously for at least 9 months. In this case he is receiving a cash benefit for 3 months.

If he was employed for more than 9 months continuously than he is receiving a cash benefit for a longer period.

The cash benefit for unemployment that he is receiving per month is 50% from his average monthly salary in the last 12 months. It is not possible to take into account foreign insurance periods in order to fulfil the qualifying conditions.

It is not possible to export benefits to another country.

In case the Agency for employment offers a job to the registered unemployed person, which job is proper to his education and working experience and he refuse to take to job, this person is erased from the Evidence of the unemployed people and he is not entitled to the benefits in case of unemployment (health insurance and cash benefit in case of unemployment).

d) Calculation

The cash benefit for unemployment that he is receiving per month is 50% from his/her average monthly salary in the last 12 months. It is not possible to take into account foreign insurance periods in order to fulfil the qualifying conditions.

Foreign elements (such as income earned in other countries, are not taken into account when calculating the cash benefit in case of unemployment).

e) Anti-cumulation rulesn

The person will receive the benefits in Macedonia to which he is entitled, since there is no efficient evidence whether he is using benefits in other countries.

### 1.2.5 Health care

-contributions

In accordance with the Law on health insurance (Zakon za zdravstveno osiguruvanje), the migrant foreign worker needs to have a health insurance and to pay contributions to the Macedonian health insurance fund. The contribution rate is 9.2% from the workers monthly salary.

-Health care/care

a) registration



Registration is done at the branch office of the Health Insurance Fund, with filling the standard form. The choice of the health care provider for basic medical protection (ambulance) is free of choice but only on the territory where the migrant worker works or lives. For refunding the health care costs the first instalment where they should send the health care bills are the branch offices of the Health Insurance Fund, while the second instalment is the central office of the Health Insurance Fund.

In case of problems a complain is first launched to the branch office of the Health Insurance Fund, while on the later stage the complain can be launched to central office of the HIF. The final decision is made by the Minister of health on the basis of the material prepared by the HIF.

b)entitlement conditions

There is no qualifying period to open the entitlement.

c)residence abroad

In case the migrant worker has a health care insurance in Macedonia, and he is residing abroad, he can have access to the health care services, but only if Macedonia has a bilateral agreement with that country. In case he is insured in Macedonia and he leaves for a longer medical treatment abroad then he needs to prove that for him it is necessary to leave Macedonia for a medical treatment (because in the country there are no conditions for that type of treatment) and he is paying 20% of the total amount of the medical expenses, while the other 80% are covered by the HIF.

d)family members living abroad

The family members can access to the health care providers in Macedonia only if they provide the necessary medical ID for the family members and are insured through the migrant foreign worker.

e)anti-cumulation

In Macedonia migrant foreign worker can be insured only on the basis of one professional activity. We do not take into account foreign entitlements to benefits as well.

### 1.2.6. Family benefits

The foreign migrant workers that are working in Macedonia and have a residence according to the Law on the protection of children (Zakon za zastita na decata) No.98/2000; 17/2003 and 65/2004 is entitled to:

-child benefit in cash.

a)procedure

He needs to submit a request to the municipal centre for social work. The Centre decides upon his request. In case of a falling demand, he has a right to complain through the Centre for social work to the Ministry of Labour and Social Policy and the Minister is the final authority that decides upon the case.

In case that he is not satisfied with the decision of the Minister he can launch a complain before the Supreme Court.

b)entitlement conditions

In order the child benefit to be realised the age of the child is taken into account, and also a material situation of the family.

The children are entitled to a child benefit until they are 18 years of age, but the condition is that they are regular pupils and they are studying at the territory of the Republic of Macedonia. Only in case when the child is sick and is not in a possibility to attend the regular school he is also entitled to a child benefit.

The foreign insurance periods are not taken into account when determining the child benefit.

The second condition is the material situation of the household.

The total amount of income per family member should not be higher than 16% from the average salary paid in first half of the previous year in the country, while for a single parent this amount should not be more than 32%. All the incomes of the family are taken into account, including the incomes earned into another country.

Only a parent or a person that is taking care about the child, can request for a child benefit. This person should be employed and insured.

At the moment the citizenship is not required for receiving the child benefit, according to the Law the foreign citizen only needs to have a residence on the territory of the Republic of Macedonia.

c)export benefits

There is no export of benefits in case the child of the migrant foreign worker is not living in Macedonia.

d)anti-cumulation

In principle when a foreign migrant worker is receiving the child benefit in another country, he is not entitled to a child benefit in Macedonia (although there are not enough efficient checking measures). In case the child of the migrant foreign worker from number of reasons is accommodated in the institution in the Republic of Macedonia, then the person that is taking care about the child can not launch a demand for a child benefit.

### 1.2.7 Need

a)procedure

The migrant foreign worker needs to receive a residence permit and a proper legitimating card. He needs to launch a demand for a social assistance at the Centre for social care responsible for the municipality in which the foreign worker is living. The Centre is checking the documentation and in case the migrant worker is filling the conditions for receiving a social assistance he is granted that right. In case his demand has been reject he can launch a complain to the Department for social protection within the Ministry of Labour and Social Policy.

b)entitlement conditions

Depends what kind of help migrant foreign worker is requiring (benefits in cash or accommodation in some of the social institutions) – the basic condition is to check his financial and family status, and working capabilities to provide his own means for living. For foreigners residence permit is enough in order to receive the mentioned benefits. Only in case when the person is below 18 years then regardless if he/she

does not have a residence permit the state is protecting him and offering him a benefit and is also informing the proper authorities of his home country. When it comes to the means test all incomes are taken into consideration.

The migrant foreigner worker with residence permit can receive benefits from this category in case when:

- his incomes are very low (below the determined line for receiving social assistance) or he is not receiving salary for his work;
- in case when he and the members of his family are unemployed (since the overall incomes of the family are taken into account).

c)export

It is not possible to export the assistance benefits to another country.

## **1.1. Adhering to the system**

### **B. Foreign citizen worker**

*This category can deal with people who were originally resident in Macedonia, and thus have never migrated towards the country, but do not have citizenship, (for example persons with former Yugoslav citizenship)*

Those are mostly citizens who have a former Yugoslav citizenship.

On the basis of their valid Yugoslav ID card, they can realise their rights, in each of the institutions covering social insurance.

a)work permit

In case they have a former Yugoslav ID and they were originally residing in Macedonia they do not need a work permit.

b)residence permit

In case they have a former Yugoslav ID and they were originally residing in Macedonia they do not need a residence permit.

c)registration

The person needs to register in different institutions under the Ministry of Labour and Social Policy, dealing with social security. The registration is done by the employer in case they are employed.

d)contributions

Please see under the opening entitlement

e)affiliation abroad

Please see under the opening entitlement

f)complaint

Please see under the opening entitlement

g)non-compliance  
Please see under the opening entitlement

## **1.2 Opening entitlement**

### 1.2.1 Old age

Regarding old age - please see above under the category old age for migrant foreign workers, since the same text needs to be applied under this category as well.

### 1.2.2 Survivorship

Regarding survivorship - please see above under the category survivorship for migrant foreign workers, since the same text needs to be applied under this category as well.

### 1.2.3 Incapacity to work

Regarding incapacity to work- please see above under the category incapacity to work for migrant foreign workers, since the same text needs to be applied under this category as well.

#### 1.2.3.1 Sickness

Regarding sickness - please see above under the category sickness for migrant foreign workers, since the same text needs to be applied under this category as well.

#### 1.2.3.2 Maternity

Regarding maternity- please see above under the category maternity for migrant foreign workers, since the same text needs to be applied under this category as well.

#### 1.2.3.3 Labour accidents and professional diseases

Regarding labour accidents and professional diseases- please see above under the category labour accidents and professional diseases for migrant foreign workers, since the same text needs to be applied under this category as well.

### 1.2.4 Unemployment

Please see above under the unemployment category.

### 1.2.5 Health care

Please see above under the health care category.

### 1.2.6 Family benefits

Please see above under the family benefits category.

### 1.2.7 Need

Regarding the need category- those people have the same status as the foreigners with residence permit and are treated the same way (for further details please see above under the migrant foreign worker).

## **1.1 Adhering to the system**

## **1.2 Opening entitlement**

### C. Migrant citizen worker

(This category can also deal with own citizens-i.e. Macedonian citizens, who for the first time move into Macedonia for work (e.g. people who left the Yugoslav Federation and now return) or for the first time start to work in Macedonia after having lived in another country).

This category of people if they have a Macedonian citizenship have equal rights and obligations when it comes to the social insurance as the Macedonian citizens regardless the fact that they move for the first time to Macedonia to work.

For more details about the rights and obligations in terms of social security for the Macedonian citizens, please see under Annex 2-MISSCEO tables.

## **1.1 Adhering to the system**

### D. Illegal/semi-legal (foreign worker)

In case of discovering illegal migrant foreign worker the Ministry of Interior is competent and there are administrative sanctions against that person, with the final measure expulsion from the country.

## **1.2 Opening entitlement**

Illegal and semi legal migrants are not treated with the Macedonian Laws and are not covered with any social insurance scheme.

## **1.1 Adhering to the system**

### E. Migrant worker temporary basis

a)work permit

According to the Macedonian Law on employment of citizens (Zakon za vrabotuvanje na stranci) and the Law on movement and residence of foreigners (Zakon za dvizenje i prestop na stranci) all categories of migrant foreign workers in Macedonia need a work permit.

The work permit is issued by the Agency for employment.

The demand for a work permit is submitted by the employer.

Work permits can last for 12 months, and can be extended each year.

In principle the temporary residence is determined with the length of the working permit.

b) residence permit

In case the migrant foreign worker wants to work in Macedonia, then he first personally needs to submit a request for a temporary residence to the Ministry of Interior. The temporary residence lasts up to 12 months but it can be renewed each year.

After three years of a continuous temporary residence a foreigner can request for approval of a residence permit.

As soon as he receives a residence permit, he does not need to submit a request for a work permit.

c) registration

The migrant foreign worker needs to register in different institutions under the Ministry of Labour and Social Policy, dealing with social security.

As soon as he is registered in the Ministry of Interior and has a temporary residence permit, he is receiving an ID card for foreigners, with unique personal number. With this ID he can register at the institutions dealing with social security.

d) contributions

Please see below under the opening entitlement

e) affiliation abroad

Please see below under the opening entitlement

f) complaint

The foreign migrant worker can launch a complaint at the Governmental Commission at the second instance, while The Supreme Court is the final institution deciding about the complaint. The Macedonian Courts are responsible for complaints since the migrant foreign worker is working on the territory of the Republic of Macedonia.

g) non-compliance

There is a sanction against the employer, and this is under the authority of the Labour Inspectorate. The sanctions are mostly administrative.

In case the person is working without filing the administrative procedures, then he/she will be treated as if he has committed an offence against the Macedonian Laws and the sanctions can be administrative, or in case he is employed without any residence (permit or temporary) he/she will be treated as an illegal foreigner and will be expelled from the country.

## **1.2 Opening entitlement**

In case when we are taking about posted workers, then all the rights and obligations that come out from the social insurance they are realising in the country that is sending them to work in Macedonia. The exception from this case is when we have a bilateral convention with the country that is sending them.

In that case we are using the convention.

### Family benefits

The posted workers also have a right to submit a request for a child benefit, in case when he/she has brought his family with him.

The same conditions as described above apply here also.

### Need

Migrant workers on a temporary basis they are not entitled to this kind of benefits.

**Cluster 1: Incoming migrants**  
**Part 2: Moving to the country without a link to professional activities**

Outgoing migrants

Foreign person moving to a country without a link to professional activities

**1.1 Adhering to the system**

A. Foreign person moving to a country to reside

A1. Having direct entitlement

A2. Having indirect entitlement

a) residence/stay permit

They need a temporary residence permit, that is issued by the Ministry of Interior.

They do not need a working permit, it is enough for them to prove that they are in close relative connection (spouse or children of the migrant foreign worker who has a regulated residence in the country).

The other categories of foreign citizens in the country need to prove the purpose of their stay in the country in order to receive a residence permit.

b) registration

The registration is done at the ministry of Interior and they need to prove and justify their staying in Macedonia.

c) contributions

Please see under the opening entitlements

d) affiliation abroad

Please see under the opening entitlements

e) compliant

Please see under the opening entitlements

f) non-compliance

Please see under the opening entitlements



## **1.2 Opening entitlement**

This category of people is not treated with the Law on pension and invalidity insurance, and they are not covered with the old age, survivorship, incapacity to work, sickness, maternity, invalidity or labour accidents/professional diseases schemes.

### Unemployment

Foreign persons coming in Macedonia usually to accompany a member of a family and not because of employment, do not have the right to be evidenced as unemployed persons.

### Health care

They can have access to the health services through the person that they are accompanying and who is insured-employed in the Republic of Macedonia or entitled to a unemployment benefits.

### Family benefits

The person applying for a child benefit needs to be employed or insured in the Republic of Macedonia.

### Need

Only a person with the Macedonian citizenship or a residence permit can apply for a need benefit, under the conditions described above.

## **1.1 Adhering to the system**

### **B. Foreign residents in the country**

#### a)work permit

In case they have a former Yugoslav ID and they were originally resident in Macedonia they do not need a work permit.

#### b)residence permit

In case they have a former Yugoslav ID and they were originally resident in Macedonia they do not need a residence permit.

#### c)registration

The person needs to register in different institutions under the Ministry of Labour and Social Policy, dealing with social security.

#### c)contributions

Please see under the opening entitlements

#### d)affiliation abroad

Please see under the opening entitlements

e)compliant

Please see under the opening entitlements

f)non-compliance

Please see under the opening entitlements

## **1.2 Opening entitlement**

In practise there are only a few cases of persons with the former Yugoslav citizenship. Most of them have already regulated their status either receiving a Macedonian citizenship, or residence permit, which makes them equal with the Macedonian citizens in terms of social insurance schemes.

### **1.1 Adhering to the system**

#### **1.2 Opening entitlement**

##### **C. Citizens moving to the country to reside**

Those persons if they have a Macedonian citizenship, regardless the fact that they move for the first time in Macedonia are equal with the Macedonian citizens in terms of social security schemes.

For a more detail description of the Macedonian social security system please see under Annex 2-MISSCEO tables.

### **1.1 Adhering to the system**

##### **D. Foreign persons coming temporary to the country**

a)residence/stay permit

In case we have a visa regime with their country they need to have a visa for Macedonia.

b)registration

After they enter in Macedonia in three days time they need to register in the closest police station and to submit the address where they are staying and to inform about the purpose of their staying.

### **1.2 Opening entitlement**

#### **Health care**

In case we have a bilateral agreement with their state then they should bring medical forms issued by their relevant health insurance institution in case they require a health services.

In case we do not have a bilateral agreement with their country, then only the urgent health protection can be provided.

### **1.1 Adhering to the system**

E. Foreign persons staying/residing in a semi-legal/illegal situation.

In this case the Ministry of Interior is competent and there are administrative sanctions, with the final measure expulsion from the country.

## **CLUSTER 2**

### **OUTGOING MIGRANTS**

#### **1. Consequences for social security system in general**

##### **1.1 Taking up work in another country**

A. Own citizens with insurance record moving/being abroad

- *Taking up work in another country*

##### Old age/survivors/invalidity

If the Macedonian citizens take up work in another country, and are fulfilling the conditions in Macedonia for receiving a pension (on every basis) then their pensions can be exported to the country where they have moved.

##### Sickness/Maternity

Regarding the sickness and maternity benefit, it can only be realised in case the Macedonian citizen is residing and working in Macedonia.

Only if the Macedonian citizen is send abroad from the state, than he can use all rights and benefits from the Macedonian social insurance on the basis of the Macedonian Laws, except in case when they are send by the Macedonian state in some other country, but he is insured in accordance with the Laws of the country where he is working.

##### Health care/care

Macedonian citizens that are taking up work in another country, and if they are send by the Macedonian institutions then still have health insurance in Macedonia, and this insurance is provided through the medical forms determined with the bilateral agreement.

In case that we do not have a bilateral agreement with the country where they are working then the person himself is taking care about his health insurance.

### Unemployment

All Macedonian citizens and people with residence permit that are receiving the unemployment benefit, each month obligatory personally need to register themselves to the local Employment Centre in order to confirm that they are present in the country for the whole period until they are using the unemployment benefit.

In case they move abroad they loose the right to the unemployment benefit.

### Family benefits

If a Macedonian citizen is posted (working temporary) abroad, but his child is still living and studying in Macedonia, he can continue receiving child benefit.

But if he moves with the whole family abroad then his right for receiving child benefit stops.

### Need

-In general in the Republic of Macedonia, according to the Law on social protection (Official Gazette 50/97; 16/2000; 17/2003 and 65/2004) the rights from the social protection (belonging under the need category) are guaranteed to the Macedonian citizens who have a permanent residence on the territory of the Republic of Macedonia and to the foreign citizens with residence permit on the territory of the Republic of Macedonia, as long as they fulfil the conditions determined by Law for receiving this kind of benefits).

This means that there is no transfer of benefits of this kind since they leave the country.

## B. Foreign nationals with insurance record moving/being abroad

### Old age/survivors

In case a person with a foreign nationality has build up a social insurance record in the past in Macedonia and is now staying/residing in another country and wants to realise his pension rights in that country, than his working period in Macedonia can be calculated for the realisation of the pension right only if Macedonia has a concluded bilateral agreement with that country.

### Sickness/Maternity

Not entitled

### Unemployment

Only foreign nationals with residence permit and staying in Macedonia are entitled to the unemployment benefit, and for them the above mentioned rule

applies. In case they move to another country they are losing the right to the unemployment benefit.

Health care

He/she can not have access to the health care services if he/she is not any more part of the Macedonian health insurance system, neither can consult a health care provider on the expense of the Macedonian health insurance.

Family

Not entitled to a Macedonian child benefit any more.

Need

Please see above

C. Illegal/semi legal migrants with insurance record moving/being abroad

This category is not treated with the Macedonian Laws.