

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

9 February 2012

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Serbia and Kosovo: Whether an individual born in Kosovo when it was part of Serbia can obtain Serbian citizenship; documents required to access citizenship
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Serbian Citizenship Rights for People from Kosovo

In a telephone interview with the Research Directorate, an official at the Embassy of the Republic of Serbia in Ottawa explained that an individual born in Kosovo when it was governed by Serbia is still considered a Serbian citizen by Serbia (Serbia 2 Feb. 2012). According to the Serbian government's website, Serbia does not recognize Kosovo as a separate state (*ibid.* n.d.a). Their stated position is that "[a]s long as the Serbian people exists, Kosovo is Serbia" (*ibid.*). In December 2011, the Minister of Foreign Affairs restated that "Serbia will never recognise the unilaterally proclaimed independence of Kosovo-Metohiya" (Serbia 10 Dec. 2011).

Several sources refer to people who fled Kosovo for Serbia during the 1999 conflict as internally displaced persons (IDPs) (IDMC 22 Dec. 2010, 1; Praxis Feb. 2007, 7; Serbia Jan. 2010, 1). According to a January 2010 report by the Serbian government's Commissariat for Refugees (Komesarijat za Izbeglice), there have been 210,146 IDPs registered in Serbia since that date (*ibid.*). In terms of ethnicity, figures taken in 2001 from the Commissariat for Refugees indicate that 68 percent of the IDPs were Serbs, 12 percent were Roma and 8 percent were Montenegrins (Grupa 484 June 2011, 40).

The Belgrade-based non-governmental organization (NGO) Praxis, which has advocated for and provided legal aid to IDPs in Serbia, states that, legally, IDPs are

full-pledged [sic] citizens of Serbia with the same rights as non-displaced citizens as regards status, public welfare (social protection/safety, health care, education, employment and pension), property, movement and participation in the economic and political life of the country. (Praxis Feb. 2007, 11, 33)

2. Serbian Citizenship

According to the Serbian embassy official, a Serbian citizenship certificate serves as proof of Serbian citizenship (Serbia 6 Feb. 2012). He also explained that if one or both of an applicant's parents has the citizenship certificate, the applicant has legal grounds to claim Serbian citizenship and can apply for it (*ibid.*).

2.1 Acquiring Serbian Citizenship from Abroad

The Embassy of the Republic of Serbia in Ottawa outlines on its website the procedures for acquiring or re-acquiring Serbian citizenship (Serbia n.d.b). The embassy explains that Article 23 of their law

confirms that the member of Serb or some other nation or ethnic community from the territory of the Republic of Serbia, who do not reside within the territory of the Republic of Serbia, may be admitted into the citizenship of the Republic of Serbia provided that he/she is 18 years of age, that his/her work capabilities are not compromised, and that he/she submits a written statement stating that he/she recognizes the Republic of Serbia as his/her own country. (*ibid.*)

According to the embassy, such an individual must submit the following documents to apply for citizenship:

- Completed request for admission to the citizenship. Request must be completed by each member of the family. Signature of the applicant must be notarized by a Notary Public.

- Signed written statement that the applicant recognizes the Republic of Serbia as his/her own country. This statement is submitted by each member of the family. Signature of each applicant must be notarized by a Notary Public.
- Original of the birth certificate, not older than six months from the date of issue.
- Original of the marriage certificate (verified with [a] Deputy Registrar General and translated into Serbian language-if marriage was concluded in Canada)
- Identity documents (government issued personal ID, passport or travel document with which the person arrived to Canada, driver's license or some other document bearing a photograph). Photo-copies of the documents must be notarized by a notary public who must certify that they are true to the original.
- Original proof of citizenship of another country developed within the territory of the SFR [Socialist Federal Republic] Yugoslavia or the republic which was a part of SFR Yugoslavia.
- A child between 14 and 18 years of age must sign a statement in front of the Notary Public that he/she is in agreement with the request submitted by the parents for the admission into citizenship. ...
- Children born in Canada require a certified copy of the birth-certificate which is verified by a Deputy Registrar General and translated into Serbian. (ibid.)

3. Challenges Accessing Personal Documentation

3.1 Missing Documentation

Sources report that several IDPs who fled Kosovo to Serbia do not have personal documentation (IDMC 22 Dec. 2010, 5; Praxis Mar. 2009, 14; Grupa 484 June 2011, 66). Praxis explains that, to exercise their citizenship rights, IDPs must "prove their legal identity, as required by the competent services/institutions. If the documents are missing, the rights are inaccessible" (Feb. 2007, 11). Group 484, a Serbian NGO founded in 1995 that has provided humanitarian, psychosocial and legal assistance to refugees from Croatia and Bosnia and to displaced persons from Kosovo (n.d.), similarly states that the absence of personal documents is the "largest formal obstacle" for IDPs in Serbia to access their "basic human rights" (June 2011, 66).

Sources indicate that many of the civil registries were relocated from Kosovo to Serbia during the 1999 conflict (IDMC 22 Dec. 2010, 5; Praxis Mar. 2009, 14; Grupa 484 June 2011, 66). In addition, some records were lost or destroyed, and others have remained with administrative offices in Kosovo (ibid.; Praxis Mar. 2009, 14). Both the IDMC (22 Dec. 2010, 5) and Praxis (Mar. 2009, 15) write that, since the records were relocated to southern Serbia, far from where many IDPs lived, many had to travel a great distance to access documents. However, IDMC notes that, as of 2010, computerization of the registries was underway (22 Dec. 2010, 5).

3.2 Types of Challenges

According to Group 484, Serbian citizens who are being returned to Serbia are encountering problems accessing documentation, such as personal identity cards and "a registered place of residence," which are needed to exercise their citizenship rights (June 2011, 83). The NGO indicates that typical problems include registering a place of permanent residence and accessing documents for children born abroad as well as for people who used to have permanent residence in Kosovo but who are being returned to Serbia (Grupa 484, 83).

The IDMC points out that Serbian citizens must have an ownership title or a rental agreement to an "officially-registered place of residence" to be issued identity cards and other personal documents; those without such documents have "limited" access to social services (22 Dec. 2010, 5). Praxis explains that people who live in informal settlements, as well as those whose landlords refuse to provide them with a tenancy agreement, are unable to register their residences (Mar. 2009, 16).

3.3 Challenges Facing Roma Citizens

Several sources report that difficulties accessing citizenship rights due to a lack of personal documentation affect the Roma in particular (US 8 Apr. 2011, Sec. 2; Praxis Mar. 2009, 15; IDMC 22 Dec. 2010, 6). Some Roma, sources note, have not registered births for multiple generations (ibid.; Praxis Mar. 2009, 15). According to Praxis, there are numerous "legally invisible" Roma people living in "deplorable conditions" who are unable to access documents because of the "passive and unyielding bureaucracy" (ibid.). The IDMC similarly states that the

[h]ighly complex procedures to identify and verify parentage, and the prejudice and inflexibility of officials charged with issuing documents, make it virtually impossible for Roma people to obtain basic personal documentation without legal assistance. (22 Dec. 2010, 6)

According to a 2010 survey by the United Nations High Commissioner for Refugees, approximately 30,000 people in Serbia, particularly from the Roma, Ashkali and Egyptian communities, are at risk of statelessness (UN n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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