



STUDIORUM

IN THE LIMBO: SOLVING THE STATUS AND CITIZENSHIP OF ROMA IN MACEDONIA

Targeted Resolving of Citizenship Status of Romani Habitual Residents in the Republic of Macedonia

POSITION PAPER

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BACKGROUND

After gaining its independence in 1991, Macedonia provided a timeframe of one year for all residents to apply for citizenship, foreseeing mechanisms and naturalization procedure defined with the 1992 Law on Citizenship of the Republic of Macedonia. Second window of opportunity for persons with unregulated status was the 2004 Law for Changing and Amending the Law on Citi-

zenship of the Republic of Macedonia, enabling acquisition of citizenship for great number of citizens, ethnic minorities, stateless persons (including refugees from the 1999 Kosovo crisis, among which great number of Roma) and stateless long-term residents of Macedonia. However, none of these legal measures have fully solved the status of the so-called "habitual residents",

whose circumstances are much more complex. Based on LIL's field experience, the following problems in determining the legal status of "habitual residents" from the Roma community in the Republic of Macedonia the most at risk group in unfavourable position regarding residence and rights in relation to their legal status in the country:

TARGET GROUP

Habitual residents living in the Republic of Macedonia prior to the dissolution of Socialist Federative Republic of Yugoslavia (SFRY) in 1991, that were born on the territories of other successor-states, or persons born in the Republic of Macedonia from such habitual residents.

IDENTIFIED PROBLEMS

While this target group had the same opportunities for obtaining citizenship as the other residents described above, for number of reasons this group has not managed to exercise this right, namely: (i) they either had no information about the opportunity (ii) no valid documents at the time; or (iii) due to the length of the procedure, some members of the group that had applied for citizenship as "persons under 18" became ineligible upon turning 18 years, for which different conditions applied. By then, it was not possible to reapply, as the legal opportunities had already been replaced with

a more stringent citizenship and naturalization procedures. Until January 1, 2008 these persons have regulated their status using their available documents, such as birth certificate, or have not regulated their status at all. Since 2008, when applying for temporary residence permit or citizenship, they need to show a proof of either existing citizenship (valid and recognized travel document issued in her/his country of origin or the parents' country of origin) or proof of ineligibility for acquisition of the other citizenship. However, since these persons have not been residing

in their country of origin for 20 years or more, or have never left the territory of the Republic of Macedonia since their birth, they are unable to provide the required documents and thus fail to regulate their status in their present country; often those persons are not registered in the Birth Registry or have never registered as citizens of their country of ethnic origin/country of parents' origin and have no address of residence there. Additional registration in the Birth Registry within their countries of origin is complicated and often results with negative answer by the authorities.

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RECOMMENDATIONS

Policy recommendations

To the Council of Europe Chairmanship:

- To recommend to Yugoslav-successor states to utilize the conventions they have signed and ratified; to consider adhering to other conventions of the Council of Europe and utilizing other available mechanisms this organization offers for resolving this issue; and to consider new possibilities for alleviating the cooperation between countries in solving this issue.

To the European Union:

- To support this action by reminding and urging the aspiring countries to consider utilization of these international instruments or to initiate ratification if deemed necessary.

To the Macedonian authorities:

- To prepare and propose an amendment of the national legislation for citizenship in favour of this particular group of persons, while retaining the current general policies on acquisition of citizenship and naturalization. Namely, an amendment of article 7-a of the Law on Citizenship of the Republic of Macedonia, that will enable alleviated/loosened procedures for obtaining citizenship for these persons is proposed, in which: a person without a citizenship or stateless person that resides on the territory of the Republic of Macedonia since before 8 of September, 1991 can apply for (and be granted) citizenship of the Republic of Macedonia based on proof that s/he is/has been residing in the country and personal statement/other proof of non-existence of citizenship from the country of origin/birth country of their parents.

Implementation recommendations

In order to decrease the number of Romani people with unregulated status in the Republic of Macedonia and to increase the possibilities for acquiring citizenship as a basis for access to main freedoms and rights, the following recommended actions for implementation of the above policy recommendations are foreseen:

- To identify and map all Romani and other people that fall under the category of "habitual residents" (engaging mobile teams to go on field to identify, inform and assist those persons);
- To provide them with free legal aid and financial assistance for people under social risk if they fulfil the criteria to apply for citizenship;
- To waive the administrative taxes for people/families under social risk for applying and citizenship acquisition.

Bearing in mind the outreach of the civil society to the target group, the contribution of the Roma and other NGOs in solving the problem of legal status of these persons, is envisaged in:

- Organization of campaigns and workshops, more intensive field work and publishing of brochures and other propaganda materials in order to introduce Romani people with the opportunities to acquire Macedonian citizenship;
- To develop the consciousness among Romani people for possession of legal identification documents;
- Free legal aid for people under social risk if they fulfil the criteria to apply for citizenship.

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