



FORUM ZA ETNIČKE ODNOSI
FORUM FOR ETHNIC RELATIONS

Communication regarding the practice of passivation of permanent residence

With regard to numerous examples discussed publically, including those from Medveđa Municipality, the Forum for Ethnic Relations points out the following:

Historically observed, the place of residence as a notion had the justification, purpose and grounds at the time of emergence and development of modern states. Its role is to provide legal certainty and legitimize the connection between an individual, as the bearer of rights and responsibilities, with a particular territory where certain authorities operate, before which individuals exercise such rights and responsibilities.

The passivation of residence aims to equalize the legal and factual situation in order to prevent the evasion of its primary purpose through misuse and parallel existence of two places of residence - one formal and the other actual. An ancillary agent on that path is a temporary residence – a place to which an individual is connected or related in the period when living and working outside the place of permanent residence.

However, this measure implemented by competent state authorities does not solve the problem, and often creates new ones.

The consequences of the passivation of residence include: creation of a false image of the number and structure of the population in a given territory, preventing the realization of political (e.g., obtaining a travel document), property (e.g., legalization of immovable property) and social rights (social benefits), as well as the potential for corruption of the passivation procedures.

Our legal system is not alone in the practice of passivation of residence, but it is burdened by the fact that it has become a mass phenomenon directed at one particular ethnic group. This makes it eligible for a discussion at the international level.

Having in mind the above, the Forum for Ethnic Relations stresses the need to:

- review the existing legislation on residence of citizens and foreign nationals, taking into account EU acquis/values;
- take this matter into account when preparing and implementing the announced trial census of the population, households and dwellings, and take all necessary steps to get the accurate data;
- we call on the Government of Serbia to undertake all measures through the line ministries to review all residence passivation cases so far and to respond

- in a reasonable time to the citizens' complaints regarding the issues of passivation of residence, and
- investigate for organized criminal activity in the process of issuing certificates of citizenship, residence, and personal and travel documents, through special inspection and criminal investigation measures.

Belgrade, 26 March 2019