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Migration and Asylum Strategy

2021-2025



Migration and Asylum Strategy 2021-2025

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MIGRATION AND ASYLUM STRATEGY

2021-2025

Sarajevo, 2021

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Summary

For the purposes of effective migrations and asylum management, and by means of creating a policy based on European and international standards, since 2004 the Council of Ministers of Bosnia and Herzegovina has been adopting the strategic documents in the field of migrations and asylum that serve as a basis for establishing and developing legislative and institutional systems in the field of migrations and asylum in Bosnia and Herzegovina.

The field of migrations and asylum in Bosnia and Herzegovina has been developing in line two long-term strategic orientations that are reflected in all strategic documents. The first long-term priority of Bosnia and Herzegovina in the field of migrations and asylum concerns development of a solid migration and asylum system that is aligned with the European Union standards and incorporates the international refugee law. The second long-term priority foresees active participation of Bosnia and Herzegovina in defining regional policies and developing migration and asylum system that is harmonized with the European Union standards.

Development of a migrations and asylum strategy and Action Plan 2021-2025 has been planned in the earlier strategic document: *Migrations and Asylum Strategy and Action Plan 2016-2020*; the current situation in this area, both at global and regional levels, as well as in Bosnia and Herzegovina, added importance to this strategic document.

This strategic document is a result of joint, coordinated work of representatives of competent institutions in Bosnia and Herzegovina that are responsible for the matters related to migrations and asylum, or more precisely: Ministry of Security as well as administrative organizations under this Ministry (Service for Foreigners' Affairs, Border Police of BiH and State Investigations and Protection Agency), the Ministry of Foreign Affairs, the Ministry of Human Rights and Refugees, and representatives of migration staffs at the levels of the entities and Brcko District of Bosnia and Herzegovina.

Recognizing the complexity of the migration and asylum issues in Bosnia and Herzegovina, representatives of other stake holding national international institutions and UN agencies that have within their mandates certain matters related to the migration and asylum system participated and heavily contributed to development of this document (Ministry of Civil Affairs, Government of Sarajevo Canton, Center for Social Work of Sarajevo Canton, Ministry of Internal Affairs of the Una-Sana Canton, Republic Secretariat for Displaced Persons and Migrations of Republika Srpska, Delegation of European Union in BiH, and office of the EU Special Representative in BiH, as well as International Organization for

Migrations (IOM) and the United Nations High Commissioner for Refugees (UNHCR) in Bosnia and Herzegovina.

In order to ensure full inclusion of all relevant stakeholders and transparency of the planning process, all interested actors took part in defining the strategic objectives, measures and activities, and they provided strong contribution to collection of necessary information, detecting issues, and proposing ways to overcome them, by setting deadlines for implementation and identifying the needed financing.

The process of developing this document was supported by the Government of Swiss Confederation under the Project “*Expert support to development of Migrations and Asylum Strategy and Action Plan 2021-2025*”, which was implemented by the Geneva Center for Security Sector Governance (DCAF). In addition, drafting of this document was supported by the Fund for Asylum, Migrations and Integrations, and the Federal Ministry of Internal Affairs of Austria under the project “*Reducing irregular migrations in EU by strengthening capacities of migration-related structures in the Western Balkans*”, implemented by the organization Hilfswerk with their partners.

This strategic document relies on some of the most important principles and postulates of developing migration and asylum policies, including the following: principle of legality, principle of national security and security of its citizens, and principle of solidarity and shared responsibility.

The Migrations and Asylum Strategy and Action Plan 2021-2025 is a comprehensive document that is based on all relevant indicators and factors in the field of migrations, and realistic, reliable and objective assessment of migration trends and interests of Bosnia and Herzegovina in this field. Among the factor that have influenced the concrete definition of the identified strategic goals, the ones with special importance include, on one hand, those that are related to: analysis of environment with special emphasis on international and national strategic and legal framework, as well as migration trends, including migration-refugee crisis of 2018-2020; and on the other hand, the existing system of migration management and asylum in Bosnia and Herzegovina, which has proven to be, particularly in its institutional segments, very vulnerable and insufficiently developed to provide for effective operation in the circumstances of migration-refugee crisis and arrival of large number of foreigners coming illegally to Bosnia and Herzegovina.

While respecting the two stated long-term strategic priorities, this strategic document, as well as the previous strategic document, has a long-term goal to develop a high-quality migrations and asylum system at national level, and to facilitate active participation in all areas at regional level; it also identifies seven mid-term strategic objectives.

Mid-term strategic objectives identified for the period 2021-2025 include:

- 1) improving the system of comprehensive migration and asylum management,
- 2) increasing efficiency of state border control,
- 3) more efficient management of illegal migrations in the territory of Bosnia and Herzegovina,

- 4) improving asylum system,
- 5) improving effectiveness of fight against migrant smuggling and human trafficking,
- 6) supporting legal migrations and integration of foreigners who reside legally in Bosnia and Herzegovina, and
- 7) strengthening mechanism of coordination in migration and asylum management.

Implementation of seven identified objectives of this strategic document has been further elaborated in the Action Plan for the period 2021-2025 and defined through implementation of 27 measures and 164 activities, with clearly designated responsible actors and timeframe for implementation, implementation indicators and sources of financing.

The Coordination Body for Migrations and Asylum in Bosnia and Herzegovina is charged with monitoring and implementing migrations and asylum strategy, and it continuously analyses the level of effectiveness of implementation of the planned activities as identified in the migrations and asylum strategy and action plan, identifies and monitors problems and risks, and in line with their respective competencies, take actions aimed at overcoming them. The report on work of the Coordinating Body for Migrations and Asylum in Bosnia and Herzegovina also includes the report on implementation of the migration and asylum strategy and action plan, and shall be submitted to the Council of Ministers of Bosnia and Herzegovina not later than within 60 days from the end of calendar year for which the report is submitted, and more frequently if required.

List of Abbreviations

ALE BiH	Agency for Labor and Employment of Bosnia and Herzegovina
AEPTM	Agency for Education and Professional Development
CSA	Civil Service Agency of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
CRS	<i>Catholic Relief Service humanitarian organization</i>
DCAF	Geneva Center for Security Sector Governance
DEI	Directorate for European Integrations
DCM	Diplomatic-consular missions
DKPT	Directorate for Coordination of Police Bodies in BiH
EASO	European Asylum Support Office
EC	European Commission
EU	European Union
<i>EU Acquis</i>	Body of laws of the European Community (acquis communautaire)
EUROPOL	European Union Agency for Law Enforcement Cooperation
EC	European Community
EMMAUS	International Solidarity Forum - EMMAUS
FMoI	Ministry of Internal Affairs of FBiH
FMDPR	FBiH Ministry of Displaced Persons and Refugees
FRONTEX	European Border and Coast Guard Agency
BP BiH	Border Police of Bosnia and Herzegovina
ICITAP	International Criminal Investigative Training Assistance Program
ICMPD	International Center for Migration Policy Development
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migrations
ISM	International System on Migrations
IBU	Integrated Border Management
LAU	Local Administration Unit
CB BiH	Coordinating Body for Migrations in Bosnia and Herzegovina
CMOI	Cantonal Ministries of Internal Affairs
MARRI	Migrations, Asylum, Refugees Regulatory Initiative
MHRR	Ministry of Human Rights and Refugees of Bosnia and Herzegovina
MS	Ministry of Security of Bosnia and Herzegovina

MS - SI	Ministry of Security of Bosnia and Herzegovina– Sector for Immigration
MS – SA	Ministry of Security of Bosnia and Herzegovina– Sector for Asylum
MS - SIT	Ministry of Security of Bosnia and Herzegovina– Sector for Informatics and Telecommunication Systems
MS – SLPGFA	Ministry of Security of Bosnia and Herzegovina - Sector for Legal, Personnel, General and Financial Affairs
MoI RS	Ministry of Internal Affairs of Republika Srpska
MFA	Ministry of Foreign Affairs of Bosnia and Herzegovina
MOFTER	Ministry of Foreign Trade and Economic Relations of Bosna and Hercegovina
MOJ	Ministry of Justice of Bosnia and Herzegovina
MCA	Ministry of Civil Affairs of Bosnia and Herzegovina
MFT	Ministry of Finance and Treasury of Bosnia and Herzegovina
NGO	Non-governmental organizations
ISA BiH	Intelligence-Security Agency of Bosnia and Herzegovina
OSCE	Organization for Security and Co-operation in Europe
AF BiH	Armed Forces of Bosnia and Herzegovina
Police of BD BiH	Police of Brcko District of Bosnia and Herzegovina
PA BiH	Parliamentary Assembly of Bosnia and Herzegovina
RSSDPM	Republika Srpska Secretariat for Displaced Persons
SELEC	Southeast European Law Enforcement Center
SAA	Stabilization and Association Agreement
SIPA	State Investigation and Protection Agency
SFA	Service for Foreigners' Affairs
Prosecution office of BiH	Prosecution Office of Bosnia and Herzegovina
ITA BiH	Indirect Taxation Authority of Bosnia and Herzegovina
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
VO BiH	Veterinary Office of Bosnia and Herzegovina
PPA BiH	Plant Protection Administration of Bosnia and Herzegovina
CoM BiH	Council of Ministers of Bosnia and Herzegovina

Introduction

Developing long-term and sustainable migration and asylum policies in Bosnia and Herzegovina has been an ongoing issue since 2004, when the first strategic document was adopted in this field. Since then, and starting from the fact that significant mechanisms have been developed in the form of legal framework, establishment of competent institution etc., a lot has been done to build a comprehensive and effective system with primary task of managing illegal migrations in an effective and balanced way, particularly those migration flows that ensure economic development, but also the illegal migrations that might impact Bosnia and Herzegovina. Although significant results have been achieved in the previous period towards achieving these objectives, global and regional migration trends and sudden increase in economic illegal migrations impacted Bosnia and Herzegovina already in 2017, and further escalated in 2018, 2019 and 2020. These developments showed that the system was still insufficiently developed to respond to the increased mixed migration pressures, especially when they involved mass and very dynamic transitory illegal migrations of economic nature. The consequences the migration crisis had on Bosnia and Herzegovina were multiple, and they affected both domestic population, and migrants' crossing the territory of Bosnia and Herzegovina. In particular, public attention and concern were raised by incidents of violent behavior, more precisely offenses and crimes, including murders, bodily harm, mass brawls and conflicts, property damage and thefts that had, to a degree, undermined security situation in some parts of the country and local communities. Sometimes, members of vulnerable or marginalized groups, who required special treatment and care, could be found among migrants, particularly women, children, the elderly and unaccompanied juveniles. Furthermore, the COVID-19 crisis directly affected functionality of institutions that worked on migrations and asylum matters, and the effects of the crisis will continue to impact their ability to manage migratory trends. Although some significant results have been achieved in the past in terms of building different elements of the system in the field of migration and asylum, all mentioned events with characteristics of crisis have caused extremely negative perception of work of competent institutions in this area. The main reason for this situation is the fact that, unfortunately, having experienced stronger migratory pressure and crisis, Bosnia and Herzegovina has failed to achieve the necessary political consensus on the matter of even and unified management of illegal migrations among all levels of government and on the whole territory of the country. Simply speaking, all of the potentials have not been used in terms of policies, resources, and generally

¹ In this document, a migrant is a foreign national who travels with the intention to move from one country in order to temporarily or permanently live in another country.

available capacities at all levels of government, so the migrant crisis disproportionately impacted several cantons that were on the route taken by illegal migrants towards the European Union countries, and where the temporary reception centers for migrants were established. This situation had its impact on the efficacy of protection of state border of Bosnia and Herzegovina at the time of increased pressure of illegal migrations because the existing capacities of the Border Police of Bosnia and Herzegovina were simply not enough to cope with such challenges. On the other hand, formally established coordination mechanism for competent institutions, including those that were intended to be activated in emergency situations, have failed to produce the expected results, suggesting that the lack of operational coordination is another burning issue in terms of functioning of the migration and asylum system. When you add chronic problems related to the lack of adequate human, technical and other needed capacities in the competent institutions (particularly the BP BiH and SFA) and insufficient budgetary support for upgrading and developing migrations and asylum systems, to this picture, the key reasons for inadequate response to migrant crisis are relatively easily identified.

In this sense, development of the Migration and Asylum Strategy and Action Plan 2021-2025 is a continuance of development of long-term policies in this area and evidence of commitment of the Ministry of Security to establish a comprehensive strategy for work in the field of migrations and asylum in the time covered by the Strategy, working together with other competent institutions and agencies and with all levels of government in Bosnia and Herzegovina. The need to adopt a new migrations and asylum strategy and action plan has also been recognized in the 2020 European Commission Report on Bosnia and Herzegovina².

This strategic document has been designed to provide concrete and measurable results in the domain of effective migrations and asylum management, and with respect to both legal and illegal migrations. It is expected to lead to concrete changes in the concept of migrations management, primarily by building adequate capacities for provision of timely and effective response to all current migration trends and challenges Bosnia and Herzegovina may face. Areas of intervention through measures and activities included in this document are equally related to the continued building of a system of comprehensive migrations and asylum management, increased efficiency of illegal migrations management in Bosnia and Herzegovina, including building of the return mechanisms, and support to local communities that are carrying heavier burden of illegal migrations, improving the asylum system, fighting against smuggling of migrants and human trafficking, supporting legal migrations and integration of foreigners who reside in BiH legally, and in particular, strengthening the coordination in migrations and asylum management.

The combination of measures and activities of different character, intended to produce certain results at several different levels, are expected to lead to the desired outcomes reflected in efficient operation of migrations and asylum management system that is resilient to any extraordinary developments, whether they involve increase in the volume of legal migrations, or strong pressure of illegal migrations. The road that leads to this goal is long and riddled with obstacles that can only be overcome by joint, harmonized

² WD(2020) 350 final, Brussel, 06 October 2020

and effective work of all competent institutions and levels of government in Bosnia and Herzegovina that can contribute to implementation of this Strategy and Action Plan. Only a cooperative work model and approach based on shared responsibility and work on the common interest of all involved stakeholders may lead to the desired results.

The terms that are given in one grammatical gender for the sake of easier reading apply without discrimination to both men and women.

1. Principles in development of the Strategy

Starting from the fact that building a system in the field of migrations and asylum management in Bosnia and Herzegovina is a long-term developmental process, within which the existing legal, institutional and other needed capacities are being continuously upgraded, and new structures established as part of this system, it is evident that there are very good preconditions to additionally strengthen all required mechanisms in the next strategic period in all areas covered by this strategic document. A special attention needs to be paid to building stable and sustainable mechanisms of coordination and institutional cooperation among all institutions at all levels of government, particularly in the circumstances of stronger and unusual migratory movements and crises that may come up as a result of broader regional and pan-European trends in migrations.

There is no dilemma that Bosnia and Herzegovina needs to continue developing its own migrations and asylum policy in line with geo-strategic position of the country, circumstances and trends that directly impact the scope, structure and characteristics of legal and illegal migrations, and the processes of European Union integration. Until this ultimate goal is achieved, the main policy orientation in the field of migrations and asylum remains to maintain the efficient control of entry, stay and movement of foreigners in Bosnia and Herzegovina, while protecting all guaranteed human rights and freedoms of all persons under legal jurisdiction of Bosnia and Herzegovina, and ensuring adequate mechanisms of integration of foreigners who are residing in Bosnia and Herzegovina legally into the social, economic and any other environment in Bosnia and Herzegovina. The obligations that Bosnia and Herzegovina has in the field of refugee right and asylum are particularly important here, and thus all standards in this field have to be integrated in national legislation and practice. Recent developments involving mass illegal migrations demonstrate that these are sensitive issues requiring provision of timely and effective international protection to the asylum seekers, but also limiting the opportunities to abuse the asylum system, which happens quite often in practice.

This strategic document relies on some of the most important principles and postulates of developing migration and asylum policies, including the following:

- A. Principle of legality; means that the state has the obligation to establish a set of mutually connected measures and activities aimed at effective migrations management by improving welfare, both for migrants and the state, with simultaneous reduction of illegal migrations and human trafficking;

- B. Principle of security of the state and its nationals: envisages provision of protection and ability of the bodies responsible for security to act quickly in cases of illegal migrations or major migratory movements;
- C. Principle of integration: according to which raising public awareness and ensuring more active role of governmental and non-governmental sectors provide an environment that will be conducive to integration of legally residing foreigners into BiH society;
- D. Principle of international cooperation: according to which a dialogue and cooperation should be established with the countries of origin as well as with other countries so that the foreign policy of Bosnia and Herzegovina, in the part that concerns migrations, is harmonized and linked to the objectives of migration policy;
- E. Principle of solidarity and shared responsibility: which is particularly important when a country is exposed to massive and unexpected migratory influx of illegal migrations. There is a need to involve all available capacities in the country, in accordance with their respective competences, in the processes of managing the migrant crisis and to jointly deal with the problems caused by it, with solidary approach and support of all levels of public authorities.

2. Analysis of the environment

Understanding geo-strategic position of Bosnia and Herzegovina is of primary importance for assessing the risk of illegal migrations taking place on its territory or through its territory. On the other hand, objective data on the area of Bosnia and Herzegovina, its population, length and physical characteristics of its national border, number and structure of border crossings, may help estimate the scope of control of migrations, particularly in terms of planning resources needed for such purposes.

Having this in mind, it should be said that Bosnia and Herzegovina has the area of 51,209 square kilometers, and it is geographically positioned in the western part of south-eastern Europe, at the crossroads between east and west. Bosnia and Herzegovina borders with three countries: Montenegro, Republic of Croatia (hereinafter: Croatia), and Republic of Serbia (hereinafter: Serbia). On 1 July 2013, Croatia became a member of EU, and this was a very important geo-political impact on Bosnia and Herzegovina. With this development, Bosnia and Herzegovina got the border with the European Union, and consequently, it carries greater responsibility for controlling legal and illegal migrations. This risk has already become apparent in 2017, when due to certain changes in trends of illegal migrations in the region (particularly after the closure of borders between Serbia and Hungary, Serbia and Croatia and Croatia and Slovenia, etc.) Bosnia and Herzegovina was included in the route of illegal migrations towards the Western Europe. The Western Balkans route is still very active, and a large number of illegal migrants decide to use it because they are simply seeking any ways possible to get to their final destinations by illegally crossing national borders. It still happens that migrants, who are mostly economic migrants, move within the country on the basis of their declared intention to seek asylum, and then continue their way towards their real destination.

Even though all available measures and activities have been taken, humanitarian and security situation significantly deteriorated and escalated since 2018, because a huge wave of illegal migrants (estimated more than 70,000 people) impacted Bosnia and Herzegovina. The country found itself under great pressure of migrants, and all shortcomings of the system - lack of political consensus, coordination in operations and lack of shared responsibility for the problem of migration crisis - became apparent very quickly.

Strategic priorities that have become clear at this time primarily concern the need to strengthen all capacities in order to limit the influx of illegal migrants to Bosnia and

Herzegovina, provide clear and sustainable procedures for reception, housing and classification of illegal migrants depending on their status (asylum, return/readmission), and diminish the attractiveness of the country of arrival and transit of illegal migrants. In this regard, all necessary measures need to be taken in the coming period to effectively prevent illegal migrations at the source, ensure more effective control of state border with Serbia and Montenegro with the aim of preventing entry of illegal migrants, as well as with Croatia, where they tend to go from Bosnia and Herzegovina. Based on the experiences with illegal migrations, it is more than evident that all institutions in Bosnia and Herzegovina will have to pay special attention to the issue of illegal migrations, and appropriately adjust and strengthen their capacities, organization of work, and procedures. In particular, it is important to work on strengthening the FSA, BP BiH, as well as MS-SA and MS-SI, as well as other institutions at all levels of government who, in accordance with their respective competences, are in position to deal with illegal migrations. Inter-institutional cooperation at all levels of government, and partnerships at regional and international levels also remain a top priority when it comes to strategic planning in the field of migrations and asylum. Any response to a future migrant crisis will require adequate level of planning of the introduction of emergency measures, revising the existing and, where necessary, adopting and implementing required plans and activities in response to specific situations caused by influx of illegal migrants, what would include the actions of all stakeholders and clear operational work procedures all the stakeholders involved in mitigating consequences of the crisis and managing crisis events will have to adhere to. This will necessarily include the measures of humanitarian, but also of security nature, based on the experiences acquired to date and lessons learned from the past.

As for demographic data on population in Bosnia and Herzegovina, the most recent census of 2013 showed that population of the country was 3,531,159. The length of state border of Bosnia and Herzegovina is around 1,605 km.³ BiH has the longest border with Croatia in the north, to the south and north-west, which is 989 km long; it has 332 km of border with Serbia in the east and north-east, and 275 km of border with Montenegro on the east and south-east. State border between Bosnia and Herzegovina and all neighboring countries has not been fully legally established and marked on bilateral basis. The agreement on state border between Bosnia and Herzegovina and Montenegro was signed in August 2015, and ratified by the Presidency of Bosnia and Herzegovina in 2016⁴, while the state border with Croatia and Serbia has not been determined and marked in accordance with international law.

The BP BiH carries out the tasks of border control at 83 border crossings: 55 international border crossings (40 road, 8 railway, 3 river ports and 4 airports), 28 local border crossings, and 50 crossing points between BiH and RH (defined by an Agreement on Border Traffic between BiH and Croatia). Out of this number, seven are inland border crossings in BiH, including four airport crossings (Sarajevo, Banja Luka, Mostar and Tuzla), and three river ports (Brod, Šamac and Brčko). Infrastructure (equipment and buildings) that is inadequate to meet minimum standards of equipment at border crossing points makes the border controls more difficult (inexistence of appropriate roads and road

3 Strategy of integrated border management 2019-2023

4 Decision on ratification of the agreement on state border between Bosnia and Herzegovina and Montenegro (Official Gazette of BiH 1/16).

signalization, checking booths, holding premises, premises for detailed border control, video surveillance, etc.).

Only 21 or 25.30% border crossings comply with the standards of infrastructure needed for quality and effective border controls, while the rest of the border crossings have not been constructed or equipped in accordance with the prescribed standards.

According to the Law on Changes and Amendments to the Law on Border Control (Official Gazette of BiH, 47/14), the tasks of construction, upgrading, reconstruction, management and maintenance of the buildings and infrastructure at the border crossings have been assigned to the Indirect Taxation Authority of BiH.

The BP BiH carries out the tasks of overseeing the state border in the border belt, which includes the area of 10 kilometers from the border line into territory of Bosnia and Herzegovina. The control of the “green border” is difficult because of natural and topographic characteristics of Bosnia and Herzegovina. In some parts, there are natural obstacles, such as mountain ranges, major rivers, canyons, and similar. In addition, control is made even more complex by the existence of many roads crossing the state border (main, regional, local roads, as well as the railways), that precede the drawing of the state border where it currently is, and this is an additional factor that makes this country a transit country towards the Western European countries, and interesting for the organized criminal groups engaged in cross-border crime.

One of important steps in the process of strategic planning in the field of migrations and asylum is definitely the analysis of relevant information from reports, overviews and recommendations of many international bodies and entities with whom Bosnia and Herzegovina has formed strategic partnerships. Among them, a special place belongs to the report on progress of Bosnia and Herzegovina towards membership in the European Union, opinion of the European Commission on the application for membership, together with the Analytical Report on certain priority measures that need to be taken, and that include migrations and asylum management. In particular, this applies to ensuring effective coordination of border and migrations management capacities at all levels in accordance with respective competences and the necessity to ensure functioning of the asylum system. The necessity to protect human rights and fundamental freedoms of migrants that is guaranteed to all vulnerable groups in accordance with international agreements that are applicable to our country also needs to be emphasized. All the mentioned sources have been analyzed systematically and included in an easy to understand (SWOT) table of analysis of the environment, which is shown here, and which is predominantly related to the occurrence of migrant crisis that has been the biggest burden on the system of migrations and asylum management.

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Clear constitutional competences for designing and implementing migrations and asylum policies • Continuity in strategic planning • Developed legal framework, aligned with the EU and international standards • Established institutional framework for implementation of policies and legislation • Developed international and regional cooperation • Experience in implementation of readmission agreements 	<ul style="list-style-type: none"> • Lack of political consensus in the field of managing illegal migrations • Lack of effective coordination, particularly at operational level • Significant lack of human resources in the competent institutions (MS, BP BiH, SFA, etc.) • Uneven distribution of the burden of migrant crisis in the territory of Bosnia and Herzegovina • Inexistence of readmission agreements with some of countries of origin of illegal migrations • Widespread smuggling of migrants • Insufficient accommodation capacities for illegal migrants and vulnerable categories of asylum seekers, and poor management of the accommodation capacities • Non-functional mechanisms for return of the illegal migrants • Poor cooperation among institutions in the field of asylum, including lack of infrastructure and capacities for effective access to asylum • Incomplete technical solutions in terms of data bases, data sharing, use of biometrics • Insufficient border infrastructure, including border crossing, staff accommodation and work premises, technical equipment and shared locations • Insufficient use of risk analysis, threat analysis and other tools that are used in migrations management • High risk of organized crime and corruption related to migrations • Underdeveloped international operational cooperation
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • Strong support of the European Union and international partners in further development of the migrations and asylum system • Integrative processes as a part of the accession path to the European Union and importance of the matters of migrations and asylum • Availability of funds for financing strategic activities • Strengthening regional cooperation in the domain of joint management of illegal migrations 	<ul style="list-style-type: none"> • Continued presence of illegal migrations at massive scale in the Western Balkans • Failure to reach a permanent solution between the European Union and countries of origin and transit of the illegal migrations • Lack of political consensus on the matter of managing illegal migrations in Bosnia and Herzegovina • Lack of the budget funds needed for further development of the system and strengthening of the human and technical resources

2.1. Strategic framework

Taking into consideration complexity of migrations, particularly in the context of trends observed in the domain of illegal migrations across the territory of Bosnia and Herzegovina, it is impossible to strategically plan the activities of all relevant institutions, without considering commitments in other strategic areas that are relevant for migrations and asylum management. Therefore, strategic documents in the field of foreign policy of BH, as well as plans in different areas that have issues in common with migrations and asylum have been analyzed. The aim is to ensure vertical and horizontal alignment of the Migrations and Asylum Strategy and Action Plan 2021-2025 with the relevant strategic framework that directly or indirectly determines development of policies of Bosnia and Herzegovina in the domain of migrations and asylum management.

This is particularly related to key development documents of long-term character, where the issue of migrations has a special importance, particularly in the domain of planned economic and general sustainable development of the society.

2.1.1. International strategic framework

In 2015, Bosnia and Herzegovina acceded the **UN 2030 Agenda for Sustainable Development** that includes 17 goals and 169 targets of sustainable development. The goals were meant to help manage global challenges that affect the whole humankind, such as poverty, inequality, climate change, environmental damage, prosperity, lack of peace and justice. The sustainable development goals and Agenda 2030 have great importance in development of strategic framework in the field of migrations and asylum. It is of particular significance that this universally accepted strategic framework is essential in the context of integration of Bosnia and Herzegovina in the European Union that, also, fully supports their implementation by member countries and potential member countries. Development of policies in the domain of migrations and asylum management can in any case contribute to implementation of Agenda 2030 and sustainable development goals. This is particularly well visible in the framework of development direction 07 (good governance and public sector administration), which emphasizes that rule of law, security and basic governance may be key accelerator of improved administration and governance in public sector in Bosnia and Herzegovina. In this context, continued improvement of policies for legal and illegal migrations, asylum, judicial cooperation in civil and criminal cases, and combat against drug abuse is foreseen.

It is already well understood that the European Union used the migration policy instruments (e.g., visa liberalization of 2010, together with post-visa liberalization monitoring mechanism) to confirm clear European perspective of Bosnia and Herzegovina.

Looking through the **Western Balkans Strategy**, it is clear that the European Union emphasizes the fact that the migrant crisis showed all interconnections and inter-dependence of the region with the European Union, and that is why it is necessary to improve strategic and operational cooperation related to migrations and border management. The European Union has identified the following areas of action: ensuring access to international

protection, sharing relevant information (such as risk analyses), strengthening border controls, ensuring effective implementation of readmission and return policies, and combating illegal migrations and smuggling of migrants. In the broader sense, the priorities also include strengthening international and legal cooperation (including with EU agencies and relevant liaison officers in the region), while continued consolidation of border and migrations management capacities remain the top priority.

Strengthening cooperation between the European Union and the Western Balkans region is one of the main priorities of the European Union; the **Declaration of EU leaders from Sofia and Priority Agenda from Sofia, as well as the Zagreb Declaration** place their focus on the country's cooperation with the FRONTEX, EASO and Europol when facing migration challenges, including prevention of smuggling of migrants, and emphasize the necessity to strengthen cooperation in key security areas, rule of law and migrations.

Furthermore, the **Opinion of the European Commission, on the membership application of Bosnia and Herzegovina** clearly emphasizes the necessity of ensuring functioning of the border management, migrations and asylum system. Among the identified strategic priorities in the domain of democracy and functioning of institutions, the European Union clearly expects Bosnia and Herzegovina to resolve the matter of effective coordination of border and migrations management capacities at all levels of the government and ensure functioning of the asylum system as a matter of priority. Also, this opinion requires Bosnia and Herzegovina to improve protection and inclusion of migrants and asylum seekers as one of the vulnerable groups.

All the above makes it clear that international strategic framework, particularly the two key relying points contained in the UN 2030 Agenda and the European Union Strategy for Western Balkans create the obligation for Bosnia and Herzegovina to continue developing and improving its migration and asylum management policies, and to vertically align them with the said document, and ensure horizontal link between strategic documents (particularly in terms of integrated border management, fighting organized crime, terrorism, human trafficking, etc.) with the aim of managing illegal and legal migrations, while linking these strategic areas with development policies where migrations may have strong potential and create additional value.

Global Compact on Safe, Orderly and Regular Migration⁵ was adopted by majority United Nations member countries at the inter-governmental conference in Marrakesh on 10 December 2018. This is an intergovernmental agreement prepared under the auspices of the United Nations that provides holistic (comprehensive) coverage of all dimensions of international migrations. It is a non-binding document that respects sovereign right of states to decide who enters and resides on their territory, and shows commitment to international cooperation in the field of migration. It offers an important opportunity to improve migration management, resolve challenges related to present day migrations and strengthening contribution of migrants and migration to sustainable development. In its introduction, the Global Compact sets the main principles of managing regular migrations, the most important among them being the national state sovereignty, non-binding

5 <https://www.iom.int/global-compact-migration> (accessed on 31 May 2021)

character of the document in terms of international law, respect of fundamental human rights, rule of law, and international cooperation. After that, it sets out 23 objectives ⁶ and proposes a catalogue of measures that contribute to safe, orderly and regular migrations, including the following:

- importance of collecting accurate data on migrants;
- acting at the source against all factors that drive people to leave their homeland;
- cooperation in the field of border protection and management;
- defining regular migration pathways and their accessibility, and making sure that migrants possess valid identification documents;
- providing medical aid and rescue in health and life threatening situations;
- combatting irregular migrations, organized crime, smuggling and trafficking, slavery, etc.;
- avoiding racism, xenophobia and other forms of discrimination;
- facilitating migrants' return to their country of origin;
- strengthening international cooperation and global partnership for safe, orderly and regular migration.

On December 17, 2018, the United Nations General Assembly affirmed the Global Compact on Refugees, after two years of UNHCR-led extensive consultations with Member States, international organizations, refugees, civil society, private sector, and experts. The Global Compact on Refugees provides a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. It constitutes a unique opportunity to transform the way the world responds to refugee crises, benefiting both refugees and the communities that host them.

The four key objectives of the Global Compact for Refugees are to:

- Ease the pressures on host countries;
- Enhance refugee self-reliance;
- Expand access to third-country solutions;
- Support conditions in countries of origin that facilitate safe and dignified return.

At the first Global Forum on Refugees held in Geneva in December 2019, Bosnia and Herzegovina committed to strengthening efficiency of its asylum system and strengthening integration as a permanent solution for refugees, persons under subsidiary protection, and beneficiaries of regional housing program.

And lastly, international community's expectations from Bosnia and Herzegovina in this field are best reflected in the previously stated strategic priorities of ensuring functioning of migration and asylum management systems, that can be achieved by improving coordination among competent institutions, sharing responsibilities and using all available

⁶ <http://www.mvep.hr/hr/ostalo/globalni-kompakt-o-sigurnim-uredenim-i-regularnim-migracijama/> (accessed on 31 May 2021)

resources, while ensuring adequate protection of human rights of migrants and asylum seekers. These are strategic issues the Migration and Asylum Strategy and Action Plan 2021-2025 are striving to address through clearly identified objectives, measures and activities for their implementation.

2.1.2. National strategic documents

Foreign Policy Strategy of Bosnia and Herzegovina (2018-2023) adopted by the Presidency of BiH provides a broader framework and guidelines for work of relevant institutions of Bosnia and Herzegovina in the domain of foreign policy. This policy document identifies refugee crisis as one of the challenges the foreign policy of Bosnia and Herzegovina needs to take into consideration. It is clear that intensive migrations from 2017 to date have had significant impact on the matter of effective migrations and asylum management, and revealed all weaknesses of the system, particularly in terms of coordination among competent institutions, lack of capacities and insufficient regional cooperation with the aim of identifying common solution to the issue of illegal migrations the whole Western Balkans region faces. Furthermore, joint action in the field of migrations requires strengthening regional and European security cooperation, and this has also been planned as one of the measures of regional cooperation in this document.

The Council of Ministers adopted the **Strategy of Integrated Border Management in BiH and Action Plan for 2019-2023**, which is to the extent possible aligned with the new EU concept of integrated border management of 2016. The key elements of the IBM (border controls, combating cross-border crime, international protection and treatment of vulnerable categories, risk analysis, inter-agency and international cooperation, return, quality control and training, research and development) are included in the Strategy, and are aligned with the EU requirements. European integrated border management retains the model of cooperation and implementation that relies on the so-called four pillars. The priority will be to align legislation on border security with EU acquis in order to be ready to take responsibility for securing outer borders of the EU and meeting the Schengen requirements.

The BiH strategy to fight human trafficking for 2020-2023 includes the following strategic objectives: support, prevention, criminal prosecution for crimes of human trafficking, protection of victims of trafficking and partnership. Measures from the Strategy have been further elaborated in the action plan that clearly defines deadlines for their implementation, and they are particularly important in terms of appropriate response to international human trafficking, including cases characterized by elements of organized crime, protection of foreign nationals-victims of trafficking, and generally, fighting the human trafficking in the so-called “mixed migrations”.

Strategy for admission and integration of nationals of Bosnia and Herzegovina who are returning to Bosnia and Herzegovina on the basis of Readmission Agreement and Action Plan 2019-2022 is the next step in meeting obligations of Bosnia and Herzegovina from the Road Map for liberalization of visa regime, related to adoption of affective policies that will establish a functional system of admission and integration of nationals of BiH who

are returning to BiH on the basis of readmission agreements into society in an effective, sustainable and lasting way, with full recognition of their rights, and thus contribute to the reduction in number of secondary migration of nationals of Bosnia and Herzegovina.

In addition to the stated strategic document, the strategic framework also includes the documents adopted by the Council of Ministers of Bosnia and Herzegovina.

2.1.3. International legislation

At this time, there are several international agreements signed by Bosnia and Herzegovina that have direct or indirect impact on the content and composition of the Migration and Asylum Strategy and Action Plan for 2021-2025. Provisions of these agreements are important both in terms of meeting already undertaken obligations of Bosnia and Herzegovina, and in terms of continued progress towards the EU membership. In the context of earlier indications, it can be said that organization of migration and asylum is exclusively the matter of state sovereignty of Bosnia and Herzegovina, particularly from the point of view of prescribing conditions for entry and stay of foreigners in the country's territory and providing some form of international protection. Impact of demographic changes and social transformation has global character and impacts the situation in Bosnia and Herzegovina. The current developments in globalization, strong migrations, integration and universal human rights have had significant impact on regional and global approach to this matter. One should take into consideration the fact that Bosnia and Herzegovina has clearly defined foreign policy and identified priorities, one of which is joining the European Union. This is, among other things, important for identifying international obligations of Bosnia and Herzegovina as a factor that influences projection of measures and activities related to control of migration and asylum in Bosnia and Herzegovina. In this context, it is important to identify the most important sources of international character the contents of which must be taken into consideration when developing the subject Strategy. They are, certainly, numerous, and it is hard to make any precise classification. With respect to the time of signing such agreements, one may say that some of them had been signed earlier, before Bosnia and Herzegovina was recognized as a sovereign country, and as such, they have been taken over into the legal system of Bosnia and Herzegovina on the basis of the Agreement on Succession of the former SFRY. In addition to the European Convention on Human Rights and Fundamental Freedoms, which is an integral part of the Constitution of Bosnia and Herzegovina, other international documents are also included in Annex I to the Constitution of Bosnia and Herzegovina. A typical example of such agreements is the Convention Related to the Status of Refugees of 1951 and Protocol on the Status of Refugees of 1967.⁷ On the other hand, Bosnia and Herzegovina has signed most international agreements of relevance for developing the Migrations and Asylum Strategy and Action Plan for 2021-2025 in the last several years. In terms of their character, it can be said that these are multilateral or bilateral agreements that define many issues related to cooperation in the field of migrations and other related matters. From the point of view of implementation, they are of universal, regional or local character. With respect to regional sources, a special place and importance for Bosnia and Herzegovina

⁷ The Convention related to the Status of Refugees of 1951 and its Protocol of 1967, articles 3 to 34, prescribes a number of rights the refugees should enjoy on the territories of Convention and Protocol member countries, and they have been made an integral part of the Constitution of Bosnia and Herzegovina.

belongs to those that concern accession of Bosnia and Herzegovina to the EU. A typical example of such an agreement is the Stabilization and Association Agreement (SAA).⁸ It is worth mentioning that the negotiations on this matter were opened in November 2005, while technical negotiations were finalized one year later, or more precisely, in December 2006. This agreement entered into force on June 1, 2015. Under Article 70 Bosnia and Herzegovina accepted the obligation to align its current and future legislation covered by the agreement and their prescribed application and implementation between the date of signing of the Agreement and until the end of six-year transitional period from the date of entry into force of the Agreement, which was June 1, 2021. Full implementation of the Stabilization and Association Agreement with Bosnia and Herzegovina is the key step towards further integration and full membership in the European Union. With respect to migrations and asylum, this sector is regulated under Chapter VII of the Stabilization and Association Agreement (Justice, Freedom and Security). Specifically, the issues of visas, border management, asylum and migration are covered by provision under Article 80 of this Agreement, while Article 81 regulates the matter of prevention and control of illegal migrations and readmission. According to provisions of the Stabilization and Association Agreement, Bosnia and Herzegovina has the obligation to cooperate in the matters of visas, border control, asylum and migrations both with the European Union member countries, and countries in the region. The second important source is the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorization, which has precedence over provisions of any other bilateral agreement or arrangement on readmissions of persons residing without authorization that are signed between individual EU member countries and Bosnia and Herzegovina. The second category of sources of importance for EU integrations are the unilateral legal acts passed by the EU. Among them, special place belongs to the decisions of the EU Council, regulations of the European Parliament, and EU directives that prescribe different issues of importance for development of this Strategy. Some of these regional sources passed under the auspices of the EU are: (1) Decision of the EU Council on the principles, priorities and conditions contained in European Partnership with Bosnia and Herzegovina and recall of Decision 2006/55/EZ-(2008/21/EC), (2) Regulation (EU) No 1091/2010 of the European Parliament and of the Council from November 24, 2010 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, (3) other legal acts that regulate various matters related to the entry, stay and movement of foreigners in the territory of EU. Considering that Bosnia and Herzegovina currently has the status of potential candidate for EU membership, the anticipatory incorporation of these sources of law into the legal system of Bosnia and Herzegovina certainly contributes to faster EU integrations. On the other hand, some of the mentioned sources, such as the Regulation of the European Parliament and the EU Council on visa liberalization for nationals of Bosnia and Herzegovina, are also important sources from the point of view of achieved results in the domain of regulation of migration and asylum in Bosnia and Herzegovina, and at the same time, it serves as a reminder of the necessity to comprehensively further develop instruments of migration policy of Bosnia and Herzegovina in order to maintain such status.

8 Stabilization and Association Agreement between the European Communities and their Member States, on one side, and Bosnia and Herzegovina, on the other (Official Gazette of BiH, International agreements, 10/ 08, 10/1 and 8/17). <https://www.iom.int/global-compact-migration> (accessed on 14 January 2021)

The international agreements Bosnia and Herzegovina has already incorporated in its legislation, which concern the harmonized regulation in the area of human trafficking are also of indispensable importance for development of this Strategy. Among them, a special place is given to the Protocol to Prevent, Suppress and Punish Human Trafficking, and Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the Council of Europe Convention on Action against Trafficking in Human Beings; Directive (2004/81/EU) on the stay permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; Directive (2011/36/EU) on preventing and combating trafficking in human beings and protecting its victims. One may say these are the most important sources of universal, regional and supra-national character that establish standards of action in this field. However, when developing this document, other relevant sources of international law in the field of combating trafficking have been taken into consideration.

In the end, a special category of international sources that must be taken into consideration when developing this strategic document are bilateral agreements concluded by Bosnia and Herzegovina with different countries in the region, predominantly concerning the issues of readmission of persons to their countries of origin or transit, for persons that do not meet or have ceased to meet requirements for entry, presence or stay in the host country. In order to summarize and facilitate reading, detailed list of all relevant sources of international law has been provided as a separate attachment to the Migration and Asylum Strategy and Action Plan for 2021-2025.

Connecting the diaspora with the development of their country of origin is a part of a wider concept of “*migrations and development*” that has been relied upon in recent times in the international documents as one of the key pillars of migration policy.

2.1.4. National legislation

Law on Foreigners regulates the conditions and procedure for foreigners entering Bosnia and Herzegovina, visa and visa free regime, travel documents for foreigners, foreigners’ stay in BiH, removal from BiH, acceptance and placement under supervision, as well as the competences of authorities in implementation of this Law, offenses and penalties for offenses committed by violating provisions of this law, and other issues related to the foreigners’ stay in BiH. The Law on Foreigners is aligned with 10 Directives and 11 Regulations of the EU Council.

The Law on Foreigners and secondary legislation adopted on the basis of this Law are continuously being further aligned with relevant current EU legislation (*acquis*). Amendments to the Law on Foreigners achieve further alignment with the following:

- Regulation (EU) 2016/399 of the European Parliament and the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification);
- Directive (EU) 2016/801 of the European Parliament and of the Council of May 11, 2016 on the conditions of entry and stay of third-country nationals for the purposes

of research, studies, training, voluntary service, pupil exchange plans or educational projects and au pairing;

- Regulation of the Council (EC) no. 810/2009 of the European Parliament and the Council from July 13, 2009 establishing a Community Code on Visas (Visa Code), with recent amendments made by the Regulation EU 1155/2019 (June 2019);
- Directive (EU) 2021/1883 of the European Parliament and of the Council from October 20, 2021 on the conditions of entry and stay of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC.

Besides the amendments to additionally align the migration legislation of BiH with the EU legislation, the amendments are also made to provisions that will make the implementation of the Law on Foreigners more effective, and to avoid it contravening the international and EU legislation in this field.

Law on Asylum prescribes the main principles, conditions and procedures for granting refugee status and status of subsidiary protection, conditions and procedure for termination of a refugee status and status of subsidiary protection, rights of asylum seekers, refugees and persons under subsidiary protection, restriction of movement and temporary protection.

The Law has introduced new standards regarding the rights of the asylum seekers: right to work, right to secondary education, and right to psycho-social assistance. For the first time, the Law regulated persecution, or actions that are considered acts of persecution, perpetrators of persecution or serious violations, subjects of protection in the countries of origin, protection in the country of origin, and the principle *sur place*. Procedural guarantees in the procedure of granting and terminating the asylum are regulated in a more comprehensive way.

The Law on Asylum has been harmonized with the following directives:

- Directive of the Council of the European Union number 2001/55/EC from July 20, 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- Directive 2011/95/EU of the European Parliament and of the Council from December 13, 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;
- Directive 2013/32/EU of the European Parliament and of the Council from June 26, 2013 on common procedures for granting and withdrawing international protection (recast); and
- Directive 2013/33/EU of the European Parliament and of the Council from June 26, 2013 laying down standards for the reception of applicants for international protection (recast).

The Law meets the standards of the Convention related to the Status of Refugees from 1951, the Protocol related to the Status of Refugees from 1967, the European Convention on Human Rights and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Law on Asylum has achieved significant level of harmonization with the EU *acquis*. It was found that certain provisions were not ready for harmonization at the current stage of association process, and they shall be transposed by the Law on Changes and Amendments to the Law on Asylum.

Key areas that require additional harmonization with the EU *acquis* are:

- right to family reunification of persons under subsidiary protection, and
- right to travel documents of persons under subsidiary protection.

Additional harmonization is also needed with respect to the interviewing techniques, access to the rights, dealing with unaccompanied minors. In addition, the implementation of the Law on Asylum, especially because of higher number of asylum seekers and new forms they take, revealed that certain areas have not been regulated precisely, and that they require more detailed and additional definition of procedures.

Continuous alignment of legislation in the field of immigration and asylum with legislation of the EU (EU *acquis*) has been planned in view of the expected changes of the EU legislation. The New Pact on Migration and Asylum of the European Commission from September 23, 2020, and Plan for implementation of the New Pact on Migration and Asylum, include activities that concern amendments to the EU legislation on migration and asylum. In this regard, Bosnia and Herzegovina needs to harmonize its legislation in this field with the EU legislation as closely as possible.

Taking in consideration the above, changes to the Law on Asylum and to the Law on Foreigners are planned in order to harmonize BiH legislation in this field with the new planned changes to the EU legislation, to the extent possible.

2.2. Migration trends

For the purposes of establishing a mechanism for collecting statistics on migrations and international protection, system for processing migration statistics, as well as the system of timely and quality reporting on migration trends, the MS, in cooperation with the competent institutions, has been preparing, and the council of Ministers of Bosnia and Herzegovina has been adopting, the Migration Profile of BiH since 2009.

2.2.1. Overview of major migration trends 2011-2020

INDICATORS / YEAR	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Visas issued in DCM	11.126	11.482	12.107	16.351	16.970	22.862	28.751	31.171	47.694	1.857
Visas issued at the border	248	150	93	58	120	66	57	34	19	3
Refused entry	3.830	2.998	2.079	1.987	2.432	2.243	2.313	1.853	2.342	4.525
Illegal crossings of state border	324	389	228	189	179	218	766	4.489	5.859	11.857
Temporary stay	7.661	8.838	9.953	11.022	12.633	11.519	11.372	10.756	10.133	8.293
Permanent stay	308	401	713	763	808	799	750	815	816	312
Foreigners sent back from BiH - readmission	81	292	117	57	29	156	358	670	330	195
Acceptance of nationals of BiH - readmission	310	474	540	994	1.589	860	573	397	319	143
Voluntary return from BiH - SFA		160	159	169	179	246	628	324	403	259
Applications for asylum	46	53	100	45	46	79	381	1.568	784	244
Number of emigrants from BiH, including descendants of BiH emigrants born in the Host Country (estimate by MHR)	2.000 000 – 2.200 000									
Population of BiH (Bosnia and Herzegovina in figures 2016, Agency for Statistics of BiH, 2016 and Official Gazette of BiH 60/16)	3.351 159									

2.2.2. Migration and refugee crisis in BiH in the period 2018-2020

According to the Information on the Status in the field of Migrations in Bosnia and Herzegovina in 2020, migration movements through the countries in the Western Balkans, according to FRONTEX⁹ are very dependent on what is happening on the border between Turkey and Greece and Bulgaria, and also on the developments in the Middle East, where the migration driving factors are still active; it also depends on the presence of migrants in the wider region. Low level of returns based on migrant readmission agreement signed between European Union and Turkey leads to overcrowded reception centers on the Aegean islands, and that encourages subsequent crossings to the mainland and impacts the Western Balkans countries.

Migrants who are already in the region, together with those arriving from south, will continue putting pressure on the borders of Croatia, Hungary and Romania. In addition, availability and conditions in reception centers, conditions of stay anywhere, availability of smugglers' services, as well as pressure to the northern borders of the region, were forecasted by FRONTEX for 2020.

9 Decision on formation of the Coordinating Body for Migrations in Bosnia and Herzegovina (Official Gazette of BiH, 10/13, 64/13, 1/14, 20/16, 83/17 and 39/20).

Common border of North Macedonia and Albania with Greece are the main points of entry in the region. Migrants are trying to move along two sub-routes: they are trying to leave the Western Balkans across the common border of Serbia with Hungary, Romania and Croatia, or across the border between Bosnia and Herzegovina and Croatia.

In late 2017, Bosnia and Herzegovina found itself faced with massive number of illegal entries of the migrants in its territory, and this trend of illegal entries only gained in intensity in 2018, 2019 and 2020. During this period, the SFA registered approximately 70,000 migrants who had entered the country illegally, and the following routes most commonly used by migrants to go through BiH were identified:

- Greece - Albania - Montenegro - BiH - Croatia, and onwards to other EU countries;
- Greece - Macedonia - Serbia - BiH - Croatia, and onwards to other EU countries;
- Greece - Bulgaria - Serbia - BiH - Croatia, and onwards to other EU countries.

MONTH	2018.	2019.	+/- (%) 2019/2018.	2020.	+/- (%) 2020/2019.
January	268	821	206,34%	902	9,87%
February	411	1.054	156,45%	2.002	89,94%
March	629	1.822	189,67%	1.540	-15,48%
April	1.454	2.337	60,73%	128	-94,52%
May	2.368	2.884	21,79%	514	-82,18
June	2.481	2.109	-14,99%	1.555	-26,27%
July	2.183	4.166	90,84%	2.361	-43,33%
August	2.505	3.206	27,98%	2.290	-28,57%
September	3.807	3.812	0,13%	2.041	-46,46%
October	4.740	3.958	-16,50%	1.263	-68,09%
November	2.212	2.044	-7,59%	924	-54,79%
December	844	1.089	29,03%	670	-38,57%
Total	23.902	29.302	22,59%	16.190	-44,75%

Illegal migrants reported to SFA over the period 2018-2020

Out of total number of illegal migrants reported to SFA in 2018, 2019 and 2020 (69,394 persons), most came from Pakistan and Afghanistan (32,899 persons), or 74%. Nationality is generally determined on the basis on migrants' statements, since vast majority of them do not have identification documents.

In 2019, compared to 2019, a significant increase was seen in number of nationals of Egypt, Morocco, Bangladesh, Algeria, Eritrea, Tunisia, Turkey, Nepal, Albania, Afghanistan and Pakistan, and a decrease in number of nationals of Iran, Libya, Palestine, Syria and Yemen. The above suggests that most of people who illegally enter Bosnia and Herzegovina are economic migrants, and that economic migrations are gaining in strength.

In the migrant reception centers that are under competence of institutions of Bosnia and Herzegovina, and in temporary reception centers set up in the Una-Sana Canton and the Sarajevo Canton, the average number of migrants staying in Bosnia was 4,559 in 2019, and 6,485 in 2020.

For the purpose of strengthening the system for managing migrant crisis and engaging in effective fight against illegal migrations, the MS prepared, and the Council of Ministers of BiH adopted the following documents:

- *Information and Action Plan of emergency measures* that need to be taken as a matter of urgency and focus on illegal migrants and permeability of the border with the eastern neighbors of Bosnia and Herzegovina, adopted on May 15, 2018;
- *Information with the Plan of Measures and Activities for Effective Management of Migrant Crisis in Bosnia and Herzegovina* was adopted on December 16, 2020;

The Coordinating Body for Migrations in Bosnia and Herzegovina - the Operations Headquarters for Issues of Migrations in Bosnia and Herzegovina coordinates activities among different institutions. The Coordinating Body for Issues of Migrations in BiH includes representatives of the MS, SFA, BP BiH, MFA, MHRR and SIPA. In case of occurrence or expectation of emergency situations related to migrations, the Coordinating Body also acts as the Operations Headquarters for issues of migrations in Bosnia and Herzegovina. When the Coordinating Body acts as the Operations Headquarters for Migrations in Bosnia and Herzegovina, it also includes representatives of headquarters from the two entities and the Brcko District of Bosnia and Herzegovina, as well as representatives of the Ministry of Defense, Ministry of Finances and Treasury, Ministry of Civil Affairs and Prosecution Office of BiH¹⁰.

In the previous period, a lack of effective coordination and cooperation among relevant institutions at various levels of government in Bosnia and Herzegovina, and between the BiH institutions and donors and international organizations implementing projects related to the migration crisis has been noticed, and this undermines adequacy of response of Bosnia and Herzegovina to the identified challenges related to illegal migrations, so a major share of the burden falls on the local communities, mostly in the Una-Sana Canton and the Sarajevo Canton - local communities where the temporary reception centers have been established.

10 Official Gazette of BiH, nos. 75/16 and 2/18

3. Migrations and Asylum Management System in Bosnia and Herzegovina

3.1. Constitutional and legal framework

The starting basis for creating the Migration and Asylum Strategy and Action Plan for 2021-2025 is the provision of the Constitution of Bosnia and Herzegovina, Article III, paragraph 1, point f), which states that one of competences of institutions of Bosnia and Herzegovina is the policy and regulation of the issues of immigration, refugees and asylum. This provision is one of legal grounds for adoption of legal and policy documents that identify, in a planned, organized and harmonized way, the activities of competent institutions in this field, with the aim of creating the most effective mechanisms of control of these issues in Bosnia and Herzegovina. This provision of the Constitution is at the same time the basis for adoption of legislation that additionally elaborates and regulates different issues in the field of migrations, asylum and refugee status.

In this way, when developing the Migration and Asylum Strategy and Action Plan 2021-2025, all provisions of laws and secondary legislation that regulate the following had to be taken into consideration and carefully analyzed:

- (1) competences of different institutions of Bosnia and Herzegovina in the field of migration, asylum and international refugee law (Law on the Council of Ministers of Bosnia and Herzegovina, Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina),
- (2) matters of border protection, entry and stay of foreigners in the territory of Bosnia and Herzegovina (Law on Border Control, Law on Foreigners, with relevant bylaws),
- (3) matters of asylum in the territory of Bosnia and Herzegovina (Law on Asylum with relevant bylaws),
- (4) competences and organization of institutions directly engaged in implementation of laws in practice (Law on Administration, Law on Service for Foreigners' Affairs, Law on Border Police of BiH, Law on State Investigations and Protection Agency, Law on Police Officers, Law on Civil Service),
- (5) other matters that are important for comprehensive regulation of migrations and asylum (Law on Administrative Procedure, Law on Administrative Dispute, Law on Unique Identification Number, Law on Citizenship, Law on Protection of Personal Data, Law on Protection of Confidential Information, Law on Travel Documents of Bosnia and Herzegovina, Framework Law on Primary and Secondary Education, Criminal

Code of Bosnia and Herzegovina, Criminal Code of Republika Srpska, Criminal Code of the Federation of BiH and Criminal Code of Brcko District BiH, and other legislation regulating the matters of public order, health, social welfare and education in Bosnia and Herzegovina).

In addition to the above, another important source are also the secondary legislative acts relevant for migration and asylum that were adopted in the previous period, and are listed in the Attachment to this Strategy. There are also other important secondary legislative acts that have had certain impact on the development of this Strategy. Among them, a special place belongs to the **Decision on the procedure for aligning legislation of Bosnia and Herzegovina with the European Union acquis.**¹¹ This Decision identifies instruments for harmonization of legislation of Bosnia and Herzegovina with European Union acquis, obligations of the ministries and other institutions of BiH, and managers of the administrative bodies and Directorate for European Integrations in the process of aligning BiH legislation with the EU acquis. Entities and the Brcko District of BiH have also adopted their respective decisions on aligning legislation with the European Union acquis.¹²

Identification of relevant sources of law in national legislation is very important for development of a strategic document like this both to ensure legitimacy of the identified strategic goals, and in order to align their content with provisions of specific laws and legislation.

3.2. Institutional mechanisms

Development of migration and asylum legal framework has been accompanied with establishment and institutional strengthening of different administrative bodies, in particular the independent administrative organizations at the level of Bosnia and Herzegovina that have been assigned the competences in this field by means of laws. This means that Bosnia and Herzegovina has established institutions at political/strategic and operational/practical level that, through established inter-institutional cooperation, need to act together in a coordinated fashion with the aim of achieving comprehensive and effective migration management. In order to give clear and detailed presentation of achievements in this field, development of institutional framework according to the earlier systematization in the domain of development of legal framework will be shown here.

3.2.1. Immigration and asylum

The Sector for immigration and asylum, which operated in very restricted conditions and with limited human resources, had been established on August 1, 2000 within the Ministry of Human Rights and Refugees.

¹¹ Decision on the procedure and method of harmonizing legislation of the Republika Srpska with European Union acquis, practice and standards of the Council of Europe, Official Gazette of Republika Srpska, 119/18; Regulation on the procedure on harmonizing legislation of the Federation of BiH with the European Union acquis, Official Gazette of Federation BiH, 98/16; Decision on procedures in the process of harmonizing legislation of the Brcko District BiH with European Union acquis, Official Gazette of Brcko District BiH, 49/14 and 28/20

¹² This does not prejudice status of Kosovo, and is in accordance with the Resolution of the UN Security Council 1244 and with the Opinion of the International Court of Justice on the Kosovo Declaration of Independence.

Ministry of Security was established in 2003, and it is, among other things, responsible for addressing, creating and implementing the immigration and asylum policies in Bosnia and Herzegovina. In addition, it regulates the procedures and organization of the SFA with respect to the movement and stay of foreigners in Bosnia and Herzegovina, and takes care of the protection of international borders. Since 1 January 2004, the Sector for Immigration and Asylum became an integral part of the Ministry of Security, and since 1 August 2004, in line with the changed internal organization of the MS, the Sector for Immigration and Asylum continued to operate as a part of the MS as two independent, separate organizational units: Sector for Immigration and Sector for Asylum.

3.2.2. Ministry of Security - Sector for Immigration

The Ministry of Security, through its Sector for Immigration, is responsible for second instance decisions on appeals of foreigners regarding their entry, movement and stay in Bosnia and Herzegovina, meaning that it issues decision on appeals of the parties against first instance decisions passed by SFA and BP BiH in accordance with the Law on Foreigners, cooperates with the Court of BiH, responds to legal suits and appellations raised by foreign nationals against the decisions of the Ministry of Security on the basis of the Law on Foreigners. The Sector for Immigrations is responsible for monitoring implementation of legislation of Bosnia and Herzegovina in the field of immigration, monitoring and analyzing conventions ratified by Bosnia and Herzegovina and EU acquis in the field of immigration, and proposing harmonization of legislation of Bosnia and Herzegovina with legislation of European Union and international laws on immigration. The Immigration Sector is responsible for implementation of the readmission agreements in the part that concerns acceptance of nationals of Bosnia and Herzegovina by confirming nationality of Bosnia and Herzegovina and identity of the individuals being readmitted under those agreements, and this is done in line with the Protocol on cooperation in effective implementation agreements on readmission of persons residing without authorization in other countries, signed between MS, MoI RS, FBiH Police Administration, CMoI, Police of BD BiH, SFA and BP BiH. With respect to reception of victims of trafficking, the Sector for Immigration is responsible for providing protection to the victims of trafficking. The Sector develops the Migration Profile of Bosnia and Herzegovina and it is responsible for collecting and processing statistical data for the purpose of focused specialist analysis in the field of migration, coordinates development of training programs in the field of immigrations and asylum, proposes and implements projects under the competences of the Sector for Immigration, maintains databases under responsibility of the Sector for Immigration, and monitors implementation of policies in the field of immigration and coordinates development of plans and proposals of migration policy.

3.2.3. Ministry of Security - Sector for Asylum

The asylum system has been established in Bosnia and Herzegovina. The applicable legislation that incorporates the international refugee law and standards of the European Union prescribes how and in what way the asylum policy is regulated in Bosnia and Herzegovina, which institutional forms are responsible for implementing the identified policies and applying legislation, and method of their implementation. The MS, with its Sector for Asylum is responsible for, among other things, the issues related to asylum.

The Sector for Asylum drafts laws and secondary legislation in the field of asylum, proposes harmonization of legislation with international documents and European Union acquis related to asylum.

The Sector for Asylum carries out administrative and other technical tasks related to execution and implementation of asylum-related policy and procedures in Bosnia and Herzegovina, within which it provides reception, accommodation, food, health care, psycho-social support, access to primary and secondary education, support to asylum seekers, accepts applications for asylum and registers the asylum seekers, carries out administrative procedures in asylum applications, procedures for termination and ceasing of asylum status, provides opinions on the submitted legal remedies, collects information on the situation in the country of origin of the asylum seeker, keeps official records, issues identification documents to asylum seekers, refugees and foreigners under subsidiary protection, issues travel documents to refugees, submits applications for issuing unique identification number for refugees, carries out the tasks of supervision, management and protection of the asylum center buildings of the MS, cooperates and shares information with other institutions, international and non-governmental organizations, and carries out other jobs and tasks that are under the competences of this Sector.

3.2.4. Service for Foreigners' Affairs

The Service for Foreigners' Affairs was established by the Law on the Service for Foreigners' Affairs in 2005 as an administrative organization within the Ministry of Security, having operational independence to perform tasks and resolve matters that are within their competences, carry out administrative-legal and inspection tasks as prescribed under the Law on Foreigners. Its operations started on October 1, 2006. The SFA is organized in three sectors: Sector for Operational Support, Sector for Readmission, Reception and Accommodation, and Sector for Administration. In addition to the sectors, the SFA has 16 field centers, as follows: Sarajevo, Banja Luka, Mostar, Istočno Sarajevo, Livno, Doboje, Tuzla, Bihać, Goražde, Bijeljina, Trebinje, Zenica, Travnik, Brčko, Orašje and Ljubuški, as well as the Specialized Institution for Reception and Accommodation of Foreigners placed under Supervision - the Immigration Center.

The Service for Foreigners' Affairs is primarily responsible for control of movement and stay of foreigners in Bosnia and Herzegovina, and it carries out its administrative and inspection tasks to that end. By carrying out its administrative tasks, the SFA decides on the status of foreigners in Bosnia and Herzegovina; i.e. by approving or refusing foreigners' application for stay in the country, denying their stay, placing under supervision and removal of the foreigners from the country. In addition, it carries out certain security checks when making decisions to certify letters of invitation, issue visas and approve/extend stay permits, and in the process of issuing long-term visas, it gives consent to that.

As a part of their inspection responsibility, the SFA gathers intelligence and information through its operational work, and monitors and checks the legality of foreigners' stay in Bosnia and Herzegovina. The SFA collects information on illegal migrations and illegal

migrants in Bosnia and Herzegovina, oversees and controls the stay of the foreigners with respect to the legality of their stay. On the basis of the above, the SFA takes measures and implements other powers prescribed by law, and engages in timely information sharing with the police and other law enforcement bodies.

In its work, the SFA continuously works with the police and other law enforcement agencies, institutions and bodies in Bosnia and Herzegovina. The SFA also engages in international cooperation for the purpose of implementing its competences, which are primarily related to cooperation with corresponding services of other countries in the procedure of determining identity of foreign nationals and readmission and removal of foreigners to their countries of origin. The SFA has a very good cooperation with international institutions and organizations in Bosnia and Herzegovina that, by nature of their work, deal with these issues. The cooperation is mostly focused on institutional and operational strengthening of the SFA.

From the point of view of combatting illegal migrations and creating preconditions for effective removal of foreigners from territory of BiH, it is important to emphasize the work of the SFA Immigration Center that has the capacity of 120 beds, which was opened on 3 July 2008 .

In the previous period, the SFA had been actively involved in the process of updating the Information System on Migrations - the ISM, as the essential data base on foreigners in Bosnia and Herzegovina. In view of the fact that this system is an integral part of state's security and state's ability to manage migrations in a coordinated way, the SFA provided all necessary personnel and technical capacities for functional upgrade of this system.

In line with European standards applicable to migrations, and having in mind the importance of issuing biometric visas and residence permits that will improve security of BiH and its citizens, the SFA made available all necessary resources for provision of assistance to the project of issuing biometric visas, which also foresees issuing biometric residence permit in accordance with the EU standards. With support of the Embassy of the United States of America - ICITAP Program of the US Department of Justice, the SFA is currently implementing the first phase of biometric system, and this work has been intensively ongoing for a while. This biometric system aims to enable the competent bodies to collect, analyze and process biometric data, primarily the fingerprints and photographs of foreign nationals who have illegally entered in Bosnia and Herzegovina and whose identity has not been determined. The SFA coordinates the establishment and operation of temporary reception canters for migrants.

Due to the increase in illegal migrations, the SFA is faced with major shortage of human, technical and financial resources for performing their tasks, and these need to be provided in order to establish an effective control in the field of illegal migrations.

3.2.5. Border Police of Bosnia and Herzegovina

The Border Police of Bosnia and Herzegovina (previously the State Border Service) was established on the basis of the Law on State Border Service that had been adopted by

Decision of the High Representative in BiH in 2000. Provisions of this Law, which was adopted in 2001, established the State Border Service of Bosnia and Herzegovina for the purpose of carrying out tasks of border protection and airport security. By establishing its field organizational units in May 2003, the State Border Service of Bosnia and Herzegovina took over all tasks related to control of international border of BiH from the entity and cantonal ministries of internal affairs. In 2004, a new law was passed to regulate the competences, organization and management in the State Border Service of Bosnia and Herzegovina. The State Border Service of Bosnia and Herzegovina has been defined as an administrative organization within the Ministry of Security with operational independence, and has been established for the purpose of carrying out police tasks related to control of the state border of BiH, and it is organized at three levels (central, regional and local). The Rulebook on Internal Organization from 2005 identified organizational units of the Border Police of BiH.

In 2007, the name State Border Service of Bosnia and Herzegovina was changed into Border Police of Bosnia and Herzegovina. Towards the end of 2008, the Agreement on establishment of a joint risk analysis center was signed between the MS, BP BiH, ITA, VO, PPA and FSA. To reflect these changes and needs, changes and amendments to the Rulebook on Internal Organization were adopted on 18 December 2013. The joint center for risk analysis was established as an organizational unit within the BP BiH, and it is located in its headquarters.

BP BiH has established organizational structure that is responsible for disclosing and confronting illegal migrations at central, regional and local levels. The investigative capacities of the BP BiH were built in accordance with EU standards. BP BiH has the power to conduct investigative actions on the whole territory of BiH, based on orders by the Court of BiH or the Prosecution office of BiH. This also applies to any other crimes that are related to the border; i.e. crimes that are assigned to the BP BiH for investigation and processing by the competent prosecutor.

In its work, the BP BiH has been cooperating successfully with all institutions and law enforcement agencies in Bosnia and Herzegovina. Inter-institutional cooperation is particularly good with the institutions included in the process of integrated state border management of Bosnia and Herzegovina (MS, FSA, ITA, VO, PPA, FBiH Administration for Inspections, RS Administration for Inspection, Government of Brcko District of Bosnia and Herzegovina). The BP BiH has been cooperating successfully with some other law enforcement agencies (FBiH Mol, RS Mol, Police of BD BiH, SIPA, OSA BiH, cantonal Mols, as well as the responsible prosecution offices and courts). BP BiH is a signatory to the Agreement on establishing electronic system for sharing data from the records of police bodies and prosecution offices in BiH.

A Protocol on establishment of a joint contact center at the border crossing Bijača (in BiH) - Nova Sela (in Croatia) was signed between the Ministry of the Internal Affairs of Republic of Croatia and the Ministry of Security. On March 24, 2014, a Joint Center for cooperation of police forces from BiH, Montenegro and Serbia was established in Trebinje; this Center is expected to contribute to more effective fight against illegal migrations and human trafficking, as well as other forms of cross-border crime.

BP BiH directly, and also through the Directorate for Coordination of Police Bodies in BiH, engages in strategic and operative cooperation with FRONTEX, INTERPOL, EUROPOL, EUROJUST, SELEC, and other international organization.

In the context of increased illegal migrations, the BP BiH is faced with major shortage of human, technical and financial resources needed for performing their tasks, and these have to be provided in order to establish an effective control in the field of illegal migrations. Since the increased migration pressure on BiH has started, the BP BiH has consistently lacked over 300 police officers compared to the applicable Rulebook on Internal Organization of the Border Service of BiH (BP BiH), and this significantly restricts the capacities of the BP BiH in performing the tasks of overseeing the state border of BiH as the main method of disclosing and preventing illegal migrations.

However, in view of the new situation in the field of illegal migrations, the constant growth in number of persons and vehicles that cross the state border, opening of new border crossing points and other circumstances that continue to increase the amount of work, it is clear that the number of police officers foreseen in the current Rulebook is not enough to adequately respond to the new challenges the BP BiH faces when combating illegal migrations and other forms of cross-border crime.

In order to compensate for the lack of police officers, based on decision by Ministry of Security, the police officers of the Directorate for Coordination of Police Bodies in BiH and the State Investigation and Protection Agency are engaged on continuous basis to help the BP BiH perform their tasks of overseeing and protecting state borders. In addition, based on the agreement on provision of assistance and operational cooperation between the BP BiH and other police agencies in BiH, the BP BiH receives help in carrying out tasks of overseeing and protecting state border of BiH from police officers of RS MoI, the Police of BD BiH, and ministries of internal affairs of Herzegovina-Neretva Canton, Posavina Canton, West Herzegovina Canton and Canton 10.

3.2.6. State Investigation and Protection Agency

The State Investigation and Protection Agency was established in 2002 by adoption of the Law on the State Investigation and Protection Agency, which defined this Agency as an independent institution of Bosnia and Herzegovina responsible for gathering and processing information of interest for implementation of international and criminal codes of BiH, and for protection of very important persons, diplomatic-consular missions and buildings of institutions of BiH and diplomatic missions. With the adoption of the Law on the State Investigation and Protection Agency in June 2004, the Agency for Intelligence and Protection was transformed in the State Investigation and Protection Agency (hereinafter: the Agency), as a police body that has power on the whole territory of BiH. This moment marked the beginning of stronger development of the Agency and strengthening its operational capacities. This Law defines the Agency as an administrative organization with operational independence under the Ministry of Security, whose competences include preventing, discovering and investigating criminal offenses that are under jurisdiction of the Court of BiH. In particular, this

includes organized crime, terrorism, war crimes, human trafficking and other criminal offenses against humanity and values protected by international law, and serious financial crime, protection of endangered witnesses and witnesses at risk, and other tasks from its scope of responsibilities as specified in this Law. Being aware that crime, particularly organized crime, has attained international character, the Agency implements coordinated cooperation with national and international law enforcement bodies in order to achieve maximum effectiveness of the fight against all kinds of crime, thus raising the level of global security. Continuous international police cooperation is achieved through Interpol, Europol, SELEC center and other organizations by sharing information, coordinating activities, conducting parallel investigations, establishing joint investigative teams, and other activities aimed at, in this concrete case, combating human trafficking and international trade in humans. In response to migrant crisis, and on the basis of analysis of status and capacities of the Agency, operational-investigative teams were created to implement activities of prevention and discovery of criminal offenses in this field in a coordinated and synchronized fashion.

3.2.7. Ministry of Foreign Affairs

The Ministry of Foreign Affairs is an administrative body responsible for implementation of policies of BiH in accordance with the guidelines issued by the Presidency of BiH, and as such, it has certain competences in the field of migration management system in BiH in terms of visa- and passport-related activities; it conducts regular analysis of work of diplomatic-consular missions of BiH. Based on the observed migration trends in Bosnia and Herzegovina, and together with other competent state bodies and institutions, actions and activities are taken aiming to prevent illegal migrations and enable good management of the migration processes. These issues have become particularly important in the context of Croatia joining the European Union and increased migrant pressure on Bosnia and Herzegovina.

The Ministry of Foreign Affairs engages in the matters of issuing visas via diplomatic-consular missions. In the MFA, and within its organizational structure, there is the Sector for International Legal and Consular Affairs that, through its Unit for visa and passport issuing, implements administrative procedure at request of foreign missions, international organizations and citizens of other countries, in connection with issuing entry visas to BiH. One of priorities in the work of the MFA is meeting the obligations related to monitoring the impacts of the Decision on liberalization of visa regime, limiting the abuses of visa-free regime and mobilizing nationals of BiH to respect the rules of visa free regime, reducing number of false asylum seekers, and implementing the obligations from the strategy in the field of migrations and asylum.

Following the previously established practice of approximation of standards to the standards of the EU countries and Schengen regarding issuing visas, and having considered experiences from the region, if certain applicable conditions are met, the Decision on visas introduced the possibility of entry and stay in BiH for up to 30 days without having to first obtain visa for BiH for foreigners who have a visa or residence permit in EU countries, Schengen, and for holders of an USA visa. For the purpose of regulating visa regime in BiH

with different countries and facilitating travel to BiH of certain categories of nationals of these countries, as well as of our nationals traveling to these countries, the Ministry of Foreign Affairs is competent for signing of bilateral international agreements on visa free regime with other countries, including the agreements on lifting the visa requirements for holder of diplomatic and official passports.

3.2.8. Ministry of Human Rights and Refugees of BiH

Law on Ministries and Other Administrative Bodies of BiH specifies competences of the Ministry of Human Rights and Refugees. With regards to the activities and issues relevant for this Strategy, the MHRR is responsible for rights and issues of refugees and persons under subsidiary protection in Bosnia and Herzegovina after determining their status, reception, and provision of accommodation for the period of 30 days to BiH nationals who are coming back to the country on the basis of readmission agreements. Through its Plan of Measures and Activities for Effective Management of Migrant Crisis in BiH, among the activities identified as a response to migration pressure, the MHRR was made responsible for implementation of humanitarian aspect of migrant crisis in the established temporary reception centers, specifically for provision of food and hygiene supplies to the beneficiaries, and for maintaining hygiene of the accommodation, through the Red Cross of BiH. In their centers in Salakovac, the MHRR additionally provides accommodation for foreigners who have expressed intention to apply for asylum and asylum seekers in BiH, and provides humane conditions of stay. Also, the MHRR is responsible for creating BiH policies for emigrants, for monitoring and implementation of international treaties and conventions on human rights.

3.2.9. Ministry of Civil Affairs

With respect to the implementation of issues and activities that are the subject of this strategy, the Ministry of Civil Affairs is involved in the part that concerns granting citizenship and issuing / annulling unique identification number for foreigners, and for identifying basic principles of coordination of activities, aligning plans of entity government bodies and defining strategy in the international arena in the fields of health, social welfare and education.

In this context, the MCA, in cooperation with competent bodies of the Entities and the Brcko District of BiH in accordance with the Plan of Measures and Activities for Effective Management of Migrant Crisis in BiH, is responsible for *health and social welfare of migrants residing in temporary reception centers*.

3.2.10. Armed Forces of Bosnia and Herzegovina

In accordance with their legal competences the Armed Forces of Bosnia and Herzegovina, provide support to civilian authorities in BiH in responding to all natural or other disasters. In the past, the Armed Forces of BiH have provided support to establishing accommodation capacities and blocking roads that are convenient for illegal crossing of the state border by vehicles.

3.2.11. Ministries of internal affairs of the entities, cantons, and the Police of the BD BiH

A very important matter in terms of controlling illegal migrations are the regulations defining offenses against public order and peace, which are part of legislation of the entities, cantons and the Brcko District of BiH. Furthermore, the entities and the Brcko District of BiH have their respective laws, so the criminal offenses, some of which have security implication relevant to illegal migrations (such as crimes against life and body, against property, against public order and legal transactions, against sexual freedoms and morals, etc.) are prescribed in the Criminal Codes of Republika Srpska, Criminal Code of the Federation of BiH, and the Criminal Code of the Brcko District BiH.

The Ministry of Internal Affairs of Republika Srpska takes measures and actions aimed at maintaining public order and peace, personal and property security in the territory of Republika Srpska, while implementing legislation defining criminal offenses and misdemeanors, and carries out the tasks of state administration as identified in the Law on the RS Administration. The RS MoI participates in implementation of conclusions of the Coordinating Body for monitoring movements of illegal migrants in the territory of Republika Srpska. The Police of Republika Srpska has achieved significant successes in discovering crimes of smuggling of persons and investigating other crimes related to illegal migrants. With the aim of suppressing illegal migrations, the MoI RS has been cooperating with other police agencies and institutions. In accordance with the signed agreement on provision of assistance in operational cooperation in overseeing the border, the RS MoI has been providing assistance to the BP BiH on continuous basis since 2018, and they engaged between 52 and 104 police officers on monthly level, depending on the estimated needs.

Competences of the Ministry of Internal Affairs of FBiH have been regulated by the Law on Internal Affairs of the Federation of BiH. Pursuant to Article 2 of this Law, in addition to other competences, the FMoI is responsible for preventing and disclosing crimes of terrorism, inter-cantonal crime, placing in circulation narcotic drugs and organized crime, and seeking out and capturing perpetrators of such crimes and bringing them before competent bodies. The FMoI exercises these competences through its Police Administration. This Law regulates the relationship between the FMoI and CMoIs, as well as other bodies in BiH.

In connection with this, the Entity police bodies, bodies of the cantons in FBiH and of the Brcko District BiH have substantive competence for implementation of legislation in the field of misdemeanors and criminal law, and they take immediate measures to preserve public order and peace, and provide personal and property security to the citizens in their territory. To this end, they cooperate with institutions of Bosnia and Herzegovina that have competences for the matters of migrations and asylum, particularly when acting to control illegal migrations.

The Entity and cantonal Ministries of Internal Affairs, in addition to the above, are also responsible for providing assistance to the Service for Foreigners' Affairs in the domain of receiving registration and deregistration of permanent or temporary stay of foreigners, and for provision of support in the process of forced removal and placing foreigners under supervision.

3.2.12. Coordinating Body for Migrations in BiH

The Coordinating Body for Migrations in Bosnia and Herzegovina (hereinafter: the Coordinating Body) was established in 2013 by Decision of the Council of Ministers of Bosnia and Herzegovina. The Coordinating Body comprises of highly positioned officers of the BP BiH, FSA, MS-SI, MS-SA, and SIPA - under the MS, Sector for International Legal and Consular Affairs of the MFA, Sector for Refugees, Displaced Persons, Readmission and Housing Policy and the Sector for Emigration of the MHRR, while the MS -SI provides technical support to the work of the Coordinating Body.

The Coordinating Body is responsible for continuous monitoring of the general situation in the field of migration and asylum, facilitates and ensures inter-sectorial cooperation among relevant institutions working in the field of migration and asylum, and forecasts future migration trends and proposes measures to the competent institutions that would lead to improving migration policies, and monitors implementation of strategic documents. In addition, the Coordinating Body designs and proposes policies in the area of migrations and asylum to the Ministry of Security. The Decision on establishing the Coordinating Body for Migrations in Bosnia and Herzegovina has been amended several times because of objective reasons, and the Decisions stipulating relevant changes and amendments were published in the Official Gazette of BiH, 10/13, 64/13, 1/14, 20/16, 83/17 and 39/20.

The Coordinating Body reports to the Council of Ministers of Bosnia and Herzegovina within 60 days from the end of calendar year, or more frequently if requested by the Council of Ministers of Bosnia and Herzegovina, or as needed. The Annex to the Decision, published in the Official Gazette of BiH no. 20/16, stipulates that in the case of actual or expected migration-related emergencies, it shall also act as the operational headquarters. When the Coordinating Body acts as the operational headquarters for migrations in BiH, it shall also include representatives of the headquarters at the level of Entities and the Brcko District of BiH. The Decision on changes and amendments to the Decision on establishment of the Coordinating Body for Migrations in BiH, which was published in the Official Gazette of BiH no. 39/20, introduced that when the Coordinating Body acts as the operational headquarters for migrations in BiH, it shall also include, in addition to representatives of headquarters at the level of the Entities and the Brcko District BiH, representatives of the Ministry of Defense, the Ministry of Finances and Treasury, the Ministry of Civil Affairs, and the Prosecution Office of BiH. The operational headquarter for migrations in BiH shall coordinate all its activities with competent institutions and agencies, as well as with the headquarters or other bodies established at the level of entities and BD BiH, and international organizations and non-governmental organizations, in order to overcome the concrete migration crisis. This Headquarter shall propose measure, decisions and procedures to the Council of Ministers of BiH and other competent institutions and agencies through the Ministry of Security.

3.3. International and regional cooperation

The previous period of migration management in Bosnia and Herzegovina was marked by very intensive cooperation of competent bodies at various levels with other countries

and international, inter-governmental and other organizations. This cooperation has manifested through a variety of joint or harmonized activities for the purpose of achieving the most efficient management of migrations. Institutions of Bosnia and Herzegovina have also worked at political-strategic and operational-practical levels, where the legal basis for cooperation was national legislation as well as international agreements on cooperation on the matters related to migration and asylum. A number of projects have been implemented on bilateral basis, both with bodies responsible for migration and asylum of other countries, and with international organizations with the mandate to act in the fields of migration and asylum. The projects were financed by governments of countries and the European Commission from their funds, and had the objective of building immigration and asylum system in Bosnia and Herzegovina, developing regional or international cooperation in the field of migrations and asylum, and linking emigration with development of Bosnia and Herzegovina. As for the regional and international cooperation in the field of migrations and asylum, the institutions competent for these matters have organized a number of conferences establishing mechanisms of regional and international cooperation. With the aim of pointing at the scope of regional and international cooperation in the field of migrations and asylum, listed here are the agreements and major projects implemented by the bodies of Bosnia and Herzegovina responsible for migrations and asylum:

- **Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorization** in other countries, and other bilateral agreements on readmission of persons residing without authorization. This agreement is implemented by the MS-SI in the part that concerns reception of nationals of Bosnia and Herzegovina, by the SFA in the part that concerns nationals of third countries and stateless persons, and return of nationals of the contracting party, as well as nationals of third countries and stateless persons. The BP BiH intervenes at the entry and exit of foreigners from Bosnia and Herzegovina. The MHRR - Sector for Refugees, Displaced Persons, Readmission and Housing Policy, intervenes in the part of reception and provision of accommodation for the period of up to 30 days to nationals of Bosnia and Herzegovina received pursuant to the Readmission Agreements, while the integration of BiH nationals returned pursuant to the Readmission Agreement is done in cooperation with the FBiH Ministry of Displaced Persons and Refugees, the RS Secretariat for Displaced Persons and Migrations, the Government of Brcko District of Bosnia and Herzegovina, and local communities.
- **Agreement on Readmission between the Council of Ministers of BiH and the Government of the Islamic Republic of Pakistan** entered into force on July 23, 2021. It regulates the matters of admission of the country's own nationals, transit of nationals of third countries and stateless persons residing in the territory of contracting party in contravention to their laws.
- **The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**. In 2013, BiH became the sixth member country of the Council of Europe to ratify this Convention. By doing so, BiH accepted to take legislative and other measures to ensure legal, institutional and organizational framework for prevention of violence against women, protection of

victims of violence, and punishment of perpetrators of violence. In line with this, some changes are planned to the Law on Foreigners.

- Bosnia and Herzegovina has been a member of the **International Organization for Migrations (IOM)** since 2005, and member of the **International Center for Migration Policy Development (ICMPD)** since 2012.
- Together with Serbia, Montenegro, North Macedonia, Albania and Kosovo*¹³, Bosnia and Herzegovina is a member of the **MARRI - Regional initiative for migrations, asylum and refugees** with the seat in Skopje. Mandate of the MARRI regional center is to promote regional cooperation in the field of migrations, asylum, border control, combating human trafficking, visa regime and integration and return of refugees, with the ambition to achieve international and European standards in these fields.
- Bosnia and Herzegovina has signed agreements on border crossings, agreements on border traffic and agreements on joint border crossing sites with neighboring countries: Republic of Croatia, Republic of Serbia, and Montenegro.
- **Agreements on conditions for travel for nationals of two countries were signed** between Bosnia and Herzegovina and neighboring countries: Republic of Serbia and Montenegro, permitting the crossing with ID card. These agreements are implemented by BP BiH in the part that concerns crossing of the border of Bosnia and Herzegovina, while the SFA does so in the part that concerns control of legality of stay in Bosnia and Herzegovina.
- **Agreement on cooperation and surveillance of state border were signed** between the Council of Ministers of BiH and the Government of Republic of Croatia, that served as a basis for signing a number of protocols.
- Bosnia and Herzegovina is a signatory to the **Police Cooperation Convention for Southeast Europe** of 2006. This Convention is the fundamental agreement that defines police cooperation in the region. Achieving cooperation for the purpose of implementing common security interests and effectively combating cross-border threats to the public order and security and international crime are the main objectives of the Convention. Signatories to the Convention accepted the obligation to regularly share information on criminal activities, make joint threat assessments, and develop cooperation among relevant law enforcement agencies. Convention is implemented by all police bodies in Bosnia and Herzegovina. A number of implementation protocols were signed on the basis of this Convention.
- A significant progress in cross-border cooperation at European level was achieved with the establishment of the **European Border and Coast Guard Agency (FRONTEX)**. An agreement was signed with it defining collection, analysis and sharing of information, cooperation in the field of training, technical cooperation, joint operations on the borders between Bosnia and Herzegovina and EU member countries, and participation in joint actions and pilot projects organized by the FRONTEX;
- The Ministry of Security, Ministry of Internal Affairs of Montenegro and the Ministry of Interior of Republika Srpska signed the **Protocol on establishment and operation of a joint center for police cooperation in Trebinje**.

¹³ This does not prejudice status of Kosovo, and is in accordance with the Resolution of the UN Security Council 1244 and with the Opinion of the International Court of Justice on the Kosovo Declaration of Independence.

- In March 2013, a **Protocol among the Ministry of Internal Affairs of Republic of Croatia, Directorate of Police and Ministry of Security of BiH, and Border Police on establishment of a joint contact center at the border crossing Nova Sela - Bijača** was signed.
- The **Memorandum of Understanding among competent police bodies of Bosnia and Herzegovina, Republic of Albania, Republic of Croatia, Republic of Macedonia, Montenegro and Republic of Serbia on establishing a system for sharing statistics on illegal migrations and participating in regional early warning system** has been signed. The designated contact point of Bosnia and Herzegovina is the BP BiH, and it cooperates with the MS-SA and SFA.
- With regards to international cooperation on migrations and development, the **Memorandum of Understanding** was signed in 2009 **between Bosnia and Herzegovina and Switzerland regarding the establishment of migration partnership**, which is implemented by the MS-SI, MS-SA, SFA, as well as the MHRR- Sector for Emigration and Sector for Refugees, Displaced Persons, Readmission and Housing Policy, while the **Memorandum of Understanding between Bosnia and Herzegovina and Lichtenstein on establishing migration partnership** was signed in 2011.
- Bosnia and Herzegovina is a signatory to the **Police Cooperation Convention for Southeast Europe of 2006**. This Convention is the basic agreement on police cooperation in the region. Main objectives of the Convention include achieving cooperation for the purpose of implementing common security interests and effective combat against cross-border threats to the public order and security and international crime. Signatories to the Convention accepted the obligation to regularly share information on criminal activities, making joint threat assessments, and develop cooperation among relevant law enforcement agencies. The Convention is implemented by all police bodies in Bosnia and Herzegovina.
- Bosnia and Herzegovina is signatory to the **Strategic Agreement on Cooperation with the European Union Agency for Law Enforcement Cooperation (EUROPOL)**. This Agreement regulates sharing of information, requests for assistance, acting on request, exchanging expertise, confidentiality and confidentiality procedures, liaison officers, costs, responsibilities and dispute resolution.
- Based on the Agreement on Cooperation in Combating Cross-Border Crime, signed in 1999 in Bucharest, the regional Center to Combat Trans-border Crime in Southeast Europe (**SECI**) was established, and later transformed in the **Southeast European Law Enforcement Center (SELEC)**.
- **Bilateral agreements on police cooperation between Bosnia and Herzegovina and other countries** are implemented also through participation of the BP BiH, SIPA, SFA and other law enforcement agencies.
- The Border Police of Bosnia and Herzegovina exercises successful cooperation and participates in implementation of programs and projects of many international organizations, such as FRONTEX, DCAF, SELEC center, ICITAP and INTERPOL, and has established good border police cooperation with police agencies and institutions of EU countries and beyond, which has reflected in technical assistance in the form of provision of equipment and training.

The Budapest Process is an inter-regional dialog on migrations among European countries and the Silk Road region, and it includes European eastern neighbors, countries of the Western Balkans and central Asia. It provides a platform for dialog and operational cooperation for 55 countries and 17 regional and international organization, and aims to strengthen regional dialog and cooperation on migration and mobility. Bosnia and Herzegovina has been regularly participating in ministerial conferences, meetings of higher officials, regional working groups, training and working meetings. In cooperation with the Ministry of Security and the Secretariat of the Budapest Process, a joint meeting of the working group for South East Europe and the Silk Road working group on topic of return and reintegration was held on 7th and 8th of May 2018.

The Prague Process is focused on migration dialog and policies that promote migration partnerships among European Union countries, the Schengen area, Eastern Partnership, Western Balkans, central Asia, Russia and Turkey. Bosnia and Herzegovina takes active part in the Prague Process by participating in ministerial conferences, regular meetings of high officials, as well as trainings, working meetings and study visits.

ICMPD (International Center for Migration Policy Development) is an international organization with the seat in Vienna and it is comprised of 19 member countries. ICMPD is addressing global phenomenon of migrations. Bosnia and Herzegovina has been member of the ICMPD since 2012, and participated in regular meetings of the Steering Group that supervises the work of this organization, approves strategic activities and appoints the general director. Also, the ICMPD acts as secretariat and provides support to the Prague and Budapest processes.

The **New Pact on Migration and Asylum of the EU** is a framework document that was developed as a response to refugee crisis that had climaxed in 2015-2016, and still strongly impacts some of the member countries. Analysis of migration trends in the European Union showed that the member countries are strongly inter-dependent and that sharing the burden of migration is a major challenge, not only in terms of protection of external borders, but also in terms of acceptance, accommodation and stay of migrants on the territories of different countries. In this context, sharing the burden and responsibility, and the need to have solidarity among all EU member countries emerges as a key principle of single framework for migration and asylum management.

The New Pact on Migration and Asylum foresees:

- Firm and fair management of external borders, including checks of identity, health and security;
- Fair and effective asylum rules, simplified procedure of asylum and return;
- New mechanism of solidarity in search and rescue, pressures and crises;
- Improved forecasting, preparedness for crisis and response to crisis;
- Effective return policy and coordinated approach to returns at the EU level;
- Comprehensive governance at EU level for better management of asylum and migration policies and their implementation;

- Mutually useful partnerships with key third countries of origin and transit;
- Development of legal pathways for those who need protection and to attract talents to the EU; and
- Supporting effective integration policies.

Numerous thematic areas are addressed by the Pact in terms of comprehensive approach to the issue of migration and asylum management. They include, among others, the following: border management, combating illegal migrations, asylum, return of migrants to their home countries, readmission and reintegration, combating smuggling of migrants and human trafficking, humanitarian support to migrants and refugees, dialog on migrations and partnership and migrations and development.

This structure of the Pact served as basis for creating a framework for identifying strategic goals, measures and corresponding activities (defined in the Action Plan) that make the crucial part of this strategic document.

4. Strategic goals and implementation measures

The field of migrations and asylum in Bosnia and Herzegovina has been developing towards two long-term strategic priorities:

Priority I

Further develop good quality system in the field of migration and asylum in Bosnia and Herzegovina, aligned with European Union standards and incorporating international refugee law, which will facilitate integration of Bosnia and Herzegovina in the European Union

Priority II

Active participation of Bosnia and Herzegovina in defining regional policies and developing migration and asylum system in accordance with the European Union standards

For the purpose of achieving these general goals, some specific objectives have been identified and elaborated on the basis of functional criteria that cover seven areas, and are further developed through strategic measures in line with priorities under each strategic goal. The Action Plan for 2021-2025 that will provide the method to implement the Strategy in the field of migration and asylum, identifies a set of concrete activities with clearly determined deadlines for implementation, responsible institutions, implementation indicators and sources of financing for each of the foreseen measures.

Strategic goal 1. IMPROVING THE SYSTEM OF COMPREHENSIVE MIGRATION AND ASYLUM MANAGEMENT POLICIES

- 1.1. Enhancing legal framework in the field of migration and asylum
- 1.2. Upgrading visa system
- 1.3. Continued implementation of information and communication technologies in the field of immigration, asylum, visas and border
- 1.4. Strengthening human resources by provision of training
- 1.5. Continuing and strengthening regional and international cooperation
- 1.6. Ensuring continuity of strategic management of migration and asylum

Strategic goal 2. INCREASING EFFICIENCY OF STATE BORDER CONTROLS

- 2.1. Improving human resources of the BP BiH
- 2.2. Improving work procedures
- 2.3. Strengthening material and technical level of equipment of the BP BiH
- 2.4. Improving inter-agency and international cooperation

Strategic goal 3. MORE EFFICIENT MANAGEMENT OF ILLEGAL MIGRATIONS IN THE TERRITORY OF BOSNIA AND HERZEGOVINA

- 3.1. Enhancing institutional capacities for the management of illegal migrations
- 3.2. Strengthening capacities of the SFA
- 3.3. Continued implementation and expansion of the mechanism for return of migrants to their countries of origin and acceptance of nationals of Bosnia and Herzegovina on the basis of readmission agreement
- 3.4. Improving procedures for identifying illegal migrants and more efficient processing of migrants who are perpetrators of misdemeanors and criminal offenses
- 3.5. Development of a plan of priority action in unforeseen emergency situations of increased migration pressures
- 3.6. Support to local communities where the temporary reception centers for migrants are established

Strategic goal 4. IMPROVING THE ASYLUM SYSTEM

- 4.1. Improving operational procedures and practices for the purpose of easier and more effective access to the asylum system and implementation of the procedure
- 4.2. Strengthening capacities in the field of asylum
- 4.3. Improving regional and international cooperation

Strategic goal 5. MORE EFFECTIVE FIGHT AGAINST SMUGGLING OF MIGRANTS AND HUMAN TRAFFICKING

- 5.1. Intensified operational work and improved partnerships in suppressing smuggling of migrants
- 5.2. Strengthening human resources by provision of training
- 5.3. Improving effectiveness of identification of foreigners who are victims of trafficking in mixed migration trends

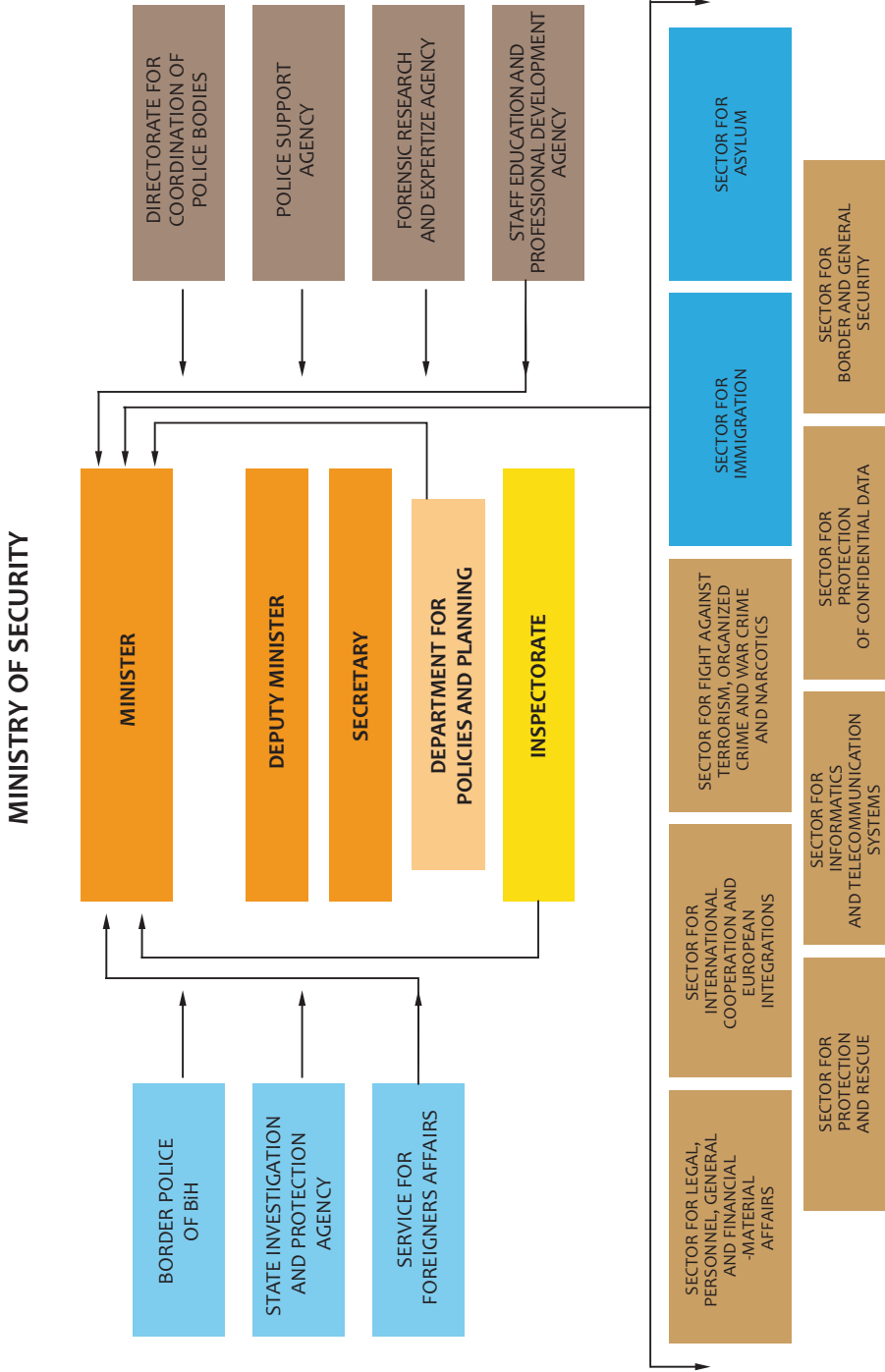
Strategic goal 6. SUPPORTING LEGAL MIGRATIONS AND INTEGRATION OF FOREIGNERS WHO RESIDE LEGALLY IN BIH

- 6.1. Supporting legal migrations
- 6.2. Facilitating integration of foreigners who legally reside in BiH
- 6.3. Migrations and development

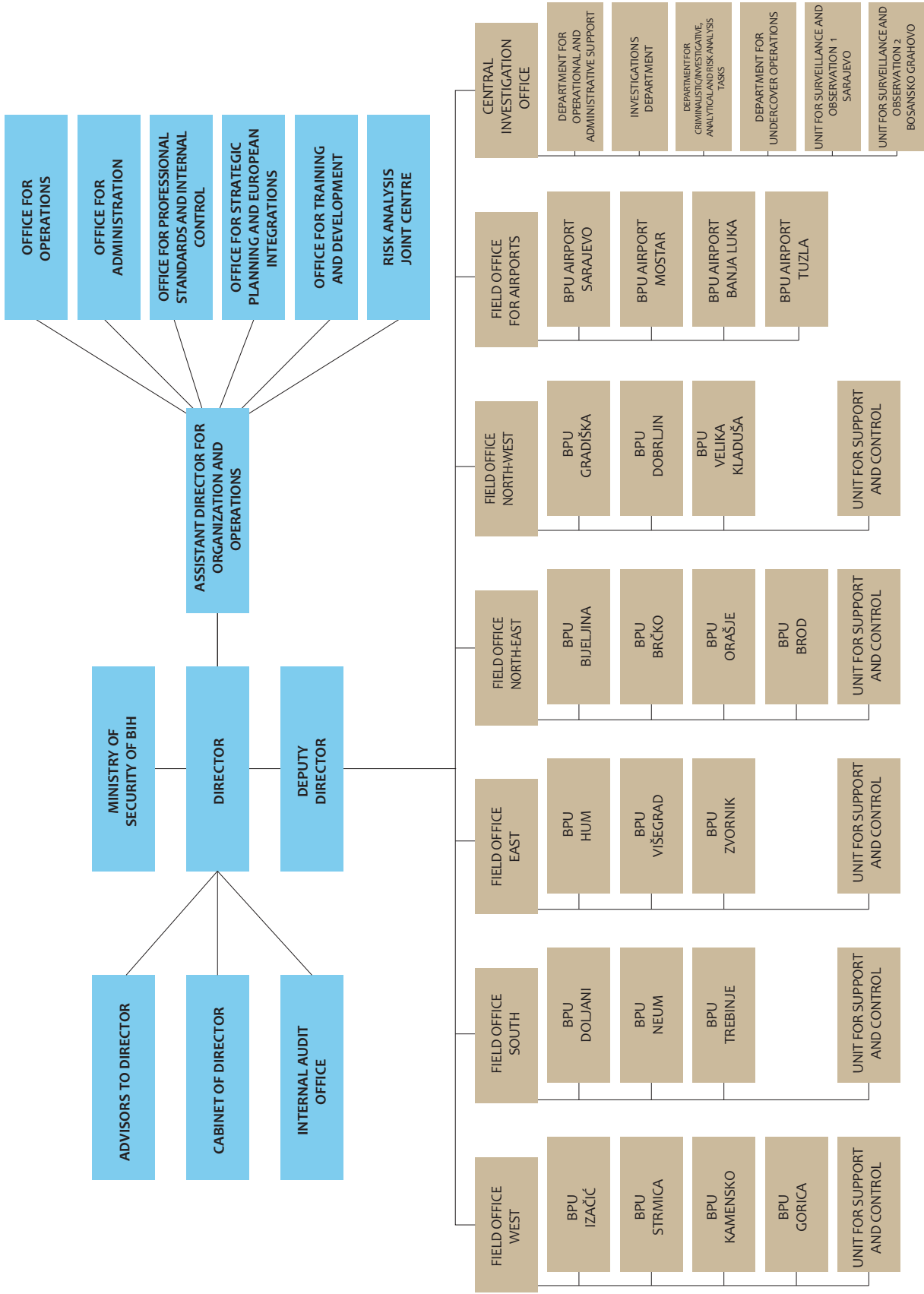
Strategic goal 7. STRENGTHENING MECHANISM OF COORDINATION IN MIGRATION AND ASYLUM MANAGEMENT

- 7.1. Strengthening capacities of the Coordinating Body for Migrations
- 7.2. Coordinating activities with the competent bodies at the level of regional and international cooperation in the fight against illegal migrations, and cooperation with donors and international organizations

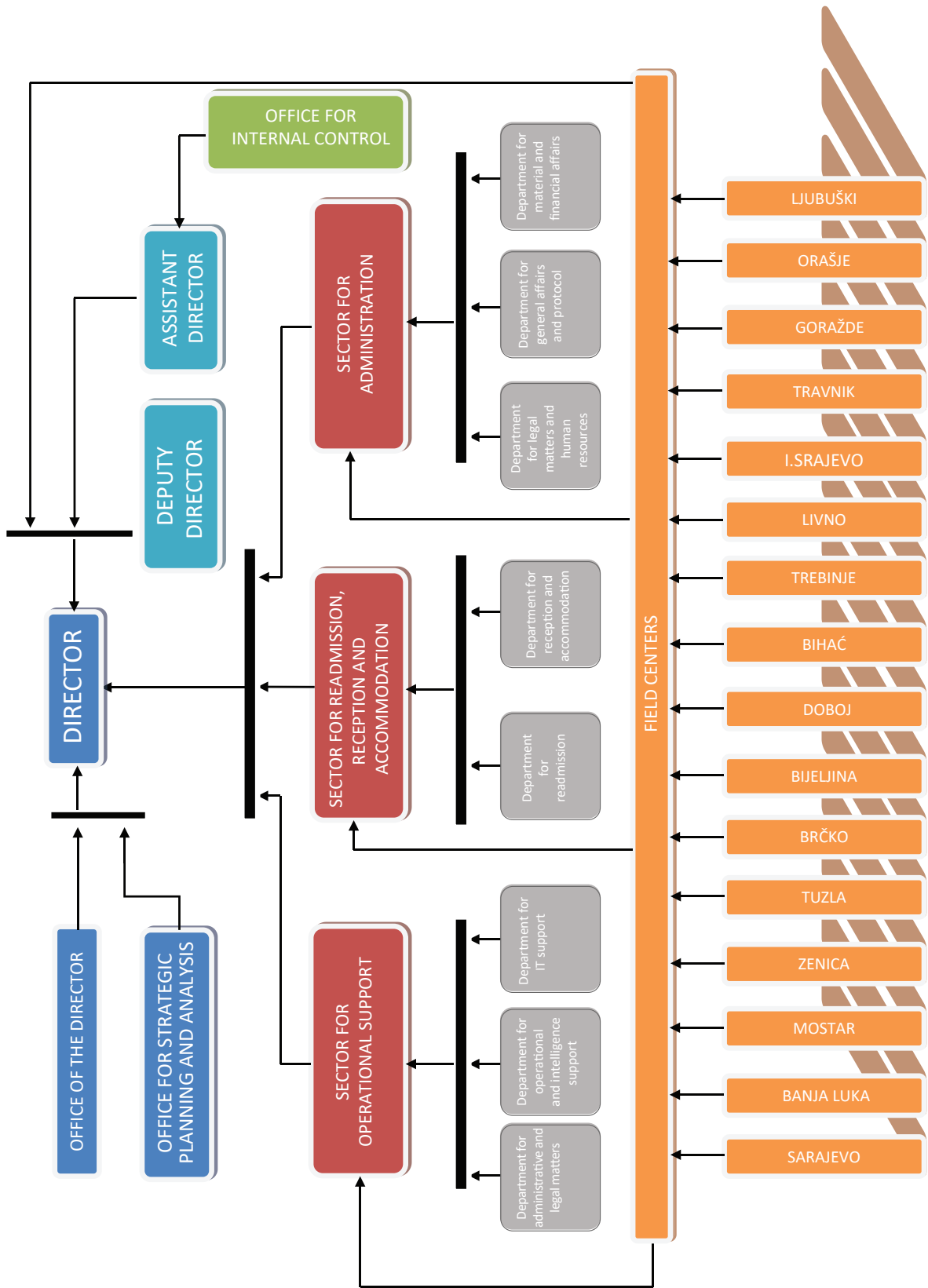
Annex 1. Organizational scheme of the Ministry of Security of Bosnia and Herzegovina



Annex 2. Organizational scheme of the Border Police of Bosnia and Herzegovina



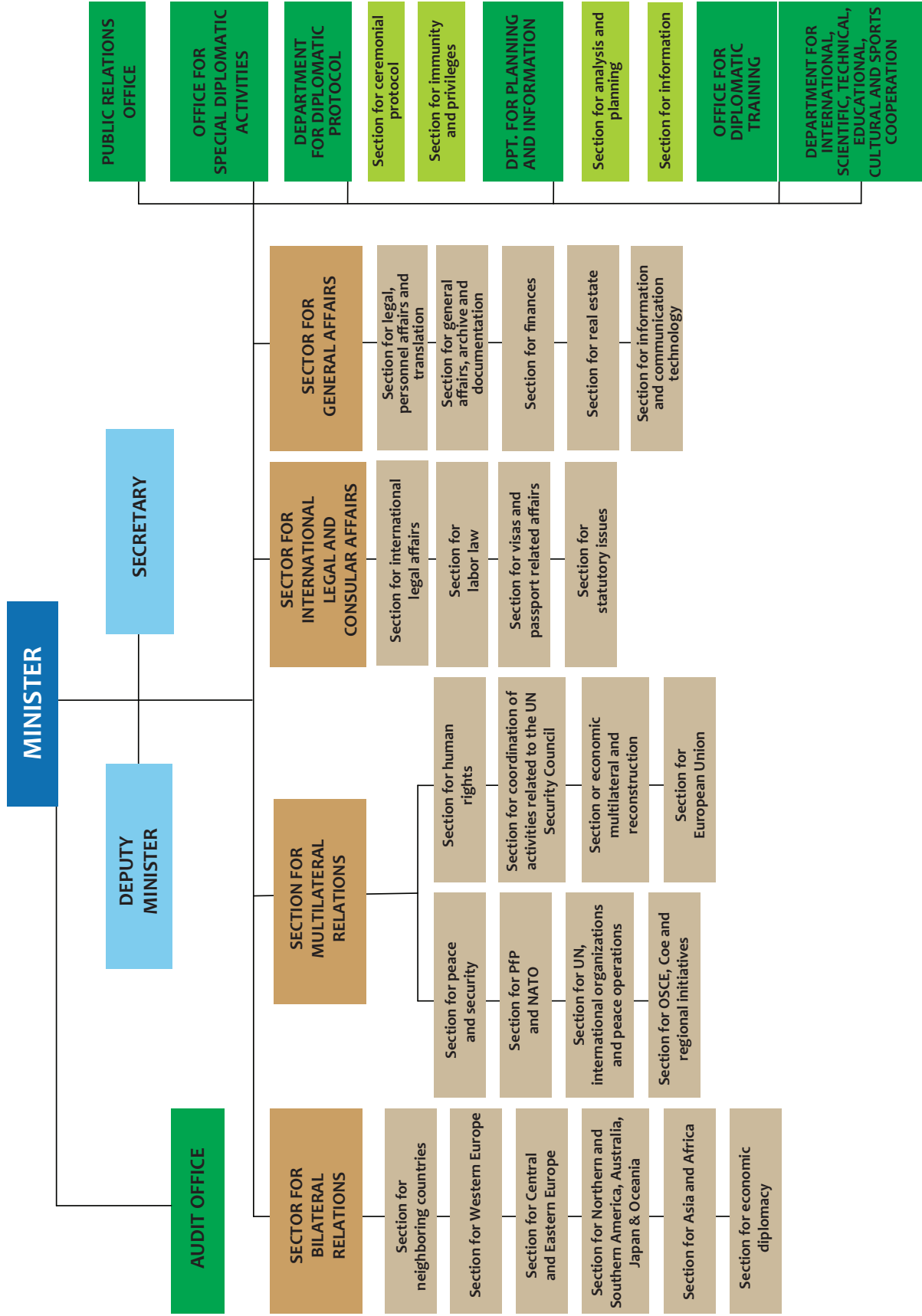
Annex 3. Organizational Scheme of the Service for Foreigners' Affairs



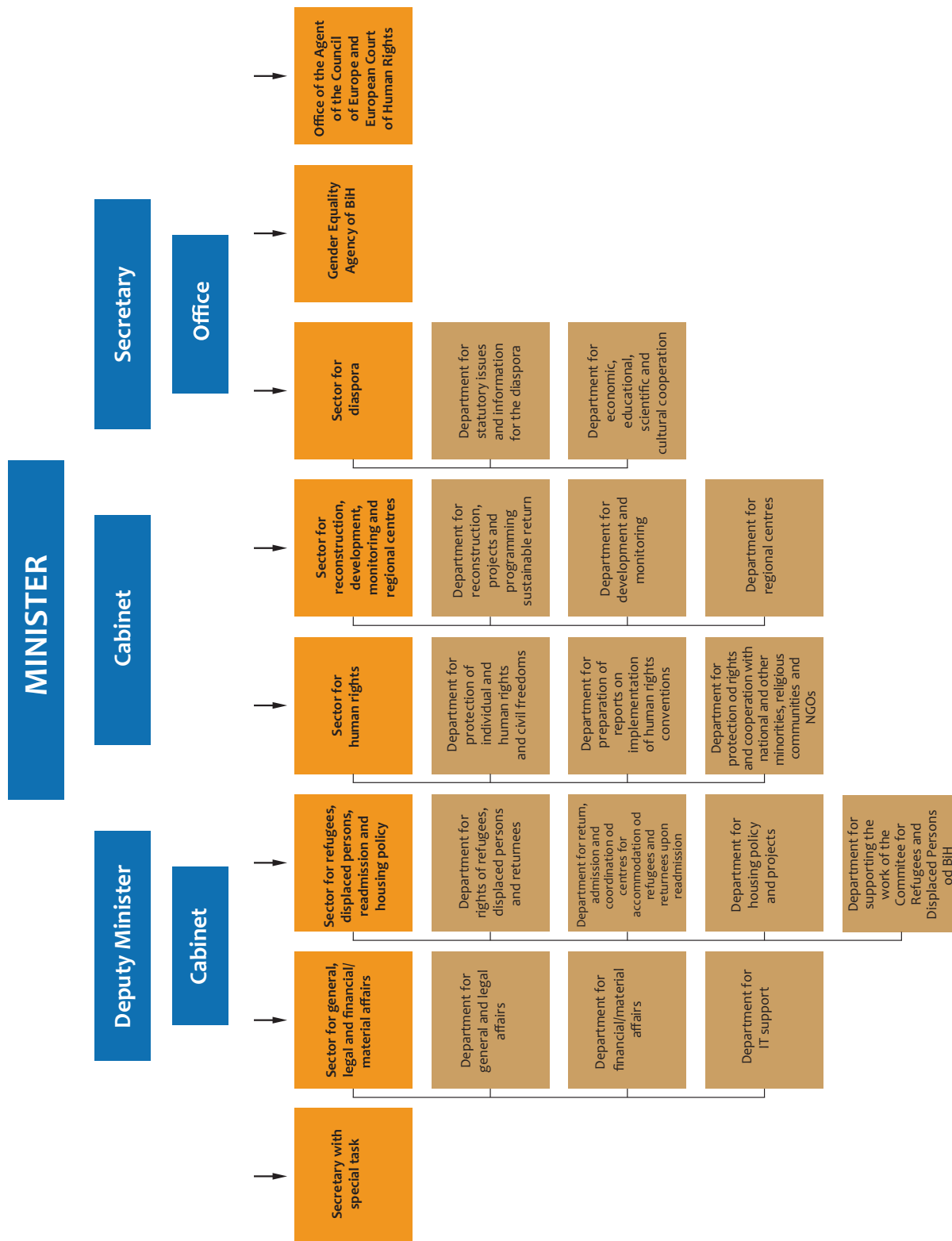
Annex 4. Organizational Scheme of the State Investigation and Protection Agency



Annex 5. Organizational Scheme of the Ministry of Foreign Affairs of Bosnia and Herzegovina



Annex 6. Organizational Scheme of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina



Annex 7.

Overview of bylaws passed on the basis of the Law on Foreigners, the Law on Asylum and the Law on Border Control

I. LAW ON FOREIGNERS (Official Gazette of BiH, 88/15, and 34/21)

1 MINISTRY OF SECURITY

A. Bylaws passed by the Council of Ministers based on the proposal by the Ministry of Security

- Rulebook on operational standards and other issues of importance for the work of Immigration Center (Official Gazette of BiH 55/16),
- Rulebook on registration of biometric characteristics of foreigners (Official Gazette BiH, 55/16),
- Decision on designating international border crossings where the visas can be issued (Official Gazette of BiH, 66/16 and 15/17),
- Rulebook on obligations of transporters bringing the foreigners on border crossings of Bosnia and Herzegovina (Official Gazette of BiH, 23/18),
- Decision on the lowest amount of money needed for sustenance of foreigners during their intended stay in BiH (Official Gazette of BiH, 3/21),
- Rulebook on the content, method of maintaining and using official records on foreigners (Official Gazette of BiH, 51/16).

A1. Bylaws passed by the Ministry of Security

- Rulebook on entry and stay of foreigners, (Official Gazette of BiH, 25/16),
- Rulebook on monitoring and removal of foreigners from Bosnia and Herzegovina (Official Gazette of BiH, 27/13),
- Rulebook on format and content of the application for issuing travel document for stateless persons and travel documents for foreigners (Official Gazette of BiH, 41/16),
- Rulebook on the content, method of keeping and using official records on foreigners (Official Gazette of BiH, 51/16),
- Rulebook on protection of foreigners who are victims of trafficking (Official Gazette of BiH, 79/16),
- Rulebook on central data base on foreigners (Official Gazette of BiH, 19/17).

2 MINISTRY OF CIVIL AFFAIRS

Bylaws passed by the Ministry of Civil Affairs

- Rulebook on travel document for foreigners (Official Gazette of BiH, no 65/16),
- Rulebook on travel documents for stateless persons (Official Gazette of BiH, 65/16).

II LAW ON ASYLUM (Official Gazette of BiH, 11/16 and 16/16)

1. MINISTRY OF SECURITY

Bylaws passed by the Council of Ministers on proposal by the Ministry of Security, and on basis of the Law on Asylum

- Rulebook on asylum (Official Gazette of BiH, 69/16), MS
- Rulebook on format and content of application for issuing travel documents to refugees (Official Gazette of BiH, 64/16)

2. MINISTRY OF CIVIL AFFAIRS

Bylaws passed by the Ministry of Civil Affairs

- Rulebook on travel document for refugees (Official Gazette of BiH, 65/16)

3. MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BiH

Bylaws passed by the Ministry of Human Rights and Refugees

- Rulebook on accommodation, method of work, operation and house rules in the Refugee Reception Center Salakovac in Mostar (Official Gazette of BiH, 29/17),
- Rulebook on access to the right to education for persons with recognized international protection in Bosnia and Herzegovina (Official Gazette of BiH, 42/17),
- Rulebook on access to social security for persons with recognized international protection in Bosnia and Herzegovina (Official Gazette of BiH, 43/17),
- Rulebook on access to health insurance of persons with recognized international protection in Bosnia and Herzegovina (Official Gazette of BiH, 16/17),
- Rulebook on access to the right to work for persons with recognized international protection in Bosnia and Herzegovina (Official Gazette of BiH, 52/17)

III. BYLAWS PASSED ON THE BASIS OF THE LAW ON MOVEMENT AND STAY OF FOREIGNERS AND ASYLUM (OFFICIAL GAZETTE OF BIH 36/08 and 87/12) APPLIED UNTIL THE ADOPTION OF NEW BYLAWS ON THE BASIS OF THE LAW ON FOREIGNERS, UNLESS IN CONTRAVENTION WITH THE LAW ON FOREIGNERS

1. MINISTRY OF FOREIGN AFFAIRS

Bylaws passed by the Council of Ministers of BiH on proposal by the Ministry of Foreign Affairs of BiH:

- Decision on visas (Official Gazette of BiH, 3/15, 47/17, 73/17 and 40/20).

Bylaws passed by the Ministry of Foreign Affairs of BiH:

- Rulebook on issuing visas for long-term stay (VISA D) and procedure for issuing such visas (Official Gazette of BiH, 104/08),
- Rulebook on issuing short-term visas (visa C) and airport transit visas (visa A) in diplomatic-consular missions of BiH (Official Gazette of BiH, 69/13),
- Instruction on procedure at diplomatic-consular missions of BiH upon request for issuance of visa for entry into BiH by citizens of Kosovo.

2. MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BIH

Bylaws passed by the Council of Ministers on proposal by the Ministry of Human Rights and Refugees

- Rulebook on personal status and entry into registries of birth, marriage and death for persons with recognized international protection in Bosnia and Herzegovina (Official Gazette of BiH, 54/10)

IV. OVERVIEW OF BYLAWS PASSED ON THE BASIS OF THE LAW ON BORDER CONTROL (Official Gazette BiH, 53/09, 54/10 and 47/14)

1. MINISTRY OF SECURITY

Border Police of Bosnia and Herzegovina

A. Bylaws passed by the Council of Ministers of BiH on proposal by the Ministry of Security

- Rulebook on the procedure to determine and resolve border incidents and other breaches of the state border (Official Gazette of BiH, 6/10)
- Rulebook on standards and conditions for construction and equipment of border crossing points (Official Gazette of BiH, 6/10)
- Rulebook on the procedure to designate temporary border crossing points (Official Gazette of BiH, 6/10)
- Rulebook on the manner of performing controls of transfer of firearms and ammunition across the state border (Official Gazette of BiH, 32/10)

A1. Bylaws passed by the Ministry of Security

- Rulebook on the conditions and method of designating and passing decisions on the border crossing area (Official Gazette of BiH, 92/09)

A2. Bylaws passed by the Border Police

- Decision on the condition and method of issuing permits to crew member of a foreign ship for movement in the port-of-call (Official Gazette of BiH, 3/10)
- Rulebook on the method of carrying out border checks and entering data into travel documents (Official Gazette of BiH, 103/14 and 84/16)
- Rulebook on issuing border permit (Official Gazette of BiH, 3/10)
- Rulebook on border control in international transits (Official Gazette of BiH, 3/10)
- Rulebook on installation and use of technical aids and taking photographs, video recordings and using video surveillance at the border crossing points along the state border (Official Gazette of BiH, 5/10)
- Rulebook on performance and costs of border checks at alternate locations in the event of special and justified reasons (Official Gazette of BiH, 5/10 and 80/17)
- Rulebook on border passes (Official Gazette of BiH, 51/15)

V OVERVIEW OF OTHER LEGAL ACTS APPLICABLE TO MIGRATIONS AND ASYLUM

- Rulebook on registration of nationals of Bosnia and Herzegovina returning under readmission agreements (Official Gazette of BiH, 63/11)
- Decision on appointment of national coordinator of Bosnia and Herzegovina for cooperation and coordination with Regional Center “Regional initiative for migration, asylum and refuges”, (Official Gazette of BiH, 28/21)
- Decision on the obligation to provide statistical data on migration and international protection to the Ministry of Security (Official Gazette of BiH, 83/09)
- Decision on changes and amendments to the administrative tax rates (Official Gazette of BiH, 3/08 and 42/08)
- Decision on establishment of a Coordinating Body for Migration in Bosnia and Herzegovina (Official Gazette of BiH, 10/13, 64/13, 1/14, 20/16, 83/17 and 39/20)
- Decision on designating temporary reception centers for accommodation of migrants (Official Gazette of BiH, 28/19)
- Rulebook on determining unique identification number for foreign nationals (Official Gazette of BiH, 39/02 and 2/09)
- Rulebook on the price of travel documents (Official Gazette of BiH, 56/14 and 86/14)
- Rulebook on the method operation, functioning and house rules in the Readmission Center in Mostar (Official Gazette of BiH, 39/13)
- Instruction on the method of providing temporary accommodation to the nationals of Bosnia and Herzegovina on the basis of the Law on Readmission (Official Gazette of BiH, 39/13)
- Rulebook on the format and content of the signs and other traffic signalization facilitating movement on border crossing point and surrounding area, and the method of putting up such signs and signalization (Official Gazette of BiH, 103/12)
- Rulebook on the seamen’s’ registration books and maritime books (Official Gazette of BiH, br. 29/19, 72/19 and 55/20)
- Rulebook on the format, content and minimum protective elements of passports, diplomatic and official passport (Official Gazette of BiH, 73/13, 59/14 and 2/17)
- Rulebook on professional development of police officers in Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina 18/05 and 45/19)

Annex 8.

Overview of conventions, protocols and European Union acquis used in the development of the Migration and Asylum Strategy and Action Plan 2021-2025

A. Conventions and protocols

1. European Convention on Human Rights and Fundamental Freedoms
2. Convention related to the Status of Refugees from 1951 and Protocol on Refugee Status of 1967
3. Convention on the Rights of the Child and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
4. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment
5. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
6. Convention related to the Status of Statelessness
7. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, particularly women and children, amending the United Nation Convention against transnational crime
8. Council of Europe Convention on Action against Trafficking in Human Beings
9. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime
10. UN Convention on the Elimination of all Forms of Racial Discrimination
11. UN Convention on the Elimination of all Forms of Discrimination of Women

B. European Union acquis

1. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)
2. Regulation (EU) No 154/2012 of the European Parliament and of the Council of 15 February 2012 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)
3. Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council

4. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification)
5. Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)
6. Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders
7. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA
8. Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice
9. Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for stay permits for third-country nationals
10. Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for stay permits for third-country nationals
11. Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017 amending Council Regulation (EC) No 1030/2002 laying down a uniform format for stay permits for third-country nationals
12. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)
13. Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June

- 2020 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection (Text with EEA relevance)
14. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985
 15. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country national
 16. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof
 17. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
 18. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)
 19. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)
 20. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)
 21. Council Directive 2004/81/EC of 29 April 2004 on the stay permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
 22. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
 23. Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance
 24. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and stay
 25. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals

26. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air
27. Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and stay of third-country nationals for the purposes of highly qualified employment
28. Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and stay of third-country nationals in the framework of an intra-corporate transfer
29. Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 On the conditions of entry and stay of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing
30. Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and stay

