

Article 54

(Temporary residence on humanitarian grounds)

(1) Temporary residence on humanitarian grounds may be granted to an alien who fails to meet the general requirements for granting temporary residence as provided by Article 53 (*General conditions for granting temporary residence*) of this Law, and so in the following cases:

- a) where an alien who has been a victim of organized crime and/or trafficking of human beings, for the purpose of providing protection and assistance for his/her rehabilitation and repatriation into the country of his/her habitual residence, or a country which will admit the alien;
- b) to a minor child of an alien if he/she who has been abandoned or is a victim of organized crime or if the minor is without parental protection or custody, or unaccompanied for any other reason whatsoever;
- c) to a stateless person;
- d) to an alien found to have met the requirements of Article 91 (*Principle of non-refoulement*) of this Law, and to whom no international protection has been granted in accordance with this Law;
- e) for other justified humanitarian reasons which the Ministry shall stipulate by way of bylaws.

(2) Temporary residence on humanitarian grounds may also be granted to an alien who fails to fulfill the requirements necessary for the granting of temporary residence prescribed by Article 53 of this Law, in cases where his/her presence in BiH is required to enable the conduct of court proceedings, and/or in cases where the alien co-operates with authorities for the purposes of revealing criminal offenses and their offenders, or if he/she has been a victim of organized crime and his/her presence in BiH is essential for the conducting of court proceedings.

(3) An alien who has been granted temporary residence on humanitarian grounds referred to in paragraph (1), item a) of this Article, as a victim of trafficking in persons and whose residence in BiH is necessary for the purpose of cooperation with competent bodies in an investigation aimed at detection and processing of criminal offence of trafficking in persons, has the right to: an adequate and safe accommodation, access to emergency medical protection, psychological assistance, be informed on his/her legal status, legal assistance during criminal and other proceedings in which he/she is granted other rights, access to job market under the same conditions applying to aliens, as well as access to professional training and education. A child who holds an approved temporary residence permit as a victim of trafficking in persons shall have access to education.

(4) An alien to whom a temporary residence permit has been granted on humanitarian grounds based on paragraph (1) item c) of this Article is entitled to work under the same conditions applying to aliens, and shall have access to basic education under the same conditions applying to BiH citizens.

(5) Temporary residence on humanitarian grounds shall be determined by a separate regulation of the Council of Ministers, as provided by paragraph (1) item e) of this Article, may not in any case be granted contrary to the requirement of Article 62 (*Refusal and rejection of applications for a residence permit*) paragraph (1) item g) of this Law.

(6) The procedure for granting temporary residence on humanitarian grounds shall be conducted by the Service.

(7) An alien to whom a temporary residence permit has been granted on the basis of paragraph (1) of this Article, and who does not own a valid travel document, an identity certificate is issued. The form, content, expiry date, proceedings and other issues related to the issuance of identity certificate shall be prescribed in a separate Ministerial regulation after obtaining an opinion from the Ministry of Civil Affairs of BiH and the Service.