

Pursuant to Article IV. 4. a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 26th session of the House of Representatives held on 2, 3 and 10 April 2008, and at the 16th session of the House of Peoples held on 16th April 2008, adopted the following

LAW

ON MOVEMENT AND STAY OF ALIENS AND ASYLUM

CHAPTER I. GENERAL PROVISIONS

Article 1

(Scope of the Law)

(1) This Law shall regulate: conditions and procedure for entry of aliens in Bosnia and Herzegovina (hereinafter referred to as: BiH), including the visa and non-visa regime; travel documents for aliens; stay of aliens in BiH; removal of aliens from the country; admission of aliens and placement of aliens under supervision; international and temporary protection in case of mass influx of aliens; as well as competency of authorities relevant for the implementation of this Law, as well as other issues related to stay of aliens in BiH.

(2) This Law shall also regulate violations and punishments for violations committed through violation of the provisions of this Law.

Article 2

(Authorities competent for the implementation of this Law)

(1) In accordance with this Law and by-laws passed on the basis of this Law, the procedure shall be carried out and relevant decisions taken by the:

- a) BiH Council of Ministers (hereinafter referred to as: the Council of Ministers),
- b) BiH Ministry of Security (hereinafter referred to as: the Ministry),
- c) BiH Ministry of Foreign Affairs (hereinafter referred to as: the MoFA),
- d) BiH Ministry for Human Rights and Refugees,
- e) The Aliens Affairs Service (hereinafter referred to as: the Service)
- f) BiH Border Police (hereinafter referred to as: the Border Police),
- g) other police authorities in Bosnia and Herzegovina (hereinafter referred to as: the police)
- g) other competent authorities.

(2) If the request, or another submission under this Law, is sent to the materially non-competent authority (lacking *ratione materiae*) in BiH, the competent officer of that authority shall warn of that fact the submitting party and shall forward the submission to the competent authority.

(3) If the request, or another submission under this Law, is sent to the materially non-competent organizational unit of an authority (*lacking ratione materiae*), the competent officer of that organizational unit shall notify thereof the submitting party and forward the submission to the competent organizational unit of the same authority.

(4) If the request, or another submission under this Law, is sent to the territorially non-competent organizational unit of the Service or another authority (lacking *ratione loci*), the competent officer of that organizational unit shall forward it *ex officio* to the territorially competent organizational unit of the Service or of another authority.

(5) Where it is required that the decision taken under this Law or under the Law on the Aliens Affairs Service be enforced by the Service, other organizational units of the Ministry and the police shall provide assistance to the Service at its own request.

Article 3

(Application of the Administrative Proceedings Law)

Provisions of the Administrative Proceedings Law shall apply to administrative proceedings pending before the competent authorities in accordance with this Law, unless otherwise provided under this Law.

Article 4

(Administrative disputes)

(1) Administrative disputes may be initiated against final administrative documents issued in accordance with this law.

(2) The administrative disputes are to be initiated by virtue of complaints brought before the BiH Court, in accordance with the Law on Administrative Disputes of Bosnia and Herzegovina, unless otherwise provided under this Law.

(3) Such complaints shall not stay the execution of the final administrative document, unless otherwise provided under this Law [Article 109 (*Procedure and competence for the issuance of decisions on international protection*) paragraph (8), Article 125 (*Competence and complaints in case of termination or withdrawal of international protection*) paragraph 3)].

Article 5

(Definitions)

For the purpose of this Law, certain terms shall have the following meaning:

- a) *an alien* refers to any person who is not a national of BiH but is a national of another state pursuant to legislation of that state or is stateless,
- b) *a stateless person* refers to any person who is neither a citizen of BiH, nor a citizen of any other state pursuant to legislation of that state,
- c) *place of habitual residence* of an alien refers to his/her country of origin or the country of his/her permanent residence,
- d) *travel document* refers to a valid passport or another travel identification document, issued by competent foreign authorities which is recognized by BiH, as well as a valid ID Card or another personal identification document with a photograph affixed that may be used by its bearer to cross the state border, which has been recognized by an international treaty to which BiH is a contracting party, as well as a travel document issued to an alien in BiH in accordance with the present Law,
- e) *work permit* is a permit issued by an authority in charge of employment affairs with aliens, permitting paid employment of aliens in BiH,
- f) *residence permit* is a permit issued by a competent alien affairs body, allowing an alien to legally reside in the territory of BiH within a period designated in the permit,
- g) *an applicant for international protection* is an alien who can be considered as someone who is requesting refugee status or the status of subsidiary protection in BiH, until a decision regarding his/her request is made in accordance with this Law,
- h) *international protection* stands for the refugee status or status of subsidiary protection in accordance with this Law,
- i) *a refugee* according to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to the Convention is an alien who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
- j) *refugee status* is a status which BiH designates for a refugee in accordance to this Law,
- k) *a person under subsidiary protection* is an alien who resides in the territory of BiH, and though does not fulfill the conditions for refugee status, but does enjoy protection in accordance to international standards and this Law,
- l) *a person under temporary protection* is an alien who resides in the territory of BiH based on a mass influx in accordance to this Law,
- m) *a competent body* is a body which is in charge of procedure, in accordance to this Law or another law,
- n) *an unaccompanied minor* is an alien younger than 18 years of age (a minor), who arrived in BiH unaccompanied by an adult person older than 18 years (an adult person) legally responsible for him/her *ex lege* or by power-of-attorney, or a minor left unaccompanied since entering the BiH territory,
- o) *marriage of convenience or common law marriage of convenience* is a marriage or common law marriage concluded exclusively to provide an alien with entry and/or stay in BiH,
- p) *adoption of convenience* is an adoption to exclusively provide an alien with entry and/or stay in BiH,
- q) *marriage* is a legally regulated matrimonial partnership between a male and a female,
- r) *a common law marriage* is a domestic partnership between a female and a male who are not married to and are not in a partnership with any third person. To qualify under such a partnership, the relationship must have subsisted for at least three years or for a shorter period if a child was born through such a partnership,
- s) *family reunification* means an entry or stay in BiH of aliens who are members of close family of a person residing legally in BiH, in order to preserve the family union,
- t) *a carrier* is any physical or legal body providing services of international traffic transportation of persons by using any means of transportation,
- u) *threat to public health* represents any disease with epidemiological potential characteristics, as is defined under the international health care regulations of the World Health Organization (WHO),

as well as other contaminative or other parasitic diseases, if these are the subject of safety regulations which apply to BiH citizens.

**Article 6
(Multiple citizenship of aliens or BiH nationals in the BiH territory)**

(1) An alien with multiple citizenships is considered to be a citizen of the country which issued him/her with the travel document with which he/she has crossed the BiH State border, unless otherwise provided under this Law.

(2) If a citizen of BiH has additionally acquired the citizenship of another state, he/she shall not be treated as an alien within the territory of BiH.

**Article 7
(Freedom of Movement)**

(1) An alien may enter BiH and stay in its territory with a valid travel document to which a visa or residence permit is affixed, unless otherwise provided under this Law or an international agreement. The entry, stay, movement and exit of aliens may be restricted under the terms provided under this Law or another law.

(2) Under the terms stipulated by this Law, aliens with legal residence in BiH shall enjoy the right to freedom of movement within BiH and free choice of place of residence, unless otherwise regulated in this or another law in special areas for the reasons of public interest in a democratic society.

(3) The rights referred to in paragraph (2) of this article may be partially or fully restricted in accordance with law and to the extent that is necessary in a democratic society for the benefit of state or public security, for the purpose of preserving legal order, combating crime, protecting health or morality, or for the purpose of protecting the rights and freedoms of others.

(4) Security check for an alien to the purpose of establishing the security reasons of BiH shall be performed by the Intelligence and Security Agency of Bosnia and Herzegovina. The rulebook on the method of performing security checks shall be issued by the General Director of the Intelligence and Security Agency.

**Article 8
(Prohibition of discrimination)**

(1) No discrimination shall be allowed against aliens on any grounds whatsoever, including gender or sex, race, color of skin, language, religion, political and other opinion, ethnic and social origin, affiliation with a national minority, property status, status acquired by birth, or other status.

**Article 9
(Obligation to respect the legal order of BiH)**

The aliens in BiH must respect the legal order of BiH – respect law and other regulations in BiH and comply with the decisions taken by the government authorities in BiH.

**Article 10
(Association of aliens, carrying weapons and wearing uniforms in BiH)**

(1) No alien shall be allowed to establish political parties.

(2) Aliens may establish associations under separate regulations.

(3) An alien may bring in, possess, carry and procure weapons and ammunition in BiH in accordance with the Law on Surveillance and Control of State Border Crossing and regulations governing the procurement, keeping and carrying of weapons.

(4) An alien may enter and move in BiH wearing a foreign military, police or customs officers' uniform under the terms and conditions provided under the Law on Surveillance and Control of State Border Crossing and Article 142 (*Movement while wearing a foreign uniform*) of this Law.

**Article 11
(Work permit)**

(1) When an alien intends to reside in BiH for the purposes of paid employment, he/she must have a work permit issued by an authority in charge of alien employment affairs in accordance with the provisions of this Law or other laws in BiH regulating the issues of alien work, unless this Law or an international agreement provide that no work permit is required for specific types of work.

(2) Performance of activities that are required in order to establish and register a legal entity or a corporate business entity shall not be considered as work in the sense of paragraph (1) of this Article and shall not be subject to the obligation of obtaining a work permit.

(3) The authority referred to in paragraph (1) of this Article shall forward to the Service a copy of the decision concerning the request for issuance of a work permit immediately when the decision is served to the party in the proceedings.

(4) Provisions of this Article shall not apply to the aliens with the recognized refugee status or status of subsidiary protection in Bosnia and Herzegovina.

**Article 12
(Rights and obligations in the proceedings before the authorities)**

(1) At all stages of the proceedings the aliens shall be informed of the rights and obligations arising from this Law.

(2) The authority conducting the proceedings shall have to enable the alien who does not understand

the language of the proceedings to follow the course of the proceedings through an interpreter or translator, whereas the requests to exercise the rights under this Law and evidence substantiating the request, as well as summons, rulings and other writs and documents, shall be served in one of the official languages of BiH.

(3) In the event that an alien has been assigned to custody, detained or placed under surveillance, the authority ordering such measures shall provide the alien, at his/her own request, with an opportunity to communicate with the competent authorities of the state of his/her nationality or the state providing him/her with protection.

Article 13

(Obligation to carry and show the alien proof of identity)

(1) During his stay in the territory of BiH, an alien must hold a travel document with which he/she entered BiH, or hold another identification document or proper certificate issued in BiH, for the purpose of proving or certifying his/her identity and legality of his/her entry and stay in BiH. The alien must show the identification document at the request of an authorized officer of the Service, the police or another competent authority, when the other competent authority is authorized to make such request.

(2) Legal and physical persons carriers or accommodation service providers or travel arrangement service providers may request from aliens to show their travel documents or other identification document, but shall not be allowed to keep such documents.

Article 14

(Establishing alien identity)

(1) An alien whose identity is impossible to be verified immediately, or there are grounds to suspect the truthfulness of his/her statements of identity, shall be placed under supervision if the identity cannot be verified with certainty even within six hours after the alien is taken to the official premises.

(2) Supervision referred to in paragraph (1) of this Article shall be ordered in accordance with the provisions of Articles 98 through 104 [Section B. (*Placing aliens under supervision*), Chapter VI. (*Admission of aliens and supervision*)] of this Law.

(3) Under this Law, the procedure of verification of alien identity shall be initiated and conducted by the Service.

(4) If the procedure of verifying identity of an alien, whose identity is impossible to be verified immediately, or where there are grounds to suspect the truthfulness of his/her statements about identity, is initiated by the Police and cannot be completed within six hours, the police shall notify the Service thereof as soon as possible.

(5) The procedure of verifying the alien identity shall be conducted under the provisions of the Law on the Alien Affairs Service and the Law on Police Officials.

(6) The procedure of verifying the alien identity may also include the establishment of legality of alien stay in BiH or establishment of alien place of temporary or permanent residence in BiH.

CHAPTER II. ALIEN ENTRY INTO BIH

Section A. Entry into BiH

Article 15

(Crossing the State border)

(1) An alien shall be considered to have entered the State once he/she has crossed the State border of BiH, or passed the post where the border control is performed.

(2) An alien may cross the State border of BiH only at the designated border crossings open to international traffic, during the border crossings' working hours.

(3) Notwithstanding paragraph (2) of this Article, an alien national of a neighboring state may cross the State border of BiH also at the border crossings designated for the traffic between BiH and the neighboring countries, unless otherwise provided under an agreement between BiH and the neighboring country.

(4) An alien wishing to enter or leave BiH shall be bound to stop at the border crossing post, show his/her documents required for crossing the border, and is obliged to subject himself/herself, his/her luggage and his/her vehicle to the border control, in accordance with the Law on Surveillance and Control of Border Crossing, and in particular, explain to the official of the competent authority all circumstances related to the fulfillment of the requirements pertaining to the crossing of the State border and comply with the warnings and commands issued by the police officer of the competent authority in charge of performing the border control.

(5) The border control to which an alien entering BiH is subject shall also include identification of whether the alien has met the general entry requirements referred to in Article 19 (*General entry conditions*) of this Law.

(6) The State border may not be crossed with a travel document or visa whose validity is expiring on the date of the intended crossing of the border.

(7) On the travel document of an alien crossing the State border the police officer of the authority in charge of border crossing control shall affix an imprint of the entry or exit stamp, unless it is impossible given the type of the travel document or otherwise prescribed under this Law or otherwise established under an international agreement.

(8) Staying of an alien in the transit area of an international airport, port anchorage, dockage or quayage shall not be considered as entry into the State.

Article 16 (Illegal entry into BiH)

Illegal entry into BiH shall include the cases where an alien:

- a) has crossed or attempted to cross the State border outside a border crossing post open for international traffic, or outside a border crossing post designated for the traffic between BiH and neighboring countries provided that the alien is a national of the neighboring country and unless otherwise provided for by an international agreement, or outside the working hours of the border crossing point or prior to the expiry of the time in which the alien entry into BiH is restricted;
- b) has averted or attempted to avert the border control;
- c) while crossing the state border, has used another person's, no longer valid, or inadequate travel document;
- d) has stated fraudulent information to the authority responsible for the state border crossing control;
- e) has entered the State during the expulsion measure validity.

Article 17 (Collective or group travel documents and special attention to minors)

(1) An alien who is entered into a travel document of another person may enter and leave BiH only if accompanied by the person into whose travel document he/she is entered.

(2) The aliens holding the group (collective) travel documents may enter, move in and leave BiH only collectively, whereas the adult persons entered into the collective travel document must have a document with a photo affixed based on which his/her identity can be established. Exceptionally, a member of the group may be allowed to leave the country individually, where necessary for his/her private reasons or if so is ordered by the competent authority. The group leader must have a personal travel document and may not leave BiH without the group. The number of persons who travel using the same group travel document shall be restricted to the minimum of five up to the maximum 50 persons.

(3) The alien of less than 18 years of age (a minor) and holding a personal travel document may cross the BiH border only if accompanied by his/her parents, legal representative or custodian, or the person authorized to accompany the minor by an authorization signed and certified by the parents, legal representative or custodian, or must have the

parental or legal representative's consent if traveling unaccompanied.

(4) The official authorized to control the State border crossing shall exercise special caution while controlling an alien younger than 18 years of age (a minor) who intends to cross the BiH State border, as well as the persons accompanying the minor.

Article 18 (Obligations of carriers and organizers of tourist or similar travel)

(1) A carrier may bring an alien to a border crossing post only if the alien has fulfilled the general requirements for entry into BiH, as referred to in Article 19 (*General entry conditions*), paragraphs (1) and (2) of this Law.

(2) The carrier shall:

a) transport from the border crossing post and return to the first state from which it transported the alien to BiH, the alien to whom entry into BiH has been denied because he or she fails to meet the basic general requirements for entry into BiH referred to in Article 19, paragraphs (1) and (2) of this Law, and shall do so without delay and at its own expense, and

b) cover the costs of stay the alien in BiH, referred to in sub-paragraph a) of this paragraph.

(3) The obligations of the carrier referred to in paragraphs (1) and (2) of this Article shall not apply to an alien arriving at the territory of BiH directly from the territory where his or her lives or freedoms were endangered and who has requested international protection from BiH.

(4) A tour operator arranging a tourist or similar travel in BiH shall have the obligation to cover for the aliens receiving such services, the costs of their removal from BiH and costs of their stay in BiH, provided that the aliens are coercively removed by reason of failing to meet the basic general requirements for entry into BiH referred to in Article 19, paragraphs (1) and (2) of this Law, and at the same time the alien is unable cover these costs him/herself.

(5) These matters shall be further regulated by a bylaw of the Council of Ministers, upon the proposal of the Ministry sent after an opinion was obtained from the Ministry of Transport and Communications of BiH.

Article 19 (General entry conditions)

(1) An alien may enter BiH if he or she has a valid passport or other identification document that he or she may use for crossing the State border of BiH, provided that its validity does not expire on the day of entry into BiH (a valid travel document).

(2) In addition to the main general requirements referred to in paragraph (1) of this Article, the alien must meet the following basic general requirements for entry into BiH:

- a) that he/she is in possession of a valid visa for entry or stay in or transit through the territories of BiH, the validity of which does not expire on the day of entry into BiH, if he or she does not enter BiH with a travel document issued the country whose nationals are exempted from the obligation of obtaining visas [Article 12 (*Exemption from the obligation of obtaining visas*)]; or
- b) that he/she is in possession of a residence permit prescribed by this Law.

(3) In addition to the basic general requirements prescribed by paragraphs (1) and (2) of this Article, for entry into BiH the alien must also fulfill other general requirements for alien entry into BiH, as follows:

- a) that he/she has the sufficient means to support himself/herself during the time of intended stay in and exit from BiH, including also health care means or proof that he/she is able to obtain them legally, which is proved as stipulated in Article 23 of this Law (*Evidence of the existence of means of subsistence*) of this Law,
- b) that he/she is in possession of documents or that he/she may provide information on the basis of which it can be reasonably concluded what the purpose and conditions of the intended stay in BiH are, if possible and necessary;
- c) that he/she is in possession of an entry visa, if so required, of a neighboring country of his/her destination or a neighboring country through the territory of which he/she continues the travel,
- d) that he/she is in possession of a vaccination certificate, if coming from the territory on which there is epidemics of a contagious disease,
- e) that no expulsion measure, cancellation of stay or prohibition of entry to BiH territory has been imposed against him/her, provided that the period of the imposed measure or the prohibition are still in force,
- f) that he/she has not been registered in the records of competent authorities as an offender and in particular as an international offender,
- g) that there are no reasons other than those referred to in sub-paragraphs e) and f) of this paragraph, indicating that his/her presence in the territory of BiH would constitute a threat to national security of BiH, legal order, public order and peace, public health in BiH or international relations of BiH.

(4) The aliens who are pursuant to Article 21 of this Law exempt from an obligation of obtaining a visa for entry into the territory of BiH and therefore do not have to meet the requirement prescribed in paragraph (2), must meet other general

requirements for entry provided by paragraph (3) of this Article while entering BiH.

(5) The aliens who must be in possession of a visa in order to enter BiH, must also meet other general requirements for entry provided by paragraph (3) of this Article while filing an application for issue of their visas.

(6) When so being required by reasons of protecting national security of BiH, legal order, public order and peace or public health in BiH or other reasons arising from the international obligations of BiH, in addition to the entry requirements prescribed by paragraphs (1), (2) and (3) of this Article, the Council of Ministers may prescribe additional requirements for alien entry into BiH.

(7) The required minimum amount of funds for sustenance referred to in paragraph (3) sub-paragraph a) of this Article shall be regulated by a bylaw.

Article 20 (Entry on special conditions)

An entry may be allowed to an alien even if he/she does not fulfill the conditions referred to in Article 19 (*General entry conditions*) of this Law, if so being stipulated by an international treaty to which BiH is a Contracting Party or by a decision of the BiH Council of Ministers

Article 21 (Exemption from obligation to obtain visas)

(1) At the proposal of the MoFA, the BiH Council of Ministers shall specify the countries whose citizens shall not be required to have visa for entering BiH (hereinafter referred to as: non-visa regime countries), as well as the countries whose citizens may enter BiH with a travel document other than a passport. The BiH Council of Ministers shall also be responsible to exempt from visa requirements, at the proposal of the MoFA, the persons who hold special types of travel documents.

(2) The aliens who according to this Law are exempt from visa requirement to enter the BiH territory shall be entitled to enter and stay in the country (hereinafter referred to as: non-visa residence) for a total period of no longer than ninety (90) days within the period of six (6) months following their first entry, unless otherwise determined by an international treaty to which BiH is a Contracting Party or by a special decision of the BiH Council of Ministers referred to in Article 12 (*Entry on special conditions*) of this Law.

(3) Aliens are exempt from visa requirement to enter BiH if their BiH permanent or temporary residence permit sticker has been affixed in their passport, for as long as that residence permit is valid.

Article 22 (Exceptions from visa possession requirement)

(1) Aliens – aircraft flight crew members and cabin crew members in civil aviation traffic who are in

possession of a valid crew member certificate, and who intend to remain at an airport or within the boundaries of a nearby residential area, may enter BiH without visas and reside in the territory of until the first next regular flight.

(2) Where due to his/her commitments a crew member is required to travel to another country as a passenger by any means of transportation in order to join the aircraft crew, his/her crew certificate shall be recognized as a substitute for the passport or visa, and he/she shall be granted the required freedom of movement within the boundaries of BiH territory.

(3) A valid crew member certificate shall be recognized as a valid document for establishing identity even in case where its holder is not a national of the aircraft registration country.

(4) Upon proposal by the MoFA and under condition of reciprocity, the The Council of Ministers may exempt from the need of possessing visas the nationals of certain countries who are:

a) civilian flight crew members, provided that there is a proper certificate and notes in a general declaration and in a flight plan,

b) civilian flight crew members or flight attendants, who take place in disaster rescue flights, provided that there is a proper certificate and notes in a general declaration and in a flight plan, or

c) civilian ship crew members, provided that they are registered on the crew and personnel list.

Article 23 (Evidence of the existence of means of subsistence)

(1) Evidence of means of subsistence needed to support an alien referred to in Article 19 (*General entry conditions*) paragraph (3) item a) shall be brought through either:

a) possession of cash in the national or an international convertible currency;

b) possession of any forms of non-cash payment means recognized by the banking system of BiH or means enabling withdrawal of money in BiH, or a guarantee of a bank from BiH which accepts the non-cash payment means possessed by the alien;

c) a letter of invitation referred to in Article 34 (*Invitation letter*) of this Law;

d) possession of evidence of board and lodgings paid or travel organized; or

e) possession of assets (immovable property in BiH based on which it is possible to provide the means of subsistence to support an alien during the time of his/her stay in BiH, funds arising from direct foreign investments, manufacturing-technical coordination or cooperation, and the like).

(2) In the event that an alien is in possession of evidence of the paid individual or collective travel health care insurance, he/she is considered to be in possession of the resources provided for health care in the sense of Article 19, paragraph (3) item a) of this Law.

(3) An alien holding the work permit in BiH is considered to have met the requirements regarding the possession of means of subsistence.

(4) Evidence of the existing means that are required for exit of an alien from the country may be produced through possession of a valid travel ticket for continuation of the travel or for return, as well as by the fact that the alien is in legal possession of a transportation means.

Article 24 (Equal treatment of the residence permit holders and BiH nationals in terms of entry)

Aliens with a passport to which the temporary or permanent BiH residence permit sticker is affixed, while entering BiH shall be treated equally as BiH nationals as long as this permit is valid.

Section B. Refusal of entry into BiH

Article 25 (Reasons for entry refusal)

(1) An alien shall be refused to enter BiH if he/she fails to meet the entry requirements referred to in Article 19 (*General entry conditions*) nor shall they be subject to application of the international treaty or decision referred to in Article 20 (*Entry on special conditions*) of this Law.

(2) An alien may be refused to enter BiH even if he/she fulfills the entry requirements referred to in Article 19 of this Law ,if:

a) while entering the country he/she avoids to show the documents required for crossing the border to the authorized officer competent for the control of the border crossing, or he/she avoids to explain the circumstances relating to the fulfillment of the conditions for entry into BiH, or deliberately provides false information concerning the fulfillment of the conditions for entry into BiH, or otherwise deliberately avoids the border control;

b) there are reasonable grounds to believe that he/she will be performing activities for which a work permit is required, without possessing such a permit, particularly with regard to an alien who has already been refused entry to BiH for the above mentioned reasons; or

c) there are reasonable grounds to believe that his/her stay in BiH shall not be used for the purpose indicated by the alien.

Article 26 (Procedure and consequence of entry refusal)

(1) Entry refusal at the border shall be decided by the Border Police.

(2) An alien whose entry into BiH has been refused because, though *bona fide*, does not fulfill the basic general entry requirements referred to in Article 19 (*General entry conditions*) paragraphs (1) and (2) or other general requirements referred to in Article 19 paragraph (3) items a), b), c) and d) of this Law, shall be warned of his obligation to leave the border crossing immediately.

(3) Should the alien referred to in paragraph (2) of this Article refuse to leave the border crossing post immediately or the alien is refused the entry for failing to fulfill the other general requirements referred to in Article 19 of paragraph (3) items e), f) and g) or for other reasons provided by Article 25 (*Reasons for entry refusal*) paragraph (2) of this Law, he/she shall receive an entry refusal decision.

(4) The entry refusal decision must indicate the reason for refusal of entry, and shall be issued on form signed by the alien. If the alien has refused to sign the decision, the authorized officer shall enter such remark into the form. A copy of the decision shall be handed over to the alien. Should the alien refuse to receive the decision, that fact shall be indicated as a remark in the decision form and the decision shall be served to him/her.

(5) The entry refusal decision shall be enforced immediately, by affixing the stamp imprint »ENTRY DENIED « or other appropriate mark into the alien's travel document. If the alien is not in possession of a travel document where the stamp imprint or other appropriate mark could be affixed, this fact shall be indicated as a remark in the decision form.

(6) Against the refusal decision at the border an appeal may be filed to the Ministry within 15 days following the day of delivery or service of the decision. The appeal shall not stay the enforcement of the decision.

(7) The alien whose entry has been refused pursuant to paragraph (3) of this Article may not enter BiH within 24 hours following the moment of entry refusal, even if after the issue of the entry refusal decision he/she subsequently fulfilled the entry requirements.

Section C. Visas

Article 27 (General provisions on visas)

(1) A visa is a permit allowing an alien to cross the State border enables him/her to enter and stay in the country for the period specified in the visa or transit through the territory of BiH, provided that the alien meets the requirements relating thereto.

(2) In general, an alien shall have the obligation to obtain a visa before arriving at BiH a border crossing post.

(3) A visa can be issued only to the alien in possession of a valid passport with an expiry date exceeding the visa expiry date by at least three months.

(4) Possession of a visa does not constitute an unconditional right of an alien to enter BiH.

(5) A visa does not provide an alien with a right to employment in BiH.

Article 28 (Types of visas)

The competent bodies of BiH may issue the following visas:

- a) airport transit visas (Visa A),
- b) transit visas (Visa B),
- c) short-term stay visas (Visa C),
- d) long-term stay visas (Visa D)

Article 29 (Airport transit visa – Visa A)

(1) The airport transit visa (Visa A) enables the alien to pass through an international transit area of an airport without an actual entry into the country, during the discontinuation or continuation of an international flight.

(2) In general, aliens who do not leave the transit area of an airport or an airplane situated at an airport in BiH, during a continuing journey, do not require visas.

(3) Exceptionally, the BiH Council of Ministers may decide that citizens of certain countries or travelers on certain passengers' lines require an airport transit visa.

(4) An alien may be issued, in accordance to his/her request, an airport transit visa for a certain number of crossings via the international area of the airport during the transit period.

Article 30 (Transit visa – Visa B)

(1) A transit visa (Visa B) enables an alien traveling from a country to a third country to transit through the territory of BiH.

(2) A transit visa will be issued for one, two or, in exceptional cases, multiple transits through the territory of BiH.

(3) The total period of stay in the territory of BiH, during one transit voyage, can not be longer than five days.

(4) A transit visa may be issued only if an alien is in possession of an entry visa of a neighboring country to which he/she travels or through the territory of which he/she continues to travel, provided that he/she requires the visa or that there are no reasons to suspect that the alien will not be able to enter the third country.

(5) The issues of a transit visa validity shall be regulated by a bylaw of the Ministry after obtaining an opinion from the MoFA.

Article 31
(Short-term stay visas - Visa C)

(1) A short term stay visa (Visa C) enables an alien to have a single or multiple stays in the country, provided that no continuous stay, or the total duration of several consecutive stays in BiH, may last for more than 90 days within a six month period, commencing from the date of first entry. A short term stay visa shall be issued for a single or multiple entries into BiH.

(2) A short-term stay visa shall be issued for a validity period not exceeding one year.

(3) Exceptionally, a short-term stay visa may also be issued for a validity period of longer than one year if this is in the interest of BiH, which is decided by the MoFA BiH upon the consent obtained from the Ministry.

(4) A short-term stay visa shall be issued for business, education, training and similar purposes, for tourist or other travel for the private purposes, travels to political, scientific, cultural, sports, religious or other events, as well as the travels for other reasons requiring only a short-term stay.

Article 32
(Long-term stay visa – Visa D)

(1) A long-term stay visa (Visa D) shall enable an alien to enter and stay in BiH within the period of up to six months within one year, commencing from the date of the first entry. A long-term visa shall be issued for a single or multiple entries into BiH..

(2) A long-term stay visa shall be issued exceptionally in such situations where for the purposes of stay in BiH a period of more than 90 days is required within the period of six (6) months.

(3) A long-term stay visa shall be issued for a validity period not exceeding one year..

(4) Exceptionally, a long-term stay visa may be issued for a period of longer than one year if this is in the interest of BiH, which shall be decided by the MoFA BiH upon the approval of the Service.

(5) The issuance of a long-term visa shall require the prior consent of the Service.

(6) Upon the request for issue of a long-term visa, a Diplomatic and Consular Representation of BiH (hereinafter referred to as: DCR) shall collect all required documentation and forward it to the Service in order for it to give or deny its consent referred to in paragraph (5) of this Article.

(7) Once it has obtained the consent from the Service, the MoFA shall, by its by-law, further stipulate the situations in which a long-term stay visa (Visa D) may be issued and the procedure for issue of such visas.

Article 33
(Visa issue conditions)

(1) Visa applicants shall provide their particulars including biometric data (photo, fingerprint,

signature) as requested, as well as other necessary information and the purpose of entry into BiH. The visa application shall be filed on a prescribed form, which must be filled in accurately and completely .

(2) In addition to the application for issue of a short-stay visa (Visa C), an applicant shall enclose:

a) a letter of invitation referred to in Article 34. (*Letter of invitation*) of this Law;

b) a copy of court summons or other official invitation by which the applicant is summoned to respond in legal proceedings maintained in BiH;

c) a copy of evidence of the paid tourist travel, including the lodging and transportation, or evidence of an arranged travel or paid lodgings, as necessary;

d) a certificate confirming the admission to education or training; or

e) another document based on which a reasonable conclusion may be drawn about the purpose and conditions of the intended stay in BiH, where possible and necessary.

(3) Should any suspicion arise as to the indicated purpose of entry into BiH, an officer of DCR of BiH may request the alien to provide a certificate confirming the possession of real property or a certificate confirming the permanent sources of income in the country of origin or the country of initial destination or a certificate on enrollment of studies or the like, or evidence substantiating a reasonable conclusion that the alien shall leave the country after his/her legal stay.

(4) The officer may also request evidence or explanation of data or information from the visa application, as well as to have an interview with the applicant.

(5) The condition for issue of a short-term visa is prescribed by paragraph (2) of this Article shall appropriately apply also in cases of issue of a long-term visa (Visa D).

(6) Technical issues about the conditions for issuance of an airport transit visa (Visa A) and transit visa (Visa) shall be regulated by a bylaw of the MoFA after an opinion is obtained from the Ministry.

Article 34
(Letter of invitation)

(1) The letter of invitation is a letter whereby an alien is invited to come to BiH for a specific purpose within a designated period of time.

(2) A letter of invitation for entry into BiH may be issued by a BiH citizen or an alien with the approved permanent stay in BiH, or by a national or international legal person registered in BiH.

(3) Notwithstanding paragraph (2) of this Article, a letter of invitation may also be issued by an alien with the approved temporary stay in BiH in the duration of up to one year, provided that there are

reasonable grounds for a potential approval of his/her permanent stay in BiH, and so exclusively for the purpose of family reunification.

(4) A letter of invitation shall be issued on a prescribed form and must contain a statement that the party issuing the letter of invitation shall assume an obligation to provide for the lodgings, cover the expenses of a medical treatment, provide for subsistence and cover other costs that may arise during the alien's stay in BiH, the costs of placing him/her under supervision, the costs of his/her voluntary return or forceful removal, as well as all other costs of the alien's departure from BiH, unless the alien is able to cover these costs him/herself.

(5) A letter of invitation must be certified by the Service in the place of permanent residence or the seat of the party issuing the letter. The Service shall certify the letter based on evidence or the grounds of the statement by which the obligation and costs referred to in paragraph (4) of this Article are assumed.

(6) In the event referred to in paragraph (3) of this Article, the Service shall also certify the letter of invitation based on evidence on the truthfulness of the family reunification purpose.

Article 35
(Issuance of visa for a collective passport)

(1) Visas for collective passports shall be issued as an airport transit visa (Visa A); a transit visa (Visa B) or; as a short-term stay visa (Visa C), for a group of aliens with a minimum number of five persons and a maximum number of fifty persons and who are lead by a person with his/her own personal passport and, where necessary, with an individual visa.

(2) A short-term stay visa (Visa C) may be issued for a collective passport for a validity period not exceeding 30 days, if the members of the group enter, stay in and leave from the BiH territory, collectively.

Article 36
(Issuing authority and place of issue)

(1) Visas shall be issued by the BiH Diplomatic and Consular Representation offices (hereinafter referred to as: BiH DCRs).

(2) An alien shall have the obligation to obtain a visa prior to their entry to BiH and shall file a visa application in person, when summoned by the authority referred to in the preceding paragraph.

(3) Prior to the visa issue, a BiH DCR shall in case of issue of a long term visa (Visa D) and in other cases provided hereunder, request the prior consent from the Service.

(4) No appeal shall be allowed in case the application has been denied.

(5) Notwithstanding paragraphs (1) and (2) of this Article, where required for reasons of national security, humanitarian, serious professional or personal reasons, at the border post the Border

Police may issue a short-term stay visa (Visa C) for a single entry of 15 days or a transit visa (Visa B) or an airport transit visa (Visa A) .

(6) At the border post, the visa referred to in paragraph (5) of this Article may be issued only on condition that:

a) the alien, notwithstanding the requirement of Article 19 (*General entry conditions*), paragraph (2), has met the basic and other general requirements for entry into BiH referred to in Article 19, paragraphs (1) and (3) of this Law,

b) the alien has proved that he/she was unable to file a visa application in advance, and

c) the alien has produced one or more documents proving an imperative reason for entry into BiH and providing guarantees concerning his/her return to the country of origin or the county of habitual residence.

(7) In the event that the visa has been issued at the border post, the Border Police may order that the alien be allowed to enter BiH only at a designated border crossing.

Article 37
(Time limits for obtaining a consent from the central government)

(1) When there is a mandatory requirement for a BiH DCR to request the prior consent from the Service, before issuing any visa [Article 36 (*Issuing authority and place of issue*) paragraph (3)], the Service shall respond at its earliest convenience, but not later than within seven (7) days following the receipt of the request. The Service shall inform the MoFA of its response.

(2) Where no response is received by a BiH DCR upon its request from the Service within seven (7) days of the receipt thereof, it shall be considered that the consent is given and that there are no legal impediments for the issue of the visa.

Article 38
(Visa renewal)

(1) No visa shall be renewable.

(2) Notwithstanding paragraph (1) of this Article, a short-term visa (Visa C) may be renewed due to *force majeure*, for humanitarian, serious professional or personal reasons, but in accordance with the rules applicable to visa issuing.

(3) A visa renewal request shall be filed with the MoFA in its seat.

(4) No appeal shall be admissible in the event that the renewal request has been rejected.

Article 39
(Reasons for not issuing a visa and for issuing of a visa exceptionally for humanitarian purposes)

(1) No visa shall be issued:

a) where the alien has failed to meet the BiH entry requirements referred to in Article 19 (*General entry conditions*) paragraphs (1), (3), (5) and (6), nor he/she shall be subject to application of the international agreement or decision referred to in Article 20. (*Entry on special conditions*) of this Law;

b) where the visa issue application has not been filed on an appropriate form or the application form is not filled out completely and legibly;

c) where the alien has failed to respond to the summons of the BiH DCR to file the visa application in person; or

d) where the alien has failed to respond to the summons of a DCR BiH officer to appear at an interview or has failed to meet the request of the officer to produce evidence and clarify the data and information indicated in the visa application.

(2) Under exceptional circumstances, the visa may also be issued in the cases referred to in paragraph (1) of this Article for humanitarian reasons or if it is in the interest of BiH or in accordance with the recognized international obligations.

Article 40 (Reducing of the visa validity)

(1) In the event that a competent authority has established that an alien does not have sufficient means of subsistence, the authority may reduce the validity of the visa.

(2) The reducing of the validity of the visa reduces the expiry date of the visa or the number of days or months approved within the visa validity.

(3) The competent authority referred to in paragraph (1) of this Article are the Service and the Border Police.

(4) No appeal shall be admissible in cases where the visa validity has been reduced.

Article 41 (Visa cancellation at the border)

(1) A visa shall be cancelled at the border crossing prior to entry into BiH, if it is determined that the visa was mistakenly issued to an alien with an extant entry ban or it is determined that the visa is forged. Visa can also be canceled in a case when entry to BiH has been refused.

(2) The decision to cancel a visa in the cases referred to in paragraph (1) of this Article shall be taken by the Border Police.

(3) The decision referred to in paragraph (2) shall be enforceable with immediate effect. The Border Police shall cancel the visas at the border by affixing a stamp »CANCELLED« or another appropriate mark across the visa.

(4) No appeal shall be admissible in the event of visa cancellation.

Article 42 (Visa cancellation in the country)

(1) A visa shall be cancelled to an alien who has entered and is residing in the territory of BiH, in the following cases:

a) where the alien has failed to respect the legal order in BiH [Article 9 (*Obligation to respect the legal order of BiH*)] or has undertaken an activity undermining the security of BiH or is posing a threat to security of BiH or is a member of an organization planning to undertake such activities;

b) where the alien is in any way whatsoever involved in criminal activities, especially any organized, cross-border or international crime or is a member of an organization planning or undertaking the said activities;

c) where the alien is organizing or is connected with organizing the illegal entry, stay or exit of individuals or groups into and from BiH, or if he/she organizes or is involved in human trafficking;

d) where the alien has violated or attempted to violate the regulations governing the BiH state border crossing, no matter whether the violation has occurred while entering or leaving BiH;

e) where the circumstances at the time of visa issue have since altered to such an extent that it would currently be impossible to issue a visa;

f) where the alien has provided false information or concealed the circumstances of relevance to the issue of the visa;

g) where the alien performs an activity requiring a work permit, although not in possession of the work permit in BiH;

h) where the alien's presence constitutes a threat to the legal order, security and international obligations of BiH;

i) where the alien is convicted by a final and binding verdict of having perpetrated a criminal act punishable by law with imprisonment of one (1) year or a more serious punishment; or

j) where the alien has used forged documents to enter and stay in BiH.

(2) The grounds for determination of visa cancellation prescribed in paragraph (1) of this Article are the existence of an international arrest warrant, information available to the authorized officers of the Service, final and binding court decisions or notifications from the competent authorities and security services in BiH.

(3) An alien whose visa is canceled due to the reasons in paragraph (1), items a), b), c), d), f), h) i) and j) of this Law and has not been deprived of freedom, may be the subject to expulsion measures, and placed under supervision pending his/her departure from the territory of BiH,.

(4) An alien who has had his/her visa annulled and has not been the subject to expulsion measures, shall be issued a time limit of a maximum of 8 days to depart from BiH.

(5) Pending his/her departure from the territory of BiH, an alien whose visa has been canceled but is not subject to expulsion measures, shall be placed under supervision provided that there are reasons prescribed by this Law.

(6) The authority canceling a visa or reducing its validity shall immediately provide a written notification to the senior competent authority about the above mentioned visas, and the senior authority shall in turn inform the Ministry, the Service and the MoFA BiH about the said facts.

Article 43
(Visa cancellation procedure)

(1) The decision on visa cancellation shall in the cases referred to in Article 42 (*Visa cancellation in the country*) paragraph (1) of this Law shall be issued by a territorially competent organizational unit of the Service *ex officio* or upon a reasoned proposal of another authority.

(2) The decision referred to in paragraph (1) of this Article shall be enforced with immediate effect. The visa shall be cancelled by a territorially competent organizational unit of the Service by affixing a stamp »CANCELED « or another appropriate mark across the visa.

(3) The decisions referred to in paragraph (1) of this Article shall be final and no appeal shall be admissible against them.

Article 44
(Bylaws regulating the technical matters of relevance for the alien entry)

(1) The types of travel documents, the procedure with a group entry of aliens from the non-visa regime countries, the format and layout of the visa application form, as well as the procedure of issuing a visa at the border, shall all further be regulated by a separate bylaw of the Ministry upon obtaining an opinion from the MoFA.

(2) The invitation letter form, as well as the procedure of certifying the invitation letter for entry into BiH, shall be further regulated by a separate bylaw of the Ministry upon obtaining an opinion from the Service.

(3) The procedure of entry, the form of the decision denying the entry and further procedure of denying the entry into BiH shall all be regulated by a separate bylaw of the Ministry upon obtaining an opinion from the Border Police.

(4) Where required, other technical matters of relevance for the alien entry may be regulated by a separate bylaw of the Ministry upon obtaining an opinion from the another competent authority referred to in paragraphs (1), (2) or (3) of this Article.

(5) The procedure of issuing visas at DCRs of BiH shall be regulated by a separate bylaw of the MoFA upon obtaining an opinion from the Ministry.

CHAPTER III. TRAVEL DOCUMENTS FOR ALIENS

Article 45
(Types of travels documents for aliens)

The travel documents for aliens are:

- a) the travel document for refugees,
- b) the travel document for stateless persons,
- c) the travel permit for an alien.

Article 46
(Issuing the travel documents for aliens)

(1) The travel documents for aliens shall be issued to the aliens whose refugee status has been recognized in BiH or are stateless persons or require a travel permit.

(2) The travel documents for aliens shall be issued by the Service in the temporary or permanent residence of the alien, whereas the travel documents for refugees shall be issued by the Ministry.

(3) The travel documents for aliens shall be issued with the validity period of up to one year, except in the case of a travel permit, which is valid for a single journey.

(4) The alien travel document holders younger than 18 (minors) may travel to foreign countries only if accompanied by parents or a legal representative or an attorney with a power-of-attorney by both parents or legal representative, or must have parental or legal representative's consent if traveling unaccompanied.

Article 47
(Alien travel permits)

(1) A travel permit for aliens is a travel document valid for one single travel and shall be issued to an alien:

- a) whose valid travel document has been lost or destroyed and cannot be replaced, or the alien has otherwise remained without it, while in BiH there is neither a DCR of the country of his/her nationality nor the alien's interests been represented by another state, in order to give that alien an opportunity to return to the country of his/her habitual place of residence or a country that has admitted the alien concerned;
- b) who is or has been granted international protection or temporary protection or is in the procedure of acquiring such status, in order to give him/her an opportunity of voluntary return to his/her native country or the country of his/her habitual residence or into the third country which has admitted the concerned person;

c) who has been released from BiH citizenship for the purpose of traveling abroad.

(2) A travel permit for aliens may in addition to the cases referred to in paragraph (1) of this Article also be issued in other cases if there exist justified reasons for such an action.

(3) A travel permit for aliens shall be issued by the competent organizational unit of the Service to which a loss, destruction or other form of disappearance of the travel document has been reported, and/or the unit on the territory of which the alien is residing.

Article 48

(Non-issuance of the alien travel documents)

(1) The alien travel document shall not be issued:

a) to an alien against whom criminal or misdemeanor proceedings are in progress, except in case of absence of the consent from the authority in charge of the proceedings;

b) to an alien convicted to an imprisonment sentence or to pay a fine or on whom a measure of forfeiture of the property gain has been imposed or who is liable to compensate a damage, until the alien serves the sentence or pays the fine, or returns the property gain or compensates the damage; or

c) where it is required for the reasons of protection of public legal order, security of BiH or public health.

(2) Where the Service has established the existence of any reasons referred to in paragraph (1) of this Article, it shall withdraw the already issued travel document for aliens for as long as such reasons exist and shall notify thereof the Ministry.

(3) In the event referred to in paragraph (3) of this Article, the Service shall issue a certificate confirming the withdrawal of the alien travel document.

Article 49

(Obligations of an alien in connection with the travel documents for aliens)

(1) An alien may not transfer his/her travel document for aliens to another person, nor he/she may use another person's travel document as his/her own. Otherwise, the authorized officer shall, immediately after becoming aware of such facts, report a criminal offense in accordance with the Criminal Procedure Code.

(2) An alien whose temporary residence has been canceled as provided by this Law or an alien who has acquired the BiH citizenship, shall immediately, but not later than within three days after the said circumstance arise, return the travel document for aliens to the territorially competent organizational unit of the Service that issued the travel document.

(3) An alien shall report any loss, destruction or other form of disappearance of his/her alien travel document, immediately after becoming aware of

such facts, to the territorially competent organizational unit of the Service or the police in his/her place of temporary residence, whereas if such facts have taken place outside BiH – to the nearest BiH DCR.

(4) The authority to which the facts referred to in paragraph (3) of this Article have been reported, shall issue to the alien a certificate confirming the reporting of loss, destruction, or other form of disappearance of the alien travel document. Where the alien has reported such facts to the police or to a BiH DCR, the police or the BiH DCR shall immediately, but not later within the same day, inform the organizational unit of the Service on whose territory the alien has taken his/her residence.

(5) A lost, destroyed or otherwise disappeared travel document for aliens, shall be announced as invalid in the »Official Gazette of Bosnia and Herzegovina«, at the expense of the alien.

Article 50

(Bylaws governing the technical matters of relevance for the alien travel documents)

Format, layout, necessary documents attached to the application for issuance of alien travel documents, the issuance procedure and other technical matters of relevance for the travel documents for aliens shall be governed by a separate bylaw of the Ministry of Civil Affairs of BiH, upon obtaining an opinion from the Service and the Ministry.

CHAPTER IV. RESIDENCE OF ALIENS IN BIH

Section A. Forms of alien residence in BiH

Article 51

(Forms of residence)

(1) For the purpose of the present Law, the residence of aliens shall refer to:

- a) visa residence,
- b) non-visa residence,
- c) temporary residence,
- d) permanent residence.

(2) Visa residence is the right of stay of aliens in BiH for the period stated in the visa.

(3) Non-visa residence is the right of stay in BiH of aliens arriving from non-visa regime countries, during the period referred to in Article 21. (*Exemption from visa requirement*) paragraph (2) of this Law.

(4) Temporary residence is residence of an alien in the territory of BiH for a period of up to one year, unless otherwise specified in the residence permit.

(5) Permanent residence is the right of stay of aliens in BiH for an indefinite period of time.

Section B. Temporary residence

Article 52

(Grounds for issuing a temporary residence permit)

(1) A temporary residence permit may be issued for justified reasons such as: marriage to or an extramarital community with a BiH citizen, family reunification, education, scientific/research, artistic, sports work and consultancy work, work of key personnel within a physical or legal entity, employment as specified in an issued work permit, private entrepreneurship, volunteer work or realization of projects significant for BiH, religious activities, medical treatment, for humanitarian reasons, and other similar justified reasons or reasons based on international agreements where BiH is a party to the agreement:

(2) A temporary residence permit may be issued for exceptional cases based on real-estate ownership where there is an effective connection of an alien to BiH.

(3) An alien who has entered BiH on the grounds of a visa other than a long-stay visa (Visa D) or on the grounds of a non-visa regime entry, but without the priorly obtained work permit, may not be granted temporary residence on the grounds of work with the work permit while the alien is residing in the country.

(4) A temporary residence permit may be issued for a period of up to one year, for which the passport validity must be at least three months longer than the time for which the temporary residence was granted.

(5) Temporary residence issued on humanitarian grounds in cases as prescribed in Article 54 paragraph (1) item a) of this Law shall be granted for the period of up to 6 (six) months.

(6) Renewal of the temporary residence may be approved at the alien's request, but only on the same grounds on which the alien was granted the temporary residence whose renewal he/she has requested.

Article 53

(General conditions for granting temporary residence)

(1) Temporary residence can be granted to an alien on condition that:

a) the alien is in possession of evidence substantiating the existence of grounds required for granting such temporary residence,

b) the alien is in possession of the sufficient funds to support himself/herself,

c) the alien is in possession of a medical certificate issued not later than three months prior to the date of filing the application, showing that he/she does not suffer from a disease that represents a threat to public health in BiH, excluding circumstances where a disease occurred after

the first, approved, temporary residence in the BiH ,

d) the alien has confirmed adequate accommodation in BiH,

e) the alien has confirmed health insurance in BiH,

f) the alien is in possession of a passport with an expiry date of a minimum three months longer than the period for which the temporary residence approval is requested, and

g) there is no criminal procedure being conducted against the alien, as well as to that he/she has not been convicted of any crime.

(2) Evidence referred to in item a) of paragraph (1) of this Article shall refer to:

a) a marriage certificate or other relevant evidence of marriage that is legally valid in BiH, or evidence that eligible to confirm the existence of a common law marriage;

b) birth certificate or other relevant affidavit of family relationship;

c) a work permit in BiH;

d) registration with the competent Pension and Disability Insurance Fund;

e) a decision on registration of the legal entity into the court registry, accompanied with the evidence of their solvency, evidence the activity of the legal body is economically beneficial for BiH with respect to the creation of new employment vacancies, transfer of technologies, innovations or investments, issued by the Ministry of Foreign Trade and Economic relations of BiH;

f) an attestation of enrolment into an educational institution for the current year;

g) a medical report accompanied with the recommendation of a medical institution confirming the necessity of long-term medical treatment in BiH;

h) documents on completed education and qualifications obtained;

i) a certificate confirming that no criminal proceedings are in progress against the alien and a certificate confirming that the alien has not been sanctioned for criminal offences, issued by a competent authority of the country of his/her habitual residence;

j) evidence certifying that the alien is a key person employed in senior management or is performing an executive function within a legal body or is an expert possessing excellent knowledge relevant to the operations of the legal body, research equipment, technology;

k) evidence of ownership of a real estate and existence of an effective connection with BiH;

l) evidence confirming that the realization of a project is of importance for BiH and evidence that the alien is a key person or expert necessary for the realization of the project; or

m) other evidence required to support a reasonable conclusion that there are justified grounds for the alien's stay in the country, which is assessed by the Service when deciding the matters of Article 60 (*Application for the first temporary residence permit, request for renewal of the residence permit and competency*) paragraph (6) of this Law.

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 by-laws.

(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 to whom a temporary residence permit has been granted on humanitarian grounds based on item d) paragraph (1) of this Article is entitled to work and shall have access to education, health care and social protection on the same conditions as BiH citizens. A stateless person without a valid travel

document but to whom the residence permit has been granted in accordance with paragraph (1), item c) of this Article shall receive an identity certificate. The form and layout of the identity certificate shall be regulated by a separate regulation of the Ministry after the opinion is obtained from the Ministry of Civil Affairs and the Service.

(4) 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.

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

Article 55.

(Recommendation of a competent authority)

For granting temporary residence on humanitarian grounds under Article 54 (*Temporary residence on humanitarian grounds*) paragraph 1, items a), b) and e), as well as paragraph 2 of this Law, the assessment of the authority before which the appropriate (administrative, court) proceedings have been conducted, or by recommendation of another competent authority, or the report of a health specialist from the appropriate health institution showing the necessity for his/her treatment and rehabilitation, shall be required in addition to other evidence relevant to assess the merit of the application.

Article 56.

(Protection of victims of human trafficking)

(1) The Ministry is responsible for providing special protection and assistance to victims of trafficking in human beings for the purpose of their rehabilitation and repatriation into their country of habitual residence or country of admission.

(2) The Ministry shall, by way of a by-law, specify the rules and standards of their treatment as well as of other issues concerning the admission of victims of trafficking of human beings, their rehabilitation and return (repatriation).

Article 57.

(Temporary residence on the grounds of family reunification)

(1) Close family members of a BiH national who has taken the permanent residence in BiH, or of an alien holding a permanent residence permit in BiH, or of an alien with a temporary residence permit in BiH valid for one year if there are reasonable grounds that he could be granted a permanent residence permit in BiH, may be granted a temporary residence for the purpose of family reunification under the following conditions:

- a) where a BiH citizen and/or an alien holding a residence permit in BiH has a definite place of accommodation for himself/herself and family members for whom he/she is requesting the residence permit on the grounds of family reunification, has a permanent source of income, or where he/she is in the possession of sufficient means of subsistence in order to support the respective applicants in BiH,
 - b) Where a BiH citizen and/or an alien holding a residence permit in BiH has confirmed health insurance for himself/herself and the family members for which he/she requests the residence permits on the grounds of family reunification,
 - c) Where there are no reasons which would prohibit the issuance of residence permits as set out in Article 53 (*General conditions for granting temporary residence permit*), paragraph 1, items c), f) and g) of herein or the reasons under Article 62 (*Refusal and rejection of applications for a residence permit*) paragraph 1, item g) herein.
- (2) For the purpose of this Article and Law, close family members shall refer to:
- a) A spouse or common law partner of a BiH citizen and/or an alien holding a residence permit in BiH, given that the marriage or common law marriage is legally valid in BiH, pursuant to Article 5 (*Definitions*), items p) and r) herein.
 - b) Children under 18 years of age or dependent adult children residing in the same household, children born through marriage or out of marriage children, adopted children or stepchildren.
 - c) Dependent parents
- (3) Temporary residence granted on the grounds of family reunification may be extended in line with the same conditions upon which the residence permit has been issued.
- (4) Notwithstanding the paragraph (3) of this Article, an adult alien who has continuously resided in BiH for 3 (three) years, with temporary residence approved for the purpose of family reunification shall acquire the right for approval of their independent request for temporary residence under some other grounds if he/she fulfils the conditions regulated within this Law for the purpose of approval of temporary residence based on other grounds other than family reunification.

Article 58.

(Residence in event of cessation of marriage and of common law marriage)

If a marriage or common law marriage has resulted in cessation during the period of validity of a

temporary residence permit issued for the purpose of family reunification, a former spouse or common law marriage partner who has been granted temporary residence as a close family member pursuant to provision of Article 57 (*Temporary residence on the grounds of family reunification*), shall not acquire the right to extend his/her temporary residence, except in the following cases:

- a) He/she has custody of a minor child holding BiH citizenship,
- b) Death of the spouse or common law marriage partner on the grounds of who the temporary residence for the purpose of family reunification has been granted, if he/she proves that he/she has acquired the right to work in accordance with provisions of this Law or possesses secured means for his/her own sustenance and sustenance of family members, as well as the health insurance, or if he/she resides in BiH for the purpose of studying and files a statement on means for his/her sustenance and sustenance of family members, and if he/she has the health insurance, or
- c) He/she has expressed reasons relevant for the granting of temporary residence on humanitarian grounds in the sense of Article 54 (*Temporary residence on humanitarian grounds*) of this Law.

Part C. Permanent Residence

Article 59.

(Conditions for issuing a permanent residence permit)

- (1) A permanent residence permit shall be issued to an alien on the following conditions:
 - a) That he/she has resided in the territory of BiH on the basis of a temporary residence permit for at least five years uninterruptedly prior to submitting the application for issuance of a permanent residence permit,
 - b) That he/she has sufficient and regular funds in order to support himself/herself,
 - c) That he/she has confirmed adequate accommodation,
 - d) That he/she has confirmed health insurance.
- (2) Any stay for a period of up to 90 days outside of BiH during the same year shall not be considered as an interruption of residence, in the sense of paragraph (1), item a) of this Article.
- (3) An alien who meets the conditions referred to in paragraph (1) of this Article shall not be granted permanent residence if he/she:
 - a) Resides in BiH for the purpose of education,

- b) Resides in BiH on the basis of temporary protection, or he/she has submitted a request for approval of temporary protection and is waiting for a decision on his/her status,
 - c) Resides in BiH on the basis of an international protection or has filed a request for international protection and is waiting for a decision on his/her status,
 - d) Resides in BiH on the basis of a legal status as per the 1961 Vienna Convention on Diplomatic Relations; the 1963 Vienna Convention on Consular Relations; the 1969 Convention on Special Missions; or the Vienna Convention on State Representatives and their relationship with international organizations from the 1975 Universal Charter,
 - e) Resides in BiH on the basis of volunteer work,
 - f) Resides in BiH on the basis of temporary residence on humanitarian reasons, under Article 54 (*Temporary residence on humanitarian grounds*) of this Law,
 - g) Resides in BiH for the purpose of serving the sentence or serving another criminal sanction or other commitment on the basis of the Court decision or decision of another competent authority,
 - h) Resides in BiH on the basis of medical treatment,
 - i) Resides in BiH on the basis of the realization of projects relevant for BiH that are implemented by international or local institution or humanitarian organization, association, foundation or other organization.
- a) In case he/she entered BiH with a long-term visa (type D visa), or
 - b) In case he/she is a citizen of a country with no visa regime.
- (4) An application for a first temporary residence permit under paragraph (3) herein is to be submitted to the competent organizational unit of the Service, in person or through a legal representative for alien lacking legal capacity, within 15 days the latest prior to expiry of long term visa (visa D), or non-visa stay.
 - (5) A request for extension of residence permit shall be submitted in BiH directly to the competent organizational unit of the Service, and outside BiH through the DCR BiH in person or through a legal representative for alien lacking legal capacity, within 15 days prior to expiry of a valid residence permit.
 - (6) An application for a first temporary residence permit and the request for extension of residence permit shall be decided by the Service in the form of a (written) decision. The Service shall render the decision and serve the aliens as soon as possible and at the latest within 60 days following the filing of the legitimate application if the application has been submitted through a BiH DCR or within 30 days if the application was submitted directly to the competent organizational unit of the Service.
 - (7) If the application for residence permit is submitted in accordance with paragraph (3) herein, the applicant shall be issued an attestation of the submitted application, which shall serve in lieu of a residence permit, pending a final decision upon the application.

Part D. Procedure of issuing a residence permit and the ID card to an alien

Article 60.

(Application for the first temporary residence permit, request for extension of the residence permit and competency)

- (1) An application for the first temporary residence permit and the request for extension of the residence permit shall be submitted to the Service. The request to the Service coming from abroad shall be filed through a BiH DCR, and the request within BiH shall be submitted directly with the competent organizational unit of the Service.
- (2) As a rule, the application for the first temporary residence permit must be submitted outside BiH through DCR, by applicant in person.
- (3) In the territory of Bosnia and Herzegovina, an alien may file the application for the first temporary residence permit only as outlined below:

Article 61.

(Children of aliens with granted residence)

- (1) A child born in the territory of Bosnia and Herzegovina or outside Bosnia and Herzegovina, whose parents are aliens holding a residence permit in Bosnia and Herzegovina, shall acquire the right to reside in BiH for the same period for which the parents have the residence permit in BiH.
- (2) An application for the permit for the child under paragraph (1) herein shall be submitted within maximum of 30 days from the day of child's birth.

Article 62.

(Refusal and rejection of applications for a residence permit)

- (1) An alien, who fulfils the conditions for granting residence prescribed in the present law, shall have his/her application for a temporary or permanent residence permit refused:
 - b) If the application for residence permit is not submitted in accordance with Article 60 (*The Application for the first temporary residence*

- permit, request for extension of the residence permit and competency) herein;*
- c) If he/she has illegally entered the territory of BiH, unless there exist reasons for the issuance of a residence permit on humanitarian grounds in the sense of Article 54 (*Temporary residence on humanitarian grounds*) of this law;
 - d) If he/she has intentionally provided incorrect information or intentionally misrepresented circumstances of relevance for the issuance of the permit, or
 - e) If a measure of expulsion from BiH has been imposed against him/her, for as long as the measure is in force, or
 - f) If he/she has been registered with the competent body as a criminal offender and particularly as an international offender, or
 - g) If there are other compelling reasons arising from international treaties to which BiH is a contracting party, or
 - h) If his/her presence, based on information available to the Service or information of competent authorities, constitutes a threat to public order, legal order and security of BiH, or represents a threat to BiH public health, excluding circumstances where a disease has occurred after the approved stay in BiH, or
 - i) If he/she is convicted of a criminal act upon the final judgment, while rehabilitation by erasing the conviction has not started; or
 - j) If the Service determines that a marriage was concluded, common law marriage was established, or adoption was conducted exclusively for the purpose of the entry and/or stay of an alien in the territory of BiH.
- (2) A request for the approval of temporary or permanent residence of an alien who fulfils the conditions for residence stipulated by this Law, shall be rejected for the following reasons besides the ones stipulated in the Law on Administrative Procedure:
 - a) If he/she does not submit a request for stay or extension of temporary residence within the prescribed time period, and has no justification for his/her tardiness, or
 - b) If an alien does not submit the application for residence in person or through a legal representative or a person appointed to represent an alien who is not legally competent.
 - (3) A decision on the refusal of a residence application, or a conclusion by which the application was rejected, determines the obligatory time limit an alien has, which can not be longer than 15 days, in order to depart the territory of BiH.

Article 63.
(Appeal against the decision rejecting the application for residence permit)

- (1) An appeal against the decision rejecting an application for a residence permit may be filed with the Ministry within 15 (fifteen) days from the date of notification of the decision.

- (2) An applicant for a residence permit cannot be expelled or forcibly removed from the territory of BiH pending the expiration of the deadline for the appeal and/or pending the decision to be taken through the appellate procedure.
- (3) Pending a final and executive decision, an alien can be subjected to supervision or may have their movement limited and can be ordered to report at specific intervals of time to the organizational unit of the Service in the territory of which he/she resides,
- (4) The alien shall be temporarily deprived of his/her travel documents and provided with an attestation, pending the conclusion of the procedure, unless he/she has voluntarily agreed to leave the country before the completion of the procedure referred to in paragraph (2) of this Article.

Article 64.
(Residence permit sticker)

- (1) The decision granting the residence permit shall be executed by entering the permit sticker into the valid passport of an alien.
- (2) The residence permit sticker affixed into a valid travel document of an alien shall serve for the purpose of crossing the BiH state border until its expiry date.

Article 65.
(Amendments to the decision granting the residence permit)

- (1) If a passport of an alien contained a valid residence sticker, and has been replaced by new one, amendments of a binding decision shall be made in the part referring to the number of the passport.
- (2) In case described under paragraph (1) of this Article, the Service shall issue a new residence permit sticker that shall be affixed in the alien's passport.

Article 66.
(Identification Card for aliens)

- (1) An alien who has been granted permanent residence shall be issued with an ID card for aliens by the competent administrative body in the place of his/her permanent residence.
- (2) An alien is obliged to submit the application for the ID card for aliens to the competent authority within eight days following the receipt of the decision on the designating the citizen identification number.
- (3) ID cards for aliens shall be issued for a validity period of five years, unless stipulated otherwise by a separate regulation.
- (4) An alien may not transfer his/her alien ID card to another person and he/she may not use other person's ID card as his/her own, or else the authorized person shall, immediately upon receiving the information, report the criminal

offence pursuant to the Criminal Procedure Code.

- (5) An alien whose stay was cancelled in accordance with this Law or who acquired BiH citizenship is obliged to return the identification card for aliens, to the authority mentioned in paragraph (1) of this Article, immediately, or at the latest after 3 (three days) as of the day the new circumstances have occurred. The authority referred to in paragraph (1) of this Article is obliged to notify the competent organizational unit of the Service immediately upon receipt of the returned alien ID card and during the same day the latest.
- (6) An alien is obliged to report the loss, destruction or other disappearance of an identification card for alien, immediately after the discovery, to the local competent organizational unit of the Service or the police in his/her place of residence, and in case that took place outside BiH, an alien should report to the nearest DCR BiH.
- (7) The body that receives the report referred to in paragraph (6) of this Article shall issue a certificate on the report of loss, destruction or other disappearance of identification card for aliens. In case the report was filed with the police or DCR BiH, the police or DCR BiH shall be obliged to notify, without delay and within the same day the latest, the organizational unit of the Service in the place of residence of an alien.
- (8) The identification card for an alien that was lost, destroyed or disappeared in other way, shall be announced invalid in the BiH Official Gazette at the cost of an alien.

Article 67.

(Obligation to carry an identification card for alien or passport with residence permit)

An alien is obliged to carry with him/her and, at the request of an official person of the Ministry, Service, police or other competent authority in case that another body is legally authorized, to present his/her alien identification card or the passport with a residence permit.

Part E. Cancellation of residence

Article 68.

(Reasons for cancellation of residence)

- (1) The right of residence shall be cancelled if:
 - a) An alien does not comply with the legal order of BiH (Article 9. *Obligation to comply with the public order of BiH*) or undertakes activities of undermining security of BiH or is a member of the organization which has undertaken such activities;

- b) An alien has endangered BiH national interests by his/her actions in a way that he/she has been engaged in the smuggling of weapons and military equipment, radioactive and other dangerous materials or narcotics substances or in the unauthorized transport and trade of materials for the production of weapons or other means of mass destruction or who has produced or possessed narcotic substances intended for sale, or has been a member of an organization involved in the above mentioned activities,
- c) An alien has organized or has been connected to organizing illegal entry to, stay in or exit from BiH of individuals or groups or has participated in the trafficking in human beings in any way,
- d) The Service determines that a marriage or common law marriage was entered into or adoption carried out, exclusively for the purpose of entry and/or stay of an alien in the territory of BiH, or if the Service determines that an alien who issued a letter of invitation has not fulfill the commitments from the letter of invitation and has reissued the letter of invitation, or issues the letters of invitation for fraudulent purposes or abuses them differently,
- e) An alien has intentionally provided incorrect data or has intentionally concealed circumstances relevant to the issuance of a residence permit,
- f) An alien refuses to comply with the final decisions of competent state bodies,
- g) An alien resides in BiH contrary to the grounds for issuing the residence permit,
- h) An alien entered and/or resided, with forged travel documents,
- i) An alien has performed activities in BiH for which a work permit is required, without possessing such a permit, or works on a work post or type of jobs different from those for which he/she possesses the work permit,
- j) An alien has violated or attempted to violate regulations governing the crossing of the BiH state border, regardless of whether the violation occurred at entry to or exit from BiH,
- k) The circumstances on the basis of which the residence permit was issued have changed to such an extent that they would exclude any possibility to issue a permit,
- l) An alien is convicted by a binding decision for committing a criminal act for which the sentence of imprisonment of one year or more severe sentence,

- m) The presence of an alien constitutes a threat to the legal order and security of BiH,
 - n) An alien has lost his/her means of sustenance,
 - o) An alien is out of BiH continuously for the period of at least 12 months, and it can be unambiguously established on the basis of circumstances that he/she has no intention to return and reassume his/her temporary residence in BiH.
- (2) The existence of an international warrant of arrest, a final and binding court decision as well as information available to the Service through competent bodies shall be taken as the basis for determining the reasons for cancellation of residence as prescribed in paragraph (1).
 - (3) If an alien holds a permanent residence permit, it can be cancelled only for the reasons specified in items a), b), c), d), e) or h) of paragraph (1) of this Article.
 - (4) If, because of activities referred to in paragraph (1) of this Article, an alien has been deprived of his/her freedom or has been sentenced to prison without the possibility of parole, but has not been expelled, the cancellation of his/her residence shall start to run once the reasons for his/her detention have ceased to exist or after the sentence has been served, pardoned or the statute of limitations took effect.
 - (5) If, because of reasons stipulated in items a), b), c), d), e), g), h) l), or m) of paragraph (1) an alien's non-visa or temporary residence is cancelled, an alien can also be expelled from the territory of BiH.
 - (6) An alien, who has been informed of the expulsion and cancellation of stay, may be placed under supervision pending his/her departure from the territory of BiH.
 - (7) In determining the deadline by which an alien whose stay is cancelled but who has not been pronounced the measure of expulsion must depart the territory of BiH, the body which issued the decision must take into consideration the time an alien needs to leave, though this period can not be longer than 15 days.

Article 69
(Special reasons for cancellation of permanent residence)

An alien who holds a permanent residence permit in BiH shall have his/her further residence cancelled:

- a) If it has been determined that the alien has not resided in BiH for more than one year,

- b) If the alien has resided outside of BiH for less than one year, while based on circumstances it can be explicitly determined that he/she has no intention to return and take up permanent residence in BiH.

Article 70
(Procedures for cancellation of residence)

- (1) Decision on cancellation of residence is taken by the Service ex officio or upon the elaborated proposal of another organizational unit or administrative unit within the Ministry, security agency, police or other authority.
- (2) The proponent referred to under paragraph (1) of this Article must submit all the data and documents relevant for the decision on cancellation of residence along with the proposal.
- (3) Appeal against the decision under paragraph (1) of this Article may be filed before the Ministry within 15 days from the day of serving the decision.
- (4) Appeal shall stay the execution of the decision.

Article 71
(Execution of the decision on cancellation of residence)

- (1) Upon the finality of the decision on cancellation of residence, the competent organizational unit of the Service shall annul the residence permit sticker in the alien's passport, by affixing the stamp "ANNULLED" or other adequate sign on the sticker. The deadline (date) by which the alien is obliged to leave BiH shall be inserted into his/her passport.
- (2) Upon the finality of the decision on cancellation of non-visa stay, the cancellation of residence shall be inserted into alien's passport, as well as the deadline (date) by which the alien is obliged to leave BiH. In case that the alien does not have a passport, an official note shall be made.
- (3) If the alien fails to execute the decision on cancellation of residence voluntarily by leaving the territory of BiH, within the deadlines prescribed by paragraphs (1) and (2) under this Article, the Service shall execute the decision, and when necessary in cooperation with other organizational units of the Ministry or with the police. Other organizational units of the Ministry and the police authorities shall be bound to assist the Service upon its request.

Part F. Registration of residence of an alien

Article 72.
(Obligation to register temporary and permanent residence of an alien)

- (1) Alien whose temporary stay has been approved is obliged to register and de-register his/her place of residence, as well as the change of the address, while an alien whose permanent stay

has been approved shall register his/her permanent residence.

- (2) Registration and de-registration under paragraph (1) herein shall be filed with the competent organizational units of the Service or the police.
- (3) When the registration and de-registration under paragraph (1) herein or under Article 75 (*Other persons obligated to register a temporary residence of and alien*) paragraph (1) of this Law, is filed with the police, the police is obliged to forward a copy of this registration or de-registration to the competent organizational unit of the Service within 24 hours as of the registration.

Article 73.

(Temporary and permanent residence)

- (1) Temporary residence refers to the place where an alien holding temporary residence permit resides temporarily.
- (2) Permanent residence refers to the place where an alien who has been granted permanent residence in the territory of BiH has taken up residence with an intention to live there permanently.

Article 74.

(Deadlines for registration and de-registration of temporary and permanent residence of an alien)

- (1) An alien who has been granted permanent stay is obliged to register his/her permanent residence and any change of his/her home address in the place of permanent residence not later than eight days from the date of receiving the decision on granting permanent stay, i.e. from the date of changing his/her home address.
- (2) An alien who has been granted temporary stay is obliged to register his/her temporary residence and any change of his/her home address not later than 48 hours from the date of receiving the decision on granting temporary stay, and/or from the date of arriving to the place of temporary residence, i.e. from the date of changing his/her home address, except in the cases where this Law specifies longer deadlines for certain categories of aliens.
- (3) An alien referred to in paragraphs (1) and (2) of this Article, who voluntarily leaves BiH, without an intention of returning, is obliged to de-register his/her temporary residence or permanent residence.

Article 75.

(Other persons obligated to register a temporary residence of an alien)

- (1) Natural and legal persons that provide accommodation services to aliens are obliged to report any stay of an alien to the competent organizational unit of the Service or police,

within 12 hours at the latest after providing accommodation.

- (2) Natural and legal persons referred to in paragraph (1) of this Article are obliged to keep records on aliens (hereinafter referred to as: the Book of Aliens) to whom they have rendered accommodation services. They are obliged to keep these Books of Aliens for at least three years after closing them and submit for inspection the books of aliens and all necessary information on aliens and their movement and stay to the Service's or police official. The book of aliens shall be certified by the competent organizational unit of the Service or the police in the place of permanent residence i.e. business seat of the provider of accommodation services to aliens.
- (3) An alien who does not use the accommodation services of natural and legal persons referred to in paragraph (1) of this Article, or a natural person visited by an alien, is obliged to register his/her accommodation with the competent organizational unit of the Service or the police, if an alien intends to stay in BiH longer than three days.

Article 76.

(By laws on technical issues pertaining to the stay, temporary and permanent residence permits for aliens)

The Ministry shall, upon receiving the opinion of the Service, by way of by-laws, regulate in further detail the forms and procedures related to the residence registrations and de-registrations, residence permits, way of checking the data and attachments to the application for residence permits, the form and content of receipts of submitted applications for residence permits, procedures for the cancellation of residence, the form and content of residence permit stickers in BiH, the form, content and procedure for the issuance of alien identification cards, the form, content and certification of the Book of Aliens, as well as other matters relevant to the stay and movement of aliens.

Part G. Entry and stay of aliens in BiH for the purpose of work

Article 77

(Issuance of the work permit)

- (1) Work permit may be issued to an alien upon the request of legal or natural person offering employment (hereinafter: Employer). Depending on the place of residence or the seat of Employer, the work permit shall be issued by authority competent for matters of alien employment of the Federation of Bosnia and Herzegovina, Republika Srpska or Brčko District of Bosnia and Herzegovina.
- (2) Work permit shall be issued by the competent authority on the basis of established work permit quota in accordance with Article 78 (*Work permit quota*) or as permit outside the quota in accordance with Article 79 (*Work permits*)

outside the quota) of this Law, as well as in accordance with regulations pertaining to the issuance of work permits.

- (3) Work permit shall be issued for a specific post and/or for a specific type of job.
- (4) Work permit may not be issued to a period longer than one year.

Article 78
(Work permit quota)

- (1) Work permit quota is a number of work permits available in BiH during the course of one year for aliens of specific professions who need a work permit in BiH and is included in the quota. Annual quota of work permits shall be set by the Council of Ministers, in accordance with the migration policy and taking into account the state of affairs at the labor market.
- (2) The Ministry of Civil Affairs of BiH shall submit proposal of the annual quota of work permits to the Council of Ministers. The Ministry of Civil Affairs of BiH shall draft a proposal on the basis of the needs presented by authorities competent for the employment of aliens of Federation of Bosnia and Herzegovina, Republika Srpska or Brčko District of Bosnia and Herzegovina in terms of the number of necessary work permits for aliens, according to the degree and type of education or qualifications and expertise. Those authorities shall file their needs assessment for the work permits with the Ministry of Civil Affairs through Agency for employment and recruitments of Bosnia and Herzegovina.
- (3) Within the annual quota of work permits, the Council of Ministers shall determine operations and occupations allowing for employment of aliens, as well as the number of work permits for each occupation and establish the territorial division of work permits according to the needs presented as described under Paragraph 2 herein.
- (4) The Council of Ministers shall decide on the annual quota of work permits for next year no later than 31 October of the current year.
- (5) Work permits under annual quota shall be issued for extension of existing work permits firstly and than for new recruitment.
- (6) Priority in the process of work permits issuance shall be given to aliens holding a temporary residence permit in BiH on the grounds of family reunification with an alien with temporary residence permit in BiH.

Article 79
(Work permits outside the quota)

Work permit may be issued independently from the established annual quota as outlined below:

- i. Alien with education equivalent to high/university education, completed post graduate studies/master's degree or PhD in Bosnia and Herzegovina;

- ii. Alien working in BiH on the basis of an international agreement;
- iii. Alien performing key functions in a business entity, who is not exempt from requirement to hold work permit on the basis of an international agreement;
- iv. Teachers or educators teaching or assisting in teaching in the educational institutions due to their specific knowledge;
- v. Professional athletes or sport workers working in BiH on the basis of the valid contract;
- vi. Alien in marriage or in common-law marriage with an alien holding a permanent residence permit in BiH or a child of an alien holding a permanent residence permit in BiH.

Article 80
(Data necessary for issuance of work permit)

Employer is obliged to enclose the following data with the request for issuance of work permit:

- a) Information about an alien who is a party to the service contract or another relevant agreement, and in particular the following information: name and surname including all the previous names and surnames, names and surnames of parents, date of birth, sex, place of residence and the address in the country of origin, number, date and place of issuance of valid travel documents;
- b) Information about the job or type of job and working conditions;
- c) Certificate from the relevant registry of the competent court on registration of Employer in BiH;
- d) Certificate of solvency from the bank in which Employer has an account;
- e) Tax receipt and the certificate of payment of contributions for all the current employees, including an alien in cases of extension of the work permit; and
- f) Arguments justifying employment of an alien.

Article 81
(Concluding Employment Contract or other relevant contract)

- (1) Employer may not conclude an Employment Contract or other relevant contract with an alien prior to issuance of the temporary residence permit.
- (2) Employer is obliged to provide a copy of an Employment Contract or other relevant contract to the Service immediately or not later than three days from conclusion of the contract.

Article 82

(Link between temporary residence and work permit)

- (1) Alien may not start working in BiH on the basis of work permit prior to obtaining a temporary residence permit.
- (2) Alien may work in Bosnia and Herzegovina only on the basis of the work permit which was the basis for issuance of temporary residence permit. On the basis of work permit, an alien may work in BiH only on the job or may perform only the type of tasks subject of the work permit that served as grounds for issuance of permit for temporary stay in BiH.
- (3) In case temporary residence permit was issued on the basis of a work permit, the temporary residence permit ceases to be valid within 15 days from the expiry of the work permit. Work permit that was the basis for issuance of temporary residence in BiH permit is no longer valid in case of non-approval, termination or cancellation of temporary residence.

Article 83.

(Termination of work permit)

- (1) Work permit of an alien shall be terminated:
 - a) By expiry of the period it was issued for, and at any event after one year from the date of issuance;
 - b) For the reasons prescribed by regulations regulating employment of aliens; or
 - c) By non-approval, termination or cancellation of a temporary residence in BiH.
- (2) Authority competent for matters pertaining to employment of aliens is obliged to inform the Service of any case falling under paragraph (1), item b), immediately and the latest during the business hours the same day the Authority discovered the fact under paragraph (1) herein.
- (3) Service is obliged to inform the Authority competent for matters pertaining to employment of aliens of any case falling under paragraph (1), item c), immediately and the latest during the business hours the same day the decision was taken or the fact under paragraph (1) herein was discovered.

Article 84

(Exception from the requirement to hold a work permit)

- (1) With application of all the provisions of this Law pertaining to the temporary residence, following persons do not have to obtain a work permit in BiH:
 - a) Important persons appointed to positions of steering board member of the legal entity with a seat in BiH established as share company with a majority of shares held by legal entity or natural person, if the appointment does not have characteristics of

employment and performing duties in that capacity does not exceed three months a year in total;

- b) Founders of a company or enterprise with a seat in BiH, performing certain tasks in that company or enterprise, if such tasks do not have characteristics of employment and does not exceed a total of three months a year;
- c) University professors invited as lecturers by universities in BiH, scientists attending scientific and specialist courses, scientists representing international organizations and scientists participating in implementation of scientific research projects important for BiH;
- d) Experts, teachers and lecturers from foreign cultural and educational institutions, performing their expert work in BiH within cultural and educational cooperation programs;
- e) Civil and military officials of other countries' governments working in BiH on the basis of agreements on cooperation with BiH authorities;
- f) Members of international scientific missions, conducting research in BiH approved by the Council of Ministers;
- g) Representatives of religious communities registered in BiH while performing duties only with regard to religious service;
- h) International correspondents accredited in BiH or reporters for international media;
- i) Artists and technical staff, authors and performers in opera, ballet, drama or other theatrical performances, or concert, visual arts or other cultural performances or authors and performers in the field of music, music and stage, dance and ballet arts, as well as accompanying reporting, organization and technical staff taking part in the cultural workshops, gatherings and colonies, if they do not stay in BiH more than 30 consecutive days or more than three months a year with interruptions;
- j) Aliens performing, on the basis of agreements with the Council of Ministers, Ministry of Defense BiH, Ministry of Justice BiH, or the Ministry, duties relevant for defense, legal system or state security or attending specializing courses in the mentioned fields;
- k) Aliens visiting BiH in order to participate in sports and chess events;
- l) Experts in the field of protection of cultural heritage, library science and archivists science, if they do not stay in BiH more than 30 consecutive days or more than three months a year with interruptions;

- m) Aliens sent by international employer, providing education and training for persons employed with natural and legal persons with a seat in BiH, for a period of three months a year;
- n) Aliens holding temporary residence permit for the purposes of acquiring expert education and training, in case that the mentioned training does not exceed 3 months a year;
- o) Aliens performing delivery works, as well as installation and servicing of machinery and equipment, if their work in BiH does not exceed 30 consecutive days or more than three months a year with interruptions;
- p) Aliens taking part at organized professional conferences and seminars;
- r) Aliens participating on fairs or exhibits where their employer is presented;
- s) Aliens employed in circuses or amusement parks if their stay in BiH does not exceed 3 months;
- t) Alien who is a spouse or common-law partner of a BiH citizen or a child of a BiH citizen, holding residence permit in BiH;
- u) Aliens holding a regular pupil and student status when performing temporary work in accordance with regulations relevant for such temporary work;
- v) Aliens with approved international protection or temporary protection status in BiH and aliens with permanent residence permits in BiH, as prescribed under Article 85 (*Equal status of aliens with permanent residence permits in BiH or aliens with international protection status in BiH and BiH citizens with regard to work*) of this Law.

(2) Alien categories under paragraph (1), items i), l), m), o), r) and s) may work in BiH only if they have a valid contract with a natural or legal person registered in BiH for those specific operations.

Article 85

(Equal status of aliens with permanent residence permits in BiH or aliens with international protection status in BiH and BiH citizens with regard to work)

Aliens holding a permanent residence permit in BiH, aliens with approved international protection in BiH and aliens with approved temporary protection are entitled to work in BiH under same conditions as citizens of BiH.

Article 86

(Courts competent for registration of business enterprises)

Courts competent for registration of business enterprises are obliged to notify the Service of any registration of business enterprise or any change of

data, within 7 days from the registration of business enterprise or the change of data, for the following alien categories:

- a) Owners of shares in the registered legal entity,
- b) Steering board members or procurators in the registered legal entity, and
- c) Supervising board members in the registered legal entity.

CHAPTER V. REMOVAL OF AN ALIEN FROM THE COUNTRY

Part A. Expulsion

Article 87.

(Expulsion measures)

- (1) Expulsion is the measure ordering an alien to leave BiH and prohibiting him/her to enter and stay in BiH for a certain further period, which cannot be shorter than one year or longer than five years.
- (2) The period of prohibition to enter as referred to in paragraph (1) of this Article may be, upon a request made by the alien, shortened or prohibition to enter may be annulled in cases when the following conditions have been met:
 - a) The decision on expulsion was imposed against the alien for the first time; and
 - b) The alien has voluntarily left BiH and bore all costs related to the procedure of return to their country of habitual residence.
- (3) Notwithstanding the stipulations under paragraph (1) of this Article, the period of prohibition to enter may be extended, if an alien:
 - a) Was previously expelled from BiH;
 - b) He/she entered BiH during a period of prohibition to enter; or
 - c) He/she, at the moment of cessation of the prohibition still constitutes a threat to the legal order or security or international relations.
- (4) The period of prohibition to enter shall commence from the day of leaving the territory of BiH.
- (5) The decision on expulsion of aliens from the territory of BiH, along with the prohibition to enter and stay in BiH in a certain period, shall be issued by the Service *ex officio*, at the proposal of the court or based on substantiated proposal of other organizational unit of the Ministry, law enforcement authority or other authority.
- (6) An appeal may be filed against the decision on expulsion of an alien from BiH issued by

the Service with the Ministry within eight days from the receipt of the decision. If the decision on expulsion was rendered on the basis of Article 88, (*Reasons for imposing the expulsion measures*) under paragraph (1), item i) herein, the deadline for appeal shall be 24 hours as of the receipt of the decision.

- (7) An appeal shall stay the execution of the decision.
- (8) Ministry shall render a decision on the appeal and shall serve the party without delay, and within 15 days the latest from the day of reception of the appeal.
- (9) Until the decision becomes enforceable, the alien may be placed under supervision or his movement may be restricted to a certain area or location and he may be ordered to report in specified intervals to the organizational unit of the Service in the territory of residence of an alien.
- (10) Until termination of the proceedings, all travel documents that may be used to cross the state border of BiH shall be seized from an alien who will receive the receipt on seizure, unless he voluntarily agrees to leave the territory of BiH prior to the termination of the proceedings under paragraphs (6) or (8) of this Article.
- (11) Collective expulsion of aliens is prohibited. The expulsion measure may be pronounced only to an individual.

Article 88.

(Reasons for imposing the expulsion measures)

- (1) The measure of expulsion from BiH may be imposed against an alien for one of the following reasons:
 - a) If he/she has entered or attempted to enter BiH illegally, or stayed in BiH after the visa expiry or expiry of non-visa stay, or he/she attempted to violate or violated the regulations pertaining to the state border crossing on exiting BiH;
 - b) If his/her visa has been annulled by a final decision and an alien has not left the territory of BiH within the 15 days or the deadline for voluntary execution as prescribed by this Law;
 - c) If his/her stay has been cancelled and he/she failed to leave BiH voluntarily as prescribed by this Law;
 - d) If he/she has remained in BiH after the termination of his/her refugee status, subsidiary protection or temporary protection, or after the requirements are met as referred to under Article 117 (*Expulsion in case of rejection of request for international protection*) of this Law, and he/she has not

acquired the right to stay in accordance with this Law;

- e) The decision on withdrawal or release from BiH citizenship has become legally binding, but he/she has not realized the right of residence in accordance with this Law;
 - f) If there is a final and binding decision based upon which he/she has been found guilty for the crime of trading narcotics, weapons, trafficking or smuggling of human beings, terrorism, money laundering, or any other form of organized, cross-border and transnational crime;
 - g) If he/she was legally convicted for committing a criminal offence for which prison sentence of one year or longer prison sentence may be pronounced;
 - h) If his/her presence constitutes a threat to public order, legal order or security of BiH; or
 - i) If he/she has been accepted based on an international agreement on co-operation for handing over and admitting persons whose stay is illegal, and he/she has not been granted a valid residence permit in BiH.
- (2) While assessing whether an alien shall be the subject to an expulsion measure from the territory of BiH, as well as while taking the decision on the duration of that measure, the Service is obliged to especially carefully review all evidence and establish all circumstances and facts relevant for issuing the decision, in accordance with the principles of the Law on Administrative Procedure.

Article 89

(Voluntary execution of the decision on expulsion)

- (1) The decision on expulsion may specify the deadline for voluntary execution of the decision, which may not exceed 15 days.
- (2) When leaving the territory of Bosnia and Herzegovina, an alien subject to expulsion measure is obliged to register with official person authorized for state border crossing control.
- (3) The Border Police shall be obliged to enter into an alien's passport the fact that he/she has left BiH and at the same time notify the Service and Ministry about that fact. If an alien does not have a passport, an official note shall be made about that fact, and a certificate on leaving BiH shall be issued to the alien.
- (4) The Border Police shall be obliged to notify the Service and the Ministry about every alien subject to expulsion measure who left BiH, immediately and during the same day the latest.
- (5) In case the alien fails to leave BiH voluntarily within the deadline set for execution of the

decision, the final decision on expulsion shall be executed by the Service through measures of forceful removal of an alien from the territory of BiH, if necessary in cooperation with other organizational units of the Ministry or police. Other organizational units of the Ministry and the police shall assist the Service upon its request.

Article 90

(Special cases of expulsion)

- (1) Exceptionally, based upon a substantiated proposal from the Ministry, Service, other organizational unit of the Ministry or the police, the Council of Ministers may, while resolving individual cases, take the decision on expulsion of an alien from BiH, with a permanent prohibition of entry to BiH, if they have assessed that his/her expulsion is necessary in the interest of public order or is based on reasons of national security in the sense of the provision of Article 1 paragraph 2 of the Protocol 7 to the European Convention on the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol 11.
- (2) The decision referred to in paragraph (1) of this Article cannot be executed contrary to the requirements referred to in Article 91 (*Principle of non-refoulement*) of this Law.

Part B. Protection of aliens: “non-refoulement”

Article 91

(Principle of non-refoulement)

(1) Aliens shall not be returned or expelled in any manner whatsoever to the borders of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, regardless of whether or not they have formally been granted international protection. The prohibition of return or expulsion (*non-refoulement*) shall also apply to persons in respect of whom there is a reasonable suspicion for believing that they would be in danger of being subjected to torture or other inhuman or degrading treatment or punishment. Aliens may not be sent to a country where they are not protected from being sent to such a territory either.

Article 92

(Proceedings in case of invoking protection)

- (1) When an alien has expressed the reasons referred to in Article 91 (*Principle of non-refoulement*) of this Law, the authority to which such a statement was given shall refer the alien in accordance with Article 107 (*Intention and request for international protection*) paragraph (2) of this Law to the Service for the purpose of rendering the intention to submit the request to initiate the

procedure for verifying the justification of his/her statement and determining the existence of requirements for approving international protection in accordance with Article 105 through 138 (Chapter VII – *International and temporary protection*) of this Law.

- (2) In case described under paragraph (1) herein, the decision on expulsion may be executed only after requirements of Article 117 (*Expulsion in case of rejection of the request for international protection*) of this Law have been met.

Part C. Forcible removal of an alien from the country

Article 93

(Conclusion on authorization of enforcement of the decision on expulsion)

- (1) An alien may be forcibly removed from BiH.
- (2) Forcible removal of an alien from BiH shall be carried out *ex officio* by the organizational unit of the Service which made the decision on the expulsion of the alien or in whose area of responsibility an alien resides or by the organizational unit of the Service in the area of responsibility of which the alien whose stay is illegal has been found, arrested and detained, and based upon a conclusion on authorization of the enforcement.
- (3) After the decision on expulsion becomes final, the Service shall make a conclusion on authorization of the enforcement without any delay, and at the latest within seven days from the date when the requirements for the forcible removal of an alien from BiH were met.
- (4) The conclusion on authorization establishes that the decision on expulsion became enforceable and shall specify the manner, time and place for enforcement of the decision.
- (5) An appeal against the conclusion may be filed with the Ministry within 8 days from the date of its delivery.
- (6) The appeal does not stay the execution pending.
- (7) Upon the request of the Service, assistance in implementing conclusions on authorization of enforcement shall be provided by the police and other law enforcement authorities in BiH. The police and other law enforcement authorities in BiH are obligated to provide assistance to the Service.

Article 94

(Non-enforcement of forcible removal)

- (1) Where court proceedings have been initiated against an alien, a decision on expulsion

cannot be enforced earlier than when the case is resolved with a legally binding decision.

- (2) The decision on expulsion cannot be enforced prior to alien's fully serving imposed prison sentence, except in probation cases or if his sentence has been pardoned or the statute of limitations took effect, or alien's release on parole.
- (3) Even if there are reasons for the forcible removal of an alien prescribed in this Law, the alien shall not be forcibly removed from the country if by not doing so it is in the interest of conducting court proceedings, especially where the alien shall appear as a victim of the trafficking in human beings or of any other form of organized, cross-border or transnational crime and where the alien co-operate with authorities in revealing crimes or their offenders. In such case the alien shall be granted residence as prescribed in Article 54 (*Temporary residence on humanitarian grounds*) paragraph (2) of this Law.
- (4) The forcible removal of an alien from the country shall not be conducted if an alien has decided to leave the territory of BiH by himself/herself or with the assistance of an international government or non-governmental organization and has provided an adequate guarantee.
- (5) If there are justified reasons, the Service may approve postponement of the procedure of enforcing the measure of expulsion by reason of:
 - a) The impossibility to transport the person due to their particularly severe physical or mental state;
 - b) Technical reasons, such as the lack of appropriate means of transportation or due to other difficulties which prevent the removal of an alien in a humane manner; or
 - c) The lack of guaranties that an unaccompanied minor will be received by a family member, authorized person or legal guardian in the country to which he/she is returning.
- (6) The Service shall issue to aliens referred to in paragraph (5) of this Article a certificate, and the Ministry shall prescribe, at the proposal of the Service, the form and content of such a certificate by the way of by-law.
- (7) The postponement of enforcement of the measure of expulsion shall cease to be valid as soon as the reasons for which the postponement was issued cease to exist.

**Article 95
(Repatriation country)**

- (1) If the enforcement of the decision is not subject to the restrictions referred to in Article

91 (*Principle of non-refoulement*) of this Law, an alien who has been expelled shall be sent to his/her country of origin, or to country of habitual residence, or to the country wherefrom he/she arrived in BiH or to a country which will accept him/her.

- (2) The alien shall be informed as to which country he/she will be sent.

**Article 96
(Payment of expenses for repatriation and placement of an alien under supervision)**

- (1) An alien is obliged to pay his/her travel costs to the place where he/she is being sent.
- (2) If it has been determined that the alien does not have funds necessary to pay his/her travel costs to the place to which they will be sent, the travel costs shall be covered by:
 - a) The person who has issued a letter of invitation for the purpose of the entry of the alien,
 - b) The natural person or legal person which has employed the alien, although he/she did not have appropriate work permit,
 - c) The natural or legal person or that has employed an alien based on his/her work permit,
 - d) The bank that has provided a guarantee for the means of non-cash payment,
 - e) The travel agency or association which has issued a voucher, or other travel organizer,
 - f) The carrier which brought the alien to BiH,
 - g) BiH.
- (3) The liable party referred to in paragraphs (1) and (2) of this Article and the amount of the costs shall be determined in the form of a decision *ex officio* by the Service. An appeal against the decision of the Service may be filed with the Ministry within 8 days from the date of delivery of the decision.
- (4) In order to secure the removal of an alien from the country, the alien shall be placed under supervision pending his/her departure from BiH, in accordance with Article 99 (*Imposing supervision*). All costs related to the realization of supervision shall cover the alien subject to supervision. In case it is established that the alien does not have the means to cover these costs, the costs shall be covered by entities referred to in paragraph (2) herein.
- (5) If an alien referred to in paragraph (1) and the entities referred to in paragraph (2), items a) to f) of this Article are not able to cover the costs of removal and placing an alien under supervision, the costs shall be covered from the budget of BiH, through the use of

resources intended for special purposes. This procedure can be followed when necessary in order to assure cost-efficient removal of an alien from the country.

- (6) In case described under paragraph (5), the Service shall claim the resources spent for the intended purpose from the bodies referred to in paragraph (2), items a) to f) of this Article through relevant procedures.

Article 97

(By-laws pertaining to technical issues with regard to removal of aliens)

- (1) If necessary, at the proposal of the Service, the Ministry shall by way of by-laws regulate in further detail the manner and proceedings in cases of removal of aliens from BiH.
- (2) If necessary, at the proposal of the Service through the Ministry, the Council of Ministers shall, after receiving opinion of the Ministry of Finances and Treasury BiH, determine in further detail the procedures with regard to reimbursement of the costs of removal and placing aliens under supervision.

CHAPTER VI. RECEPTION OF ALIENS AND SUPERVISION

Part A. Institutions specialized for the reception of aliens

Article 98

(Structure of institutions)

- (1) Immigration centers, centers for the accommodation of persons who have filed requests for international protection, centers for accommodation of victims of trafficking in human beings and other institutions specialized for the reception of aliens may be established for the purpose of implementing the present Law.
- (2) Immigration centers are institutions specialized for the reception and accommodation of aliens against whom supervision measures have been imposed. Immigration centers shall be established as organizational units of the Service outside its seat.
- (3) Institutions specialized for the reception of aliens shall meet the requirements arising from the Constitution of BiH and international standards for treatment of the beneficiaries of specialized institutions.
- (4) At the proposal of the Ministry, the BiH Council of Ministers shall, by way of by-laws, determine the title and type of the institution specialized for the reception of aliens, the method of their administration, financial requirements, operational standards, the method of providing special conditions for

beneficiaries of center for accommodation of applicants for international protection and persons with approved temporary protection, center for accommodation of human trafficking victims, as well as other institutions specialized for the reception of aliens, as well as other issues relevant for the operation of certain types of specialized institution.

- (5) The standards of functioning of the immigration centers, house rules, method and program of taking special exams of the immigration centers employees, method of conducting the security duty, types of arms and equipment of the security service of the immigration centers, method of use of fire arms and other coercion means in the immigration centers, as well as insignia, badges of the immigration centers security service, colors and markings of the security service vehicles, official titles and insignia of the official titles of the authorized officials of immigration centers, as well as all other issues important for functioning of the immigration centers, shall be prescribed by way of by-laws pursuant to the Law on the Aliens Affairs Service.
- (6) The supervision over the operation of the institutions specialized for the reception of aliens shall be carried out by the Ministry.

Part B. Placing an alien under supervision

Article 99

(Imposing supervision)

- (1) An alien may be placed under supervision as outlined below:
 - a) In order to secure the execution of decision on expulsion, in case of cancellation of residence in BiH or in other cases where the expulsion measures were pronounced;
 - b) In order to ascertain the an alien will leave the country after his/her application for residence permit has been rejected, and he/she failed to leave BiH;
 - c) In order to secure the removal of an alien from the country;
 - d) When the Service ordered postponement of the expulsion measure;
 - e) Other cases as prescribed by this Law.
- (2) Supervision shall be imposed against an alien on the following grounds for suspicion that:
 - a. The alien shall abscond or otherwise prevent the execution of the decisions referred to in paragraph (1) of this Article;
 - b. The free and unrestricted movement of the alien might jeopardize the

public order, legal order and security of BiH, or constitute a threat to public health in BiH, i.e. if it has been established that the alien constitutes a threat for public order, legal order and security of BiH; or

- c. Alien's statement regarding his identity is false or in case when the alien's identity cannot be established within 6 hours from arrival to the official premises.
- (3) For the reasons referred to in paragraph (2) of this Article, supervision may also be imposed against an alien admitted under international agreements on co-operation in handing and admitting persons whose stay is illegal.

Article 100

(Decision on placing an alien under supervision)

- (1) The decision on placing an alien under supervision shall be taken by the Service and communicated to the alien without delay, at the same time as when executing the decision.
- (2) The decision referred to in paragraph (1) of this Article shall incorporate the decision on the placement of the alien under supervision, the decision on the accommodation of the alien in a specialized institution, reason for detention, legal grounds for placing an alien under detention, date and hour and period of accommodation.
- (3) Based upon the decision of the Service an alien may be kept in detention as long as it is necessary to execute the purpose of supervision, or until the reasons for placing an alien in custody change but not longer than 30 days.

Article 101

(Legal remedy against the decision on placing alien under supervision)

- (1) An appeal against the decision on placing an alien under detention may be lodged with the Ministry within 24 hours from the delivery of the decision.
- (2) The appeal does not stay the execution of the decision.
- (3) If the Ministry does not revoke decision on placing alien under supervision or fails to take a decision upon the appeal within 24 from the date of its receipt, lawsuit may be filed in the administrative procedure before the Court of Bosnia and Herzegovina.
- (4) The lawsuit must be filed before the Court of Bosnia and Herzegovina within 24 hours from the expiry of the deadline under paragraph (3) of this Article. The Court shall consider such cases urgent and hear the alien and render

the decision within 3 days as of the filing of the lawsuit.

- (5) The lawsuit shall not stay execution of the decision.

Article 102

(Execution of the decision placing an alien under supervision and extending supervision)

- (1) The measure of placing an alien under supervision shall be carried out by accommodating the alien in an institution specialized for the reception of aliens (immigration center).
- (2) The alien shall remain under supervision until the moment of his/her forcible removal from the country or as long as is necessary for execution of the purpose of the supervision, or until the reasons that constituted the grounds for his/her placement under supervision have significantly changed, but not exceeding the deadline set in the decision placing an alien under supervision or decision extending supervision.
- (3) The Service shall, as long as detention is in force, undertake all necessary measures in order to reduce the duration of the detention to as short a time as possible.
- (4) Upon the expiration of the 30 days deadline referred to in Article 100 (*Decision on placing an alien under supervision*), paragraph (3) of this Law, the alien may be kept under supervision based upon the decision extending supervision as decided by the Service. The supervision may be extended for up to a further 30 days each time, at most if there exist conditions for imposing the supervision referred to in Article 99 (*Imposing supervision*) of this Law. Hence, the total period of supervision imposed against an alien may not exceed 180 days. Decision extending supervision may be rendered not later than 7 days prior to expiry of previous decision.
- (5) Exceptionally, in case that an alien fails to enable his removal from the country or it is impossible to remove an alien within 180 days for other reasons, the total duration of supervision may be prolonged for period longer than 180 days. Decision on extraordinary extension of supervision shall be rendered by the Service.
- (6) Legal remedy prescribed by Article 101 (*Legal remedy against the decision on placing alien under supervision*) of this Law is allowed against the decision on the extension of supervision of an alien.
- (7) The Service can change the measure of accommodating an alien in institution specialized for reception of alien with an alternative less strict measure which comprehends the permit for him/her to stay outside the institution if such a less strict measure may achieve the purpose of supervision.

- (8) When rendering the less strict measure referred to in the previous paragraph, the Service can limit the freedom of movement of the alien to his/her domicile, designate for him/her specific address of the domicile, oblige him to report regularly to the organizational unit of the Service and confiscate all his/her travel documents that he/she might use to cross the state border of BiH.
- (9) In the event of change of the decision on placing alien under supervision referred to in paragraphs (7) and (8) of this Article, the appeal shall not be allowed, nor shall be provisions of Article 101 of this Law be applied.

Article 103

(Obligation to register the alien's characteristics)

Aliens who do not possess valid passports or other documents that can be used to cross the state border of BiH (valid travel document), aliens who illegally reside in BiH, aliens who were accepted in accordance to international readmission agreements on co-operation for readmission of persons whose residence is illegal, aliens whose visa has been annulled, residence cancelled, aliens who are the subject of expulsion from BiH and aliens under supervision, shall be obliged to allow themselves to be photographed, fingerprinted and have their physical and biometric characteristics registered.

Article 104

(By laws on technical issues pertaining to placing an alien under custody)

The Ministry shall, after obtaining the opinion of the Service, prescribe the conditions and procedures for placing an alien under supervision by the way of by-law.

CHAPTER VII. INTERNATIONAL AND TEMPORARY PROTECTION (ASYLUM)

Part A. Requirements for obtaining international protection

Article 105

(Definition of international protection)

- (1) For the purpose of this Law, international protection indicates the status that competent BiH authority recognizes to the refugees or persons fulfilling the conditions for subsidiary protection.
- (2) A refugee is an alien who according to the 1951 Convention Relating to the Status of Refugees and 1967 Protocol, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country he/she is citizen of and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country;

or stateless person outside the country of his/her habitual residence and cannot or due to fear is unwilling to return to that country.

- (3) A person holding subsidiary protection is an alien who does not fulfill the criteria defined in paragraph (2) of this Article, but in respect of whom substantial grounds have been shown for believing that the person concerned would face a real risk to be exposed to the death penalty, i.e. execution, torture or inhuman or degrading treatment or punishment in the country of origin or country of habitual residence, as well as the existence of a serious individual threat to a civilian's life or person due to indiscriminate violence in situations of international or national armed conflict and is unable or, owing to the fear, is unwilling to avail himself of the protection of that country.

Article 106

(Reasons for exclusion of application of international protection)

- (1) Provisions of Article 105 (*Definition of international protection*) of this Law shall not be applicable to an alien who is believed to have:
- a) Committed crime against peace, war crime or crime against humanity as defined in international documents containing provisions pertaining to such crimes;
 - b) Prior to arriving to the territory of BiH, outside BiH committed non-political criminal offence, including the particularly cruel offences, even if they were committed with alleged political objectives;
 - c) Participated in planning, financing, organizing, aiding and abetting or perpetrating terrorist acts or providing refuge to perpetrators of terrorist activities; or
 - d) Is guilty for taking actions in contravention to objectives and principles of United Nations.
- (2) Request for international protection shall be rejected if an alien obtained a refugee status in another country or has found effective protection of another country and is able to return to that country and exercise the protection, or if an alien receives the protection or assistance from bodies or agencies of United Nations at the time of taking the decision, except in case of assistance from UN Agency for Refugees (UN High Commissioner for Refugees, hereinafter UNHCR).
- (3) International protection shall not be approved to an alien to whom the competent authorities

of BiH recognize the same rights and obligations as to a BiH citizen.

- (4) Request for international protection shall be rejected if:
- a) There are grounds to believe that an alien poses a threat to public order or security of BiH; or
 - b) An alien is convicted by a final judgment for a criminal offence punishable by prison sentence for a term of three years or harsher sentence (grave criminal offence) and represents a threat for BiH.

Part B. Procedure and competent bodies

Article 107 (Intention and request for international protection)

(1) The intention to file a request for international protection an alien can express at the border crossing to the organizational unit competent to control the crossing of the state border or, within the territory of BiH to the organizational units of the Service.

(2) When an alien states reasons as per Article 91 (*principle of non-refoulement*) of this Law, the authority taking his/her statement is obliged to immediately inform the competent organizational unit of the Service which is obliged to accept the alien.

(3) The Service for Foreigners shall issue an attestation on the intention to file a request for international protection and determine the travel route and the deadline needed for the alien to personally file a request for international protection with the Seat of the Ministry. This attestation shall be considered as permission to remain for a specific period of time and for determined travel route.

(4) The Service for Foreigners shall without delay forward to the Seat of the Ministry a copy of the confirmation of the expressed intention of alien to file for international protection.

(5) The request for international protection shall be filed in person with the Seat of the Ministry, the applicant is registered and receives a document confirming the submission of the request for international protection. That document shall be considered as a residence permit pending a binding or final decision upon his/her request as per Articles 112 (*Termination of the procedure*) and 113 (*Filing of a new application for international protection*) of this Law. When issuing a document confirming the submission of a request, all documents needed for the crossing of the state border BiH of shall be

confiscated from the person seeking international protection.

(6) An applicant for international protection is obliged to timely request the extension of the document confirming the submission of the request for international protection. This document cannot be used to cross the state border.

(7) If an alien who expresses the intention to file a request for international protection or who files a request for international protection had already been placed under supervision, the fact of invoking the international protection shall not affect the decision nor the execution of the decision pertaining to placement under supervision.

Article 108 (Exclusion of the application of the sanctions for illegal entry into BiH)

No penalty shall be imposed against an applicant for international protection coming directly from a territory where his/her life or freedom was jeopardized on account of his/her illegal entry or presence in the country, under the condition that he/she registers without delay with the authorities referred to under Article 107 (*Intention and request for international protection*) paragraph (1) of this Law and provides justified reasons for his/her illegal entry or presence in BiH.

Article 109 (Procedure and competence for issuing decisions on international protection)

(1) Requests for international protection shall be considered and decisions taken by the Seat of the Ministry.

(2) The decision shall be taken individually, after finalization of the special examination procedure where all relevant facts, circumstances and evidence relevant for taking the decision have been determined. During the course of the procedure, applicant must be given the opportunity to present all the circumstances known to him/her, to have access to all available evidence, as well as to propose presentation of particular evidence.

(3) An alien shall be given an opportunity to follow the course of the procedure through an interpreter if he/she does not speak the language used during the procedure, as well as to use the services of a legal or other counselor. The obligation of the conductor of the procedure is to inform the applicant about all rights and obligations stemming from the Law.

(4) The recognition of refugee status is not dependent upon the production of any particular formal evidence.

(5) Any decision on determining whether or not the request for international protection is founded must be fully reasoned and shall be delivered to the applicant in person.

(6) In cases of unfounded applications under Article 110 (*Rejection of requests for international protection*) paragraphs (2) and (3) of this Law, the Ministry shall act urgently and pass a decision within 15 days from reception of the request at the latest.

(7) A complaint against a decision of the Seat of the Ministry on reasonable grounds of the request for international protection is not allowed, but it is possible to initiate the administrative procedure before the Court of Bosnia and Herzegovina.

(8) In cases described under paragraph (6) of this Article, the complaint initiating the administrative procedure is to be filed before the Court of Bosnia and Herzegovina through the Ministry within 8 (eight) days from the receipt of the decision, and the Court of Bosnia and Herzegovina is obliged to consider these cases urgent and adopt a decision within 30 days from the day the Court received the complaint.

(8) The complaint shall stay the execution of decision.

Article 110
(Rejection of requests for international protection)

(1) The Ministry shall reject the request for international protection as unfounded if the application is based on reasons that do not provide grounds for granting the status as per Article 105 (*Definition of the term "international protection"*) of this Law.

(2) The Ministry shall also reject the request for international protection as unfounded in the following cases:

a) If the request is based solely on economic reasons;

b) If the request is contradictory, not credible, or inconsistent which makes it unconvincing in relation to the terms prescribed under Article 105 of this Law;

c) If the request is based on obvious deception or abuse of the procedure for the purpose of obtaining international protection in BiH;

d) If the applicant for international protection arrived from a country of origin considered to be safe by BiH (hereinafter referred to as: safe country of origin), unless it has been proved during the procedure that the country of origin is not safe for that particular person;

e) If the applicant for international protection arrived from a third country which is considered to be safe by BiH, (hereinafter referred to as: safe third countries), unless it has been proved during the procedure that the specific third country is not safe for that particular person;

f) If the applicant for international protection holds multiple citizenship, unless during the procedure it is proven that this person could not be placed under protection of any of the countries whose citizenship this person holds, for reasons for which international protection is recognized; or

g) If there are reasons for exclusion as per Article 106 (*Reasons for exclusion of application of international protection*) of this Law.

(3) Obvious deception or misuse of the procedure as per paragraph 2, subparagraph c of this Article is considered to be the following:

a) If the applicant for international protection, without reasonable explanation, intentionally gives false statements during the application procedure and these statements are important for the adoption of the decision on his/her status;

b) If an applicant for international protection without reasonable explanation submits false data on his/her identity or citizenship, or submits forged or somebody else's travel or other documents;

c) If an applicant for international protection, with the aim to make difficult the determination of identity or factual situation, has destroyed, damaged or hidden travel or other documents or proofs which are important for the procedure;

d) If the request for international protection has been filed for the purpose of delaying the execution of the decision on expulsion or

extradition, or transfer from the territory of BiH, and the request could have been filed substantially earlier;

e) If an applicant for international protection conceals that he/she already filed a request for international protection in some other safe third country; or

f) If the applicant for international protection presents false information or documents to which he/she refers to upon submitting the request.

(4) The application for international protection filed by a person legally incompetent to work who is not accompanied by a legal representative cannot be considered as obviously unfounded.

Article 111
(Safe country of origin and safe third country)

(1) Safe country of origin is the country where her citizens or persons without citizenship, considering their last place of residence, are safe from persecution as per Article 105 (*Definition of the term "international protection"*) paragraphs (2) and (3) of this Law, which implies existence of democratic institutions, democratic processes, elections, political pluralism, freedom of opinion, voicing of opinion, availability and efficiency of legal protection and the country's stability.

(2) A safe third country is a country where the applicant for international protection resided prior to coming to BiH, under condition that:

a) there are no persecutions or human rights violations as per Article 105 paragraphs (2) and (3) of this Law,

b) the principle of non-refoulement is implemented and respected there, and

c) that he/she can come back to that country legally and is enabled access to the international protection procedure and enabled to file the request for international protection which will be considered as per regulations.

(3) A decision on which countries are considered as safe countries of origin and safe third countries as per paragraphs (1) and (2) of this Article is to be brought by the Council of Ministers of BiH, upon obtaining the opinion of the Ministry of Foreign Affairs and Ministry of Justice of BiH.

Article 112
(Termination of the procedure)

(1) The procedure of the request for international protection, along with the cases foreseen under the Law on Administrative Procedure, shall be terminated by way of a conclusion also in the following cases:

a) If an applicant for international protection does not appear for the second call for interview, unless he/she proves that failing to comply was caused by circumstances beyond his/her control;

b) If the applicant for international protection has left or attempted to leave the territory of BiH during the procedure of the request for international protection; or

c) If during the procedure it has been determined that the applicant for international protection is a citizen of BiH.

(2) A complaint against the conclusion of the Ministry from paragraph 1 is not allowed. However, it is possible to initiate an administrative procedure before the Court of Bosnia and Herzegovina. The lawsuit initiating the administrative procedure is to be filed with the Court of Bosnia and Herzegovina via the Ministry within 8 (eight) days after receipt of the conclusion.

(3) The lawsuit does not stay the execution of the decision.

Article 113
(Filing of a new application for international protection)

(1) The Ministry shall deny the application for international protection if the applicant had an earlier application for international protection in BiH denied, rejected or the procedure terminated, and the applicant failed to provide evidence that the circumstances on which the previous application was based on, have significantly changed in the meanwhile.

(2) In cases from paragraph (1) of this Article the Ministry brings a conclusion against which a complaint is not allowed, but it is possible to initiate the administrative procedure before the Court of Bosnia and Herzegovina. The lawsuit initiating the administrative procedure is to be filed with the Court of Bosnia and Herzegovina via the Ministry within 8 (eight) days after receipt of the conclusion.

(3) The lawsuit does not stay the execution of the conclusion.

Article 114
(Movement restrictions of applicant for international protection)

(1) If the need is indicated, the movement of an applicant for international protection may temporarily be restricted if:

a) the applicant does not respect the public order of BiH [Article 9 (*Obligation to respect the legal order of BiH*)], poses a threat to public order, legal order and peace and national security of BiH;

b) he/she represents a threat to public health in BiH;

c) there is a grounds for suspicion of existence of obvious deception or abuse of the procedure as per Article 110 (*Rejection of requests for international protection*) paragraph (3) of this Law;

d) it is necessary for the protection of other persons or property; or

e) it is necessary in order to determine the applicant's identity.

(2) Movement shall be restricted by way of:

a) a restriction of movement outside a specified area or place;

b) a restriction of movement outside the institution specialized for admittance of aliens;

c) a restriction of movement outside a determined area of the organizational unit of the Service, if accommodation is available there;

d) a restriction of movement outside a specified border crossing, if accommodation is available there.

(3) The measure of restricting the movement of an applicant for international protection is determined by a decision of the Seat of the Ministry. The restriction of movement may remain in force for as long as the reasons for its resolution exist, but no longer than 90 days. In exceptionally justified conditions, the movement restriction measure may be extended for an additional 90 days. A restriction that is based upon the prevention of the spread of infectious diseases may stay in effect for as long as there are reasons for it, which shall be reviewed within the abovementioned deadlines.

(4) A complaint against the decision referred to in paragraph (3) of this Article is not allowed, but it is possible to initiate the administrative procedure before the Court of Bosnia and Herzegovina by way of a complaint within 8 days from the date of delivery of the decision.

(5) The complaint does not stay the execution of the decision.

Article 115 (Protection of data)

In the procedures related to international protection the public is excluded and all information relating to the procedure is considered confidential.

Article 116 (Decisions upon the application for international protection)

Upon the application for international protection, the Ministry brings a decision, by which:

a) the application for international protection is approved and applicant's refugee status in BiH is recognized;

b) the application for international protection is approved, refugee status is not recognized, and the right to subsidiary protection is granted;

c) the application for international protection is rejected, and the alien is given a deadline by which he/she must leave BiH;

d) the procedure for international protection is ceased and the alien is given a deadline by which he/she must leave BiH; or

e) the procedure for international protection is denied and the alien is given a deadline by which he/she must leave BiH.

Article 117 (Expulsion in case of rejection of the application for international protection)

An alien whose application for international protection was rejected by way of a legally binding decision made in the sense of Article 116 (*Decisions upon the application for international protection*) subparagraph c) or with final decision made in sense of Article 116 subparagraphs d) or e), but who does not leave the territory of BiH by the specified deadline, shall be expelled from the country in accordance with Article 88 (*Reasons for imposing the expulsion measures*) paragraph (1) subparagraph c) of this Law.

Article 118 (Protection in case of the rejection of the application for international protection)

(1) An alien who has previously exhausted all available legal remedies and whose request has been rejected by a final and binding decision brought in accordance with Article 116 (*Decisions upon the application for international protection*) subparagraph c) or with final decision made in sense of Article 116 subparagraphs d) or e), but with respect to whom it has been determined during the procedure of the request for international protection that he/she nevertheless cannot be removed from the territory of BiH for the reasons prescribed in Article 91 (*Principle of non-refoulement*) of this Law, shall come under the authority of the Service.

(2) The Service shall issue to the alien referred to in paragraph (1) of this Article the temporary residence permit on humanitarian grounds in the sense of Article 54 (*Temporary residence on humanitarian grounds*) paragraph (1) subparagraph d) of this Law.

(3) Notwithstanding the paragraph (2) of this Article, the Service shall impose the placement under supervision against an alien for whom it has been determined that he/she poses a threat to public order, legal order and peace or security of BiH, in accordance with provisions of articles 98 through 104 [Part B (*Placing an alien under supervision*), Chapter VI (*Admission of aliens and supervision*)] of this Law.

(4) The Service, in cooperation with the Ministry, other ministries and Council of Ministers, shall undertake all necessary measures in accordance with law, other regulations of BiH and international law in regard to resolution of the final status of the alien referred to in paragraph (1) of this Article.

Article 119

(Reception of international protection applicants)

The Ministry shall make adequate conditions for the reception of aliens seeking international protection, notably in the area of accommodation, food, access to health care and education.

Part C. Rights and obligations of persons who were granted international protection in BiH

Article 120

(Rights of persons who were granted international protection)

(1) An alien to whom international protection has been granted and to whom the refugee status has been recognized shall acquire the rights and duties defined in Articles 3 through 34 of the 1951 Convention Relating to the Status of Refugees. An alien to whom international protection has been granted and to whom the subsidiary protection status has been recognized shall acquire the same rights and duties as the alien with the refugee status, unless otherwise prescribed.

(2) The provisions of this Law and other laws of Bosnia and Herzegovina as well as of the international instruments which are already in force and to which Bosnia and Herzegovina is a contracting party, shall prevail over the provisions of the 1951 Convention Relating to the Status of Refugees, provided that they accord a more favorable treatment to the aliens with the recognized refugee status.

(3) An alien holding the refugee status shall be entitled to reside in BiH for as long as his/her international protection is valid and for that purpose he/she shall be issued a residence permit for refugees. The refugee status shall in principle also be extended to the person he/she is married to or is in common-law marriage with and to the minor children, as well as to other close family members who live in the same household in Bosnia and Herzegovina. An alien with the recognized refugee status shall have access to work, education, health

care and social welfare under the same terms and conditions as BiH citizens and shall also have the right to reunification of family members.

(4) An alien to whom the subsidiary protection is recognized shall be entitled to reside in BiH throughout the period of one year. The residence permit shall be renewed at the request of the alien for as long as the conditions based on which the subsidiary protection had been recognized continue to exist, unless otherwise required by the reasons of public order, legal order and peace and national security of BiH. As long as the international protection lasts, the alien shall have the right to work and shall also have access to education, health care and social welfare under the same conditions as BiH citizens.

(5) In cooperation with the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and the Ministry for Civil Affairs of Bosnia and Herzegovina, for the persons with the recognized refugee status or status of subsidiary protection the Ministry shall ensure access to the rights referred to in this and Article 121 (*Documents for refugees and persons who are granted subsidiary protection*) of this Law.

(6) In cooperation with the Ministry for Civil Affairs of Bosnia and Herzegovina and the Ministry, for the persons with the recognized refugee status or status of subsidiary protection the Ministry for Human Rights and Refugees shall ensure the rights to work, education, health care, social welfare as well as other rights provided by this Law allowing for integration of these persons during the course of the recognized status.

Article 121

(Documents for refugees and persons who are granted subsidiary protection)

(1) Identity documents shall be issued to an alien in BiH holding a refugee status and aliens who are granted subsidiary protection.

(2) The alien holding a refugee status, who does not have a valid travel document or is unable to obtain a travel document from the country of his/her habitual residence may be issued, at his/her own request, a travel document for refugees for the purpose of traveling abroad and returning to BiH, unless it is contrary to significant reasons of public order, legal order and peace or security of BiH.

(3) The travel document for an alien holding refugee status shall be issued by the Ministry for a period of validity of two years.

Article 122

(Obligations of the applicants and persons with approved request for international protection)

An applicant and person with approved request for international protection are obliged to register their residence and change of address with the competent authority in accordance with Article 72 (*Obligation to register temporary/permanent residence*) of this Law within eight days, and they are in particular obliged to respect the public order of BiH [Article 9 (*Obligation to respect the public order of BiH*)] constitutions, laws and other regulations in BiH.

Part D. Cessation of international protection

Article 123.

(Reasons for cessation of refugee status and status of subsidiary protection)

(1) International protection granted in BiH shall cease to be valid to:

- a) an alien who has voluntarily re-availed himself/herself of the protection of the state of his/her citizenship;
- b) an alien who, having lost the citizenship of another country has voluntarily re-acquired it;
- c) an alien who has acquired a new citizenship and enjoys the protection of the country of this new citizenship;
- d) an alien who has voluntarily re-established himself/herself in the country which he/she left or outside which he/she remained owing to fear of persecution;
- e) an alien who can no longer, because the circumstances in connection with which he/she has been granted the status of protection in BiH have ceased to exist, continue to refuse to avail himself/herself of the protection of the state of his/her citizenship;
- f) an alien without citizenship, can no longer refuse to avail himself/herself of the protection of the state of former habitual residence, because the circumstances in connection with which he/she has been granted the status of protection in BiH have ceased to exist,; or
- g) an alien who has obtained the citizenship of BiH.
- h) an alien, if the circumstances that lead to granting the specific status no longer exist or have changed to the extent that the protection is no longer required.

(2) In application of paragraph (1) subparagraphs e) and f) of this Article, it shall be taken into consideration if the circumstances that brought to recognition of the status of protection in BiH no longer exist or have changed to the extent that the protection is no longer required.

Article 124

(Cancellation of the refugee status or status of subsidiary protection)

(1) The Ministry shall cancel the granted refugee status in the following cases:

- a) When there is a reasonable grounds to believe that a refugee represents the threat to security of BiH;
- b) When a refugee, having been sentenced by a legally binding verdict for a criminal offence for which is possible to pronounce the prison sentence of three years or more harsher sentence (severe criminal offence), poses the threat to the community in BiH; or
- c) When it has been ascertained that there is at least one of the reasons for exclusion of application of international protection referred to in Article 106 (*Reasons for exclusion of application of international protection*) of this Law.

(2) Decision on cancellation of refugee status shall not affect the rights set by articles 91 (*Principle of non-refoulement*) and 118 (*Protection in case of the rejection of the application for international protection*) of this Law and Article 32 of the 1951 Convention on Refugee Status.

(3) The Seat of the Ministry shall cancel the granted subsidiary protection if ascertained that there are some of the reasons for exclusion of application of international protection referred to in Article 106 (*Reasons for exclusion of application of international protection*) of this Law and also if false presentation or omission of facts including the use of false documents was decisive for granting the status of subsidiary protection.

Article 125

(Competency and complaint in the case of cessation, i.e. cancellation of the international protection)

(1) The decision on cessation and cancellation of international protection shall be taken by the Seat of the Ministry *ex officio*.

(2) A complaint against the decision referred to in paragraph (1) of this Article is not allowed, but it is possible to initiate the administrative procedure before the Court of Bosnia and Herzegovina. The complaint initiating the administrative procedure is to be filed with the Court of Bosnia and Herzegovina via the Ministry within 15 (fifteen) days from the delivery of the decision, and the Court is obliged to consider these cases to be urgent and bring a decision within 45 days from the day the court received the complaint.

(3) The complaint shall stay the execution of the decision.

(4) The alien may neither be expelled nor forcibly removed from BiH before the decision referred to in paragraph (1) of this Article becomes legally binding.

(5) The person who is party in the proceedings has to be enabled to, at the hearing or in written submission, elaborate why his/her international protection should not be terminated or cancelled.

Part E. Mass influx and temporary protection

Article 126

(Temporary protection in case of mass influx)

(1) In cases of a mass influx, or an imminent mass influx, of aliens in need of international protection, the BiH Council of Ministers may, in consultations with UNHCR and other relevant international organizations in BiH, issue special regulations providing a temporary protection of these persons.

(2) The Council of Ministers shall, in consultation with UNHCR and other relevant international organizations in BiH, cancel the special regulations referred to in paragraph (1) of this Article, after the cessation of the reasons justifying their existence, which shall be without prejudice to the rights of aliens who were protected by way of these regulations to seek international protection.

Article 127

(Granting temporary protection)

(1) Temporary protection shall be granted to aliens coming *en masse* to BiH from a country where, due to a war or comparable situation, general violence or internal conflicts, violation of the human rights has taken place, and the country of their origin has no capacities to protect them.

(2) Aliens referred to in paragraph (1) of this Article, who are citizens of the country they escaped from or are without citizenship, shall be granted the temporary protections under the following terms:

a) that they had, prior the emergency of the situation referred to in paragraph (1) of this Article, permanent or temporary residence in that country and that they came directly to BiH due to the situation that have emerged; or

b) that they have resided legally in BiH prior to the emergence of such situation, and their return to the country of origin had been temporarily disabled by reason referred to in paragraph (1) of this Article upon the expiry of their legal residence in BiH.

(3) The assessment of the necessity to grant the protection to the persons referred to in paragraph (1) of this Article shall be made by the Council of Ministers.

(4) Taking into consideration the economic and other potentials of BiH, as well as the reasons of the public order, legal order and peace or security of BiH, the Council of Ministers shall identify the number of persons to whom the temporary protection shall be granted, as well as the reasons due to which that number can be exceeded until the amendment to the decision.

Article 128

(Competence for granting and the period of the temporary protection)

(1) The Ministry shall grant the temporary protection for the period of six months.

(2) Temporary protection can be extended for the period of six months if there are justifiable reasons for granting it, and it may last maximum two years in total.

(3) In case the reasons for temporary protection continue to exist, Council of Ministers may extend temporary protection for additional one year upon the proposal of the Ministry.

Article 129

(Reasons for not granting the temporary protection)

Temporary protection shall not be granted to an alien:

a) If the preconditions for granting temporary protection referred to in Article 127 (*Approval of temporary protection*) of this Law have not been met;

b) If there are reasons for exclusion from application of international protection as per Article 106 (*Reasons for exclusion from the application of the international protection*) of this Law or the prohibition referred to in Article 10 (*Association of aliens carrying weapons and wearing uniforms in BiH*) paragraph (1) of this Law is violated;

c) if he/she has been sentenced by a legally binding verdict for a criminal offence for which is possible to pronounce the prison sentence of three years or more severe sentence (serious crime), and the rehabilitation by deleting the sentence from the criminal records has not taken place;

d) If he/she has been granted the refugee status or status of subsidiary protection or is the alien with approved temporary or permanent residence in BiH;

e) If he/she enjoys the international protection in a third country; or

f) If he/she has the citizenship of a third country or regulated residence in a third country.

Article 130

(Expiry of the temporary protection)

Temporary protection shall expire to an alien:

a) By expiry of period to which it has been granted;

b) By cessation of the existence of the reason for temporary protection;

c) When he/she leaves BiH;

d) If the protection has been granted on the grounds of another law or international agreement;

e) If he/she enjoys the international protection and has regulated residence in a third country; or

Article 131
(Rights and obligations of aliens under temporary protection)

(1) An alien to whom the temporary protection in BiH is granted shall be entitled to:

- a) Residence,
- b) Basic conditions for living and accommodation,
- c) Health care,
- d) Primary and secondary education,
- e) Legal assistance,
- f) Freedom of religion,
- g) Right to work.

(2) An alien to whom the temporary protection is granted is obliged to register his/her residence and change of address with the competent authority in accordance with Article 72 (*Obligation to register temporary/permanent residence*) of this Law within eight days, and is particularly obliged to respect the constitutions, laws and other regulations in BiH.

Article 132
(Right to reunification of family of aliens under temporary protection)

(1) Exceptionally, along with the rights provided in Article 131 (*Rights and obligations of aliens under temporary protection*) of this Law, an alien under temporary protection shall be granted the right to family reunification if that is legally possible to achieve only in BiH.

(2) Provisions of Article 57 (*Temporary residence on the grounds of family reunification*) paragraph (1) subparagraph c) and paragraph (2) of this Law shall apply to the right to family reunification referred to in paragraph (1) of this Article.

(3) Temporary protection shall also be granted to the members of family that is reunited.

Article 133
(Accommodation of aliens under temporary protection)

Accommodation shall be secured for the aliens who have been granted temporary protection in accordance with capacities of BiH.

Article 134
(Identification document of aliens under temporary protection)

Identification document shall be issued to an alien to whom the temporary protection has been granted.

Article 135
(Restricting the exercise of rights)

An alien who in the course of the temporary protection applies for the international protection cannot exercise the rights of the applicant for the international protection as long as his/her temporary protection lasts.

ARTICLE 136

(Temporary protection after the proceedings for international protection)

If neither refugee status nor subsidiary protection has been granted upon the proceedings completed, person meeting the requirements for the temporary protection or already under the temporary protection will be provided with temporary protection during remaining the period of the protection.

Article 137
(By-laws on technical issues of international and temporary protection)

(1) The Ministry shall, as needed, by way of a by-law further regulate issues regulated in this chapter of this Law, after obtaining the opinion of the Ministry for Human Rights and Refugees and the Ministry for Civil Affairs of BiH.

(2) The method and the procedure for registration of aliens with refugee status, aliens under subsidiary protection and aliens under temporary protection, as well as the principles of data protection relating to such persons, shall be established in the by-laws referred to in paragraph (1) of this Article.

(3) The Ministry of Human Rights and Refugees of BiH shall regulate the access to the rights referred to in Articles 120, paragraph 6 (*Rights of persons who were granted international protection*) and 121 (*Documents for refugees and persons who are granted subsidiary protection*) of this Law after obtaining the opinion of the Ministry for Civil Affairs of BiH and Ministry of Security of BiH.

Article 138
(Communication with UNHCR)

(1) International protection applicants shall be given the opportunity, at all stages of the procedure, to communicate with UNHCR or with other organizations that may be working on behalf of UNHCR, and vice versa. The representative of UNHCR shall be informed of the course of the procedure, of the decisions of the competent authorities and shall be given opportunity to submit his/her observations.

(2) The competent authorities shall co-operate with UNHCR in accordance with Article 35 of the 1951 Convention Relating to the Status of Refugees.

**CHAPTER VIII. OTHER PROVISIONS: ON
MINORS, IMMUNITIES, FOREIGN UNIFORMS,
OFFICIAL RECORDS**

Article 139
(Protection of rights of minor and other aliens)

(1) No provision of this Law shall preclude exercise and protection of the rights of aliens before any competent authority in BiH.

(2) The competent authorities in BiH are obliged to treat minor aliens with particular attention and respect and to treat them in accordance with the Convention on Children's Rights and BiH regulations pertaining to the care and protection of minors.

(3) A minor alien who has illegally entered BiH and is not accompanied by his/her parents or legal representative or has been deprived of the presence of those persons upon entering BiH and whom the Service cannot immediately return to the country he/she came from or turn him over to the representatives of the country of his/her citizenship, the Service shall temporarily accommodate him/her in the section of the institution specialized for minors, in which event they shall inform the responsible centre for social work, which shall immediately appoint a temporary guardian in accordance with the Law.

(4) A minor referred to in the paragraph (3) of this Article shall not be sent back to the country of his/her habitual residence or the country willing to receive him/her prior to the provision of parental care or legal representation or representation of the responsible authorities in the country of return. An unaccompanied minor must under no circumstances return in a manner violating the European Convention on Human Rights and Fundamental Freedoms and this Law.

Article 140
**(Privileges and immunities under international
law)**

(1) The provisions of this Law, with the exception of the provisions on international protection and temporary reception, shall not be applicable to

diplomatic and consular agents or other persons enjoying privileges and immunities under international law or based on an international contract.

(2) Aliens referred to in paragraph (1) of this Article who reside temporarily in BiH based on their service in diplomatic-consular representations and other missions with diplomatic status, shall regulate their residence in BiH through the diplomatic protocol of the BiH MFA.

(3) With exception to the provision of paragraph (1) of this Article, provisions of this Law may, with prior accordance of the BiH MFA, be applied to persons who enjoy privileges and immunities under the international law if the said provisions are not contrary to international obligations and the principle of reciprocity.

(4) With exception to the provisions of paragraph (1) of this Article the provisions of this Law may, with prior accordance of the BiH MFA, be applied to the family members of person enjoying privileges and immunities.

(5) The MFA BiH shall define the procedures regarding the area regulated by this Article by way of by-laws, after obtaining the opinion of the Ministry.

(6) The MFA BiH shall provide clarification in cases of disagreement pertaining to the applicability and scope of privileges and immunities or the principle of reciprocity. Other authorities shall also be obliged by this BiH MFA clarification.

Article 141
**(Exemption from application of provisions on
work of aliens)**

The provisions of articles 77 through 86 [Chapter IV. (*Residence of aliens in BiH*), Part G. (*Entry and stay of aliens in BiH for the purpose of work*)] of this Law shall not be applied:

a) to an alien who is member of a diplomatic mission, i.e. consular office of a foreign country or member of a mission with diplomatic status and who has been issued a special identification document;

b) to an alien who enjoys the privileges and immunities on the grounds of an international treaty;

c) to an alien who performs duties in BiH on the grounds of an international agreement on professional and technical support that BiH makes with another country, international organization or EU, or who conducts a project in accordance with such international agreement.

Article 142

(Movement while wearing foreign uniform)

(1) During his/her stay in BiH, an alien may move wearing a foreign military uniform in the following cases:

- a) If he/she resides in BiH in capacity of a military representative as diplomatic mission member, i.e. consular office of a foreign country or other foreign mission with diplomatic status in BiH, during the duration of the mission;
- b) If he/she, as member of a foreign military mission or foreign military delegation, is in official visit;
- c) If he/she is a student of the military school or is at military training;
- d) If he/she, as member of a foreign military mission or foreign military delegation with a diplomatic or official travel document transits the BiH territory;
- e) If he/she is a participant of a military exercise or training.

(2) An alien may move wearing a foreign police or customs officer uniform in the following cases:

- a) If he/she resides in BiH as a member of a mission with diplomatic status in BiH, during the duration of the mission;
- b) If he/she, as member of a foreign police or customs body, is in official visit;
- c) If he/she performs service at mutual control of the state border crossing at the part of border crossing that belongs to BiH;
- d) If he/she is a student of a police school or is at the police or similar training;
- e) If he/she, as member of a foreign police mission or foreign customs delegation with a diplomatic or official travel document transits the BiH territory.

(3) The Minister of Defense of BiH, with prior consent of the Minister of Security, may approve wearing of the foreign military uniform also in other cases that are not envisaged in paragraph (1) of this Article.

(4) The Minister of Security may approve wearing of the foreign police or customs uniform also in other cases that are not envisaged in paragraph (2) of this Article.

(5) The aliens in uniform shall enter BiH in accordance with the Law on Surveillance and Control of the State Border Crossing.

Article 143

(Exception from application of certain provisions of this Law)

Chapters II, III, IV, V, VI, and X, except for Articles 72 (*Obligation to register temporary/permanent residence of aliens*), 73 (*Temporary and permanent residence of aliens*), 74

(*Deadlines for registering/deregistering the temporary/permanent residence of aliens*), 91 (*Principle of non-refoulement*) and 98 (*Institutional organization*) shall not apply to applicants for international protection until the decision about his/her request is made in accordance with this Law.

Article 144

(Official records)

(1) Pursuant to this Law, official records shall be kept on:

- a) Aliens who have been granted temporary or permanent residence,
- b) Travel documents issued to aliens in accordance with this Law,
- c) Aliens who have been refused entry into the country,
- d) Aliens whose residence has been cancelled,
- e) Aliens who have been granted a postponement of enforcement of expulsion measures,
- f) Aliens who have been pronounced the measure of expulsion,
- g) Measures undertaken in relation to aliens,
- h) Aliens who have been forcibly expelled from BiH,
- i) Reported cases of missing travel documents of aliens,
- j) Identification documents issued to aliens,
- k) Registration of residence, cancellation of residence, and change of address,
- l) Aliens who have filed a request for international protection,
- m) Aliens who have been granted refugee status, subsidiary protection or temporary protection,
- n) Aliens who have been designated for supervision measures, i.e. who have been put under supervision,
- o) Aliens who have appealed against decisions of the Service and aliens who have initiated administrative dispute,
- p) Second instance decisions and final decisions,
- r) Aliens who have been issued visas,
- s) Aliens whose period of visa validity has been shortened,
- t) Aliens whose visa has been cancelled,
- u) Natural persons and legal persons that have issued guarantee letters and invitations for aliens to enter BiH,
- v) International carriers who have violated provisions of this Law.

(2) Apart from the official records referred to in paragraph (1) of this Article, the competent authority may also keep the other records for the purpose of efficiency of the work or processing, if they do not include the personal data.

(3) Official records shall be kept by the authority that is, in accordance with this Law, authorized for proceedings in the particular matter.

Article 145
(Central database on aliens)

(1) A central database on aliens shall be established within the Ministry for recording and monitoring the entry to, stay in and exit from BiH, as well as of persons who have requested or have been granted international protection in BiH on the grounds of granted temporary protection.

(2) The central database on aliens shall contain all the official records referred to in Article 144 (*Official records*) of this Law. The authority referred to in paragraph (3) of Article 144 of this Law that keeps the official records, shall forward the data from the records to the central database immediately upon every change, and not later than during the same day.

(3) The central database on aliens shall also contain the records on identity, number and type of travel document, purpose and reasons for entry to, stay in and exit of aliens from BiH that is kept by the Border Police.

(4) The Service and organizational units of the Ministry, the MFA and Intelligence and Security Agency and the police shall have access to the data records as referred to in paragraph 1 of this Article, when that is in function of carrying out tasks falling within their respective competences.

(5) Upon the justified request, the other authorities in BiH may also have the access to the data from the central database, when that is in function of carrying out tasks falling within their respective competences.

(6) Upon the justified request, the competent authority with which the central database on aliens is located, may grant the access to the database to another authority when that is in function of carrying out tasks falling within the competence of that authority, and in accordance with the provisions of the Law on the Protection of Personal Data and Law on the Central Registers and Data Exchange.

(7) The provisions and principles of the Law on the Protection of Personal Data and Law on the Central Registers and Data Exchange shall apply to any processing, access and use of the data from this Law.

Article 146
(By-laws on maintaining, use and access to records and database)

The Ministry shall prescribe detailed rules on maintaining, use and access to records and central

database on aliens and certain records in the form of by-laws.

Article 147
(Database on Specimens of Travel Documents)

Border Police shall establish a database of specimens of valid travel documents and a database of forged travel documents that should be available to the Service, the Immigration Sector, the Asylum Sector and the MFA.

Article 148
(Supervision of the implementation of this Law)

The supervision of the implementation of the provisions set by this Law and other regulations adopted in accordance with this Law shall be conducted by the Seat of the Ministry pursuant to the Law on Administrative Procedure.

CHAPTER IX. PENALTY (MISDEMEANOUR) PROVISIONS

Article 149
(Misdemeanour penalties for violations of the provisions of articles 13, 49, 61, 66 and 74)

(1) An alien shall be fined KM 50 to KM 500 for a misdemeanour:

a) If he/she, contrary to Article 13 (*Obligation to carry and show the alien proof of identity*) paragraph (1) of this Law, does not have on him/her the document proving and verifying his/her identity or right to enter or stay, or if he/she refuses to show it to an authorized official of the Service, police or other competent authority when other authority is authorized by law to do so;

b) If he/she does not return the travel document for aliens to the Service in accordance with Article 49 (*Obligations of an alien in connection with the travel documents for aliens*) paragraph (2) or if he/she does not report that the travel document for aliens has been lost, destroyed or misplaced in some other way in accordance with Article 49, paragraph (3), or if he/she does not report that the identification card for alien has been lost, destroyed or misplaced in some other way in accordance with Article 66 (*Identity card for aliens*) paragraph (6) of this Law;

c) If he/she requests for child the granting of residence pursuant to Article 61 (*Children of aliens with granted residence*) paragraph (1), and fails to file the request within 30 days for the day of child's birth pursuant to Article 61, paragraph (2) of this Law, although there were no justifiable circumstances for such failure;

d) If he/she does not apply for identification card for alien with the competent authority or does not apply within the time limit stipulated as per Article 66, paragraph (2) of this Law;

e) If he/she, pursuant to Article 74 (*Deadlines for registering/deregistering the temporary/permanent residence of aliens*) of this Law, fails to register the permanent or temporary residence or change of address in the place of permanent residence or fails to do it within the prescribed time limit, or if he/she fails to deregister the permanent or temporary residence before leaving BiH despite instruction to do so.

(2) Legal or natural persons who are carriers or who provide the accommodation services or travel arrangement services, shall be fined, for minor offence, KM 100 to KM 500 if they withhold or attempt to withhold the travel document or identification document of an alien contrary to Article 13, paragraph (2) of this Law.

(3) For minor offence referred to in paragraph (2) of this Article, a responsible individual within the legal person shall also be fined KM 100 to KM 500.

(4) In the case referred to in paragraph (1), subparagraph b) of this Article, the travel document shall be seized.

Article 150

(Misdemeanour penalties for violations of the provisions of Article 75)

(1) A natural person that provides accommodation to aliens shall be fined, for a misdemeanour, KM 200 to KM 800, if:

a) He/she fails to report the residence of an alien or fails to report it within the prescribed time limit pursuant to Article 75 (*Other bodies obligated to register a temporary residence*), paragraph (1);

b) He/she does not keep or keep in a disorderly manner records on aliens to whom he/she provides accommodation services or does not keep records on aliens within the previously defined period of time pursuant to Article 75, paragraph (2);

c) He/she does not allow inspection of the records on aliens, their stay and movement, by an authorized official of the Service or police contrary to Article 75, paragraph (5) of this Law.

(2) A legal person that provides accommodation to aliens shall be fined KM 500 to KM 2500 for a misdemeanour referred to in paragraph (1) of this Article.

(3) For misdemeanour referred to in paragraph (1) of this Article, a responsible individual within the legal person shall also be fined KM 200 to KM 800.

Article 151

(Misdemeanour penalties for violations of the provisions of articles 16, 19, 21 and 63)

(1) An alien shall be fined KM 300 to KM 1500 for a misdemeanour:

a) If he/she attempts to enter or enters BiH illegally as per Article 16 (*Illegal entry into BiH*) of this Law;

b) If he/she stays in BiH for a time longer than the time specified in his/her visa, temporary residence permit or Article 21 (*Exemption from visa requirement*) paragraph (2) of this Law, and does not leave BiH during the subsequent day, i.e. if he/she does not leave BiH in the time limit specified by this Law or by a decision of a competent authority;

c) If he/she violates the restriction of movement at the specified area or place or does not report in a specified period to the organizational unit of the Service at which area he/she resides, if such obligations have been ordered to him/her pursuant to Article 63 (*Appeal against the decision rejecting the application for residence permit*) paragraph 3 of this Law.

(2) An official of the Service of official authorized for the control of crossing of the state border, when he/she finds the violation referred to in paragraph (1) subparagraph b) of this Article, may issue the misdemeanour order and impose a fine in the amount of KM 100 for each day of longer stay, if the alien have not had exceeded the period of stay for more than three days and is in position to justify the reasons for delay, without undertaking other measures pursuant to this Law.

Article 152

(Misdemeanour penalties for violations of the provisions of articles 23 and 34)

(1) A natural person shall be fined, for a misdemeanour, KM 300 to KM 1500:

a) If he/she provides incorrect data regarding the issuing the evidence on board and lodgings payment or on arranged travel referred to in Article 23 (*Evidence of the existence of means of subsistence*) paragraph (1) subparagraph d) of this Law;

b) If he/she provides incorrect data regarding the issuing of a letter of invitation referred to in Article 34 (*Letter of invitation*) of this Law.

(2) A legal person shall be fined KM 1000 to KM 5000 for a misdemeanour referred to in paragraph (1) of this Article. The same fine shall be imposed against a legal person that provides the incorrect information on issued guarantees for methods of non-cash payments referred to in Article 23, paragraph (1) subparagraph b) of this Law.

(3) For misdemeanours referred to in paragraphs (1) and (2) of this Article, a responsible individual within the legal person shall also be fined KM 300 to KM 1500.

Article 153
(Misdemeanour penalties for violations of the provisions of Article 96)

(1) Fine in the amount of KM 3000 to KM 8000 shall be imposed for a misdemeanour against a natural person who does not fulfil the obligation of payment for travel, i.e. departure of an alien to the place where he/she has been sent to or the expenses of supervision of the alien while staying in BiH, pursuant to Article 96 (*Payment of expenses for repatriation and placement of an alien under supervision*) paragraph (3) of this Law.

(2) A legal person shall be fined KM 5000 to KM 12000 for a misdemeanour referred to in paragraph (1) of this Article.

(3) For misdemeanour referred to in paragraphs (1) and (2) of this Article, a responsible individual within the legal person shall also be fined KM 3000 to KM 8000.

Article 154
(Misdemeanour penalties for violations of the provisions of Article 18)

(1) Fine in the amount of KM 2000 to KM 5000 shall be imposed for a misdemeanour against a natural person who as carrier contrary to Article 18 (*Carriers' obligations*) paragraph (1) of this Law, brings to a border crossing of BiH an alien who does not meet the conditions for entry into BiH stipulated by Article 19 (*General entry conditions*) paragraphs (1) and (2) of this Law.

(2) A legal person that commits this offence referred to in paragraph (1) of this Article as a carrier shall be fined KM 3000 to KM 10000.

(3) For misdemeanour referred to in paragraph (1) of this Article, a responsible individual within the legal person shall also be fined KM 2000 to KM 5000.

Article 155
(Protective measure of prohibition of performing occupation, activity or duty)

(1) Protective measure of prohibition of performing occupation, activity or duty can be pronounced for misdemeanours referred to in Article 149 (*Misdemeanour penalties for violations of the provisions of articles 13, 49, 61, 66 and 74*) paragraph (2), 150 (*Misdemeanour penalties for violations of the provisions of Article 75*), 152 (*Misdemeanour penalties for violations of the provisions of articles 23 and 34*), 153 (*Misdemeanour penalties for violations of the provisions of Article 96*) and 154 (*Misdemeanour penalties for violations of the provisions of Article 18*) of this Law.

(2) Protective measure of prohibition of performing occupation, activity or duty for the period of six months can be pronounced by a misdemeanour order.

CHAPTER X. TRANSITIONAL AND FINAL PROVISIONS

Article 156
(Recognized international and temporary protection)

(1) All persons with recognized refugee status or status of subsidiary protection or have been granted temporary protection or permanent stay in BiH prior to the coming into force of this law shall have their status recognized by this Law as well.

Article 157
(Pending cases)

(1) All pending cases which have not been completed by final decision prior to this Law coming into effect, shall be closed in accordance with the provisions which were in effect at the time of the opening of the case.

(2) Notwithstanding the paragraph (1) of this Article, in cases where the first instance decision was not made prior to this Law coming into effect, the procedure shall be continued in accordance with this Law.

Article 158
(Deadlines for enactment of by-laws of the Council of Ministers under this Law)

(1) The Council of Ministers shall, upon the proposal of the Ministry forwarded after obtaining the opinion of the Ministry of Transport and Communications BiH, enact a by-law under Article 18 (*Carriers' obligations*) paragraph (5) of this Law which in further detail regulate the matters regarding obligations of a carrier who brings an alien to a border crossing of BiH, within six months from the day this Law enters into force.

(2) The Council of Ministers shall, upon the proposal of the Ministry forwarded after obtaining the opinion of the MFA, under Article 19 (*General entry conditions*) paragraph (7), determine by its decision the minimum amount of funds for sustenance referred to in Article 19 paragraph (3) subparagraph a) of this Law every year by 31st December for the following year, if that amount has not already been determined by a by-law.

(3) If necessary, the Council of Ministers, upon proposition of the Service forwarded through the Ministry, after obtaining the opinion of the Ministry of Finance and Treasury of BiH, shall enact the by-law under the Article 97 (*By-laws pertaining to technical issues with regard to removal of aliens*) paragraph (2) of this Law and methods and procedure in covering the costs of repatriation and costs of placement under supervision, within six months from the day this Law enters into force.

(4) Whenever necessary, the Council of Ministers shall:

a) Under Article 54 (*Temporary stay on humanitarian grounds*) paragraph (1) subparagraph e), upon proposition of the

Ministry by way of a by-law specify other justified reasons of humanitarian nature beside those listed in Article 54 paragraph (1) subparagraphs a) to d) of this Law, for which an alien who does not meet the conditions for granting residence prescribed by this Law may nevertheless be granted the temporary residence on humanitarian grounds;

b) Under Article 111 (*Safe country of origin and safe third country*) paragraph (3), upon proposition of the Ministry forwarded upon obtaining the opinion of the MFA and Ministry of Justice of BiH, make a decision on which countries are considered safe countries of origin and safe third countries referred to in Article 111 paragraphs (1) and (2) of this Law;

c) Under Article 126 (*Temporary protection in case of mass influx*) paragraph (2) of this Law, following the consultation with UNHCR and other relevant international organizations in BiH, repeal the special regulations referred to in paragraph (5) subparagraph e) of this Article, after the reasons justifying their existence cease to exist;

d) Under Article 127 (*Granting temporary protection*) paragraph (4) of this Law, determine the number of persons to whom the temporary protection shall be granted and reasons due to which that number can be exceeded until the amendment to the decision, taking into consideration the economic and other potentials of BiH, as well as the reasons of public order, legal order and peace and security of BiH.

(5) Whenever necessary or justified, the Council of Ministers may:

a) Under Article 19 (*General entry conditions*) paragraph (6) of this Law, prescribe additional requirements for alien entry into BiH when so being required by reasons of protecting national security of BiH, legal order, public order and peace or public health in BiH or other reasons arising from the international obligations of BiH;

b) Under Article 21 (*Exemption from visa requirement*) paragraph (1) of this Law, at the proposal of the MFA, the BiH Council of Ministers specify the countries whose citizens shall not be required to have visa for entering BiH (hereinafter referred to as: non-visa regime countries), as well as the countries whose citizens may enter BiH with a travel document other than a passport;

c) Under Article 21, paragraph (1) of this Law, at the proposal of the MFA exempt from visa requirements the persons who hold special types of travel documents;

d) Under Article 22, paragraph 4, upon the proposal by the MoFA shall exempt from visa acquisition the holders of special travel documents;

e) Under Article 29 (*Airport transit visa - Visa A*) paragraph (3), exceptionally decide that citizens of certain countries or travellers on certain passengers' lines require an airport transit visa;

f) Under Article 126 (*Temporary protection in case of mass influx*) paragraph (1) of this Law, upon consultation with UNHCR and other relevant international organization in BiH, issue special regulations providing a temporary protection of these persons in the case of their mass influx or an imminent mass influx.

(6) The Council of Ministers may always under Article 20 (*Entry on special conditions*) of this Law make a decision on allowing the entry into BiH to an alien even if he/she does not fulfil the conditions referred to in Article 19 (*General entry conditions*) of this Law.

(7) In accordance with Article 78 (*Work permit quota*) of this Law, the Council of Ministers shall determine the annual quota of work permits by not later than 31st October of current year for the following year. The first decision on annual quota of work permits under this Law the Council of Ministers shall make not later than 31st October 2008 for the year 2009.

Article 159

(Deadlines for enactment of by-laws of the MoFA under this Law)

(1) Under Article 32 (*Long-term stay visa – Visa D*) paragraph (6) of this Law, MFA shall, upon obtained consent of the Ministry and the Service, by way of a by-law in further detail prescribe the situations in which the issuing of long term stay is justified (Visa D) and the procedure in issuing these visas, within three months from the day this Law enters into force.

(2) Under Article 33, paragraph 6 of this Law, MoFA shall, upon obtaining the opinion of the Ministry, by way of by-laws regulate technical issues pertaining to issuance the airport transit visa (Visa A) and transit visa (Visa B) within three months from entry into force of this Law.

(3) Under Article 44 (*Bylaws regulating the technical matters of relevance for the entry of aliens*) paragraph (5) of this Law, MFA shall, upon obtained opinion of the Ministry, by way of a by-law regulate the procedure of issuing visas in DCRs of BiH within three months from the day this Law enters into force.

(4) Under Article 140 (*Privileges and immunities under international law*) paragraph (5), MFA shall, upon obtained opinion of the Ministry, by way of a by-law regulate the procedure in cases of aliens who reside in BiH temporarily on the grounds of service at the DCRs or missions with diplomatic status, i.e. persons who under the international law, i.e. on the basis of an international treaty enjoy the privileges and immunities referred to in Article 140 of this Law, when this is necessary.

Article 160
(Deadlines for enactment of by-laws of the
Ministry under this Law)

(1) Within three months from the day this Law enters into force, the Ministry shall:

a) Upon obtaining the opinion of the Ministry of Transport and Communications BiH, under Article 18 (*Carriers' obligations*) paragraph (4) propose to the Council of Ministers the by-law referred to in Article 158 (*Deadlines for enactment of by-laws of the Council of Ministers under this Law*) paragraph (1) of this Law which in further detail regulate the issues of the obligations of a carrier who brings an alien to a border crossing of BiH;

b) Upon obtaining the opinion of the MoFA enact the by-laws under Article 29 (*Airport transit visa - Visa A*), paragraph 5 and Article 30 (*Transit visa - Visa B*) paragraph 5 pertaining to deadlines for validity of airport transit visa and transit visa;

c) Upon obtaining the opinion of the MoFA enact the by-laws under Article 44 (*Bylaws regulating the technical matters of relevance for the entry of aliens*) paragraph (1) of this Law on types of travel documents, procedure in group entry of aliens from non-visa regime countries, the format and layout of the visa application form, as well as on the procedure of issuing visas at the border;

d) Upon obtaining the opinion of the Service enact the by-laws under Article 44 paragraph (2) of this Law on the form of the letter of invitation, as well as on the procedure in certification of the letter of invitation;

e) Upon obtaining the opinion of Border Police, enact the by-laws under Article 44 paragraph (3) of this Law on the entry procedure, form of the decision on refusal of entry and on detailed procedure in refusal of entry into BiH;

f) Upon obtaining the opinion of the Service enact the by-laws under Article 76 (*By-laws on technical issues of granting residence and temporary/permanent residence of aliens*) of this Law on forms and procedure in registering and deregistering of temporary or permanent residence or in granting residence, on method of checking whether the request contains the prescribed contents, on form and contents of the filed request for residence, on procedure of cancellation of residence, on format and layout of the residence permit sticker, on format, layout of and issuing procedure concerning the identification card for aliens, on format and layout of the book of aliens, as well as of other technical issues of importance for the stay and movement of aliens;

g) Upon proposal of the Service, enact the by-law under Article 94 (*Non-enforcement of the forcible removal*) paragraph (6) on the format and layout of the receipt that the Service issues to an alien when it approves him/her the delay of

the enforcement of the expulsion measure pursuant to Article 94, paragraph (5) of this Law;

h) If necessary, upon proposal of the Service, enact the by-law under Article 97 (*By-laws on technical issues of the removal of aliens*) paragraph (1) on methods and procedure of removal of aliens BiH; and

i) Upon obtaining the opinion of the Service enact the by-law under Article 104 (*By-laws on technical issues of placing an alien under supervision*) of this Law on procedure of placement of aliens under supervision.

(2) Within six months from the day this Law enters into force, the Ministry shall enact:

a) By-laws under Article 56 (*Protection of victims of human trafficking*) paragraph (2) of this Law on the rules and standards of their treatment as well as of other issues concerning the admission of victims of trafficking of human beings, their rehabilitation and return (repatriation); and

b) By-laws under Article 146 (*By-laws on maintaining, use and access to records and database*) of this Law on rules on maintaining, use and access to records and central database on aliens.

(3) Whenever deemed necessary, the Ministry shall:

a) Forward to the Council of Ministers the draft decision under Article 111 (*Safe country of origin and safe third country*) paragraph (3) on which countries are considered as safe countries of origin and safe third countries as per Article 111, paragraphs (1) and (2) of this Law;

b) Upon obtaining the opinion of the Ministry for Human Rights and Refugees and Ministry of Civil Affairs, enact the by-law under Article 137 (*By-laws on technical issues of international and temporary protection*) paragraph (1) by which it shall further regulate issues regulated in Chapter VII (*International and temporary protection*) of this Law.

(4) The Ministry may, upon obtaining the opinion of another competent authority referred to in paragraph (1) subparagraphs a), b) or c) of this Article, enact the by-law under Article 44, paragraph (4) of this Law on other technical issues of importance for the entry of aliens, when that is necessary.

Article 161
(Deadlines for enactment of by-laws of the
Ministry for Human Rights and Refugees)

The Ministry for Human Rights and Refugees of BiH shall, upon obtaining the opinion of the Ministry of Civil Affairs of BiH, enact the by-law on access to the rights referred to in Article 120, paragraph 6 (*Rights of persons who were granted international protection*) and Article 121, paragraph 1 (*Documents for refugees and persons who are granted subsidiary protection*) of this Law, within six months from the day this Law enters into force.

Article 162.
(Cease of validity of former regulations)

(1) On the day when this Law enters into force, the Law on Movement and Stay of Aliens and Asylum ("Official Gazette BiH", no. 29/03 and 4/04) shall not longer apply.

(2) By-law enacted under the Law referred to in paragraph (1) of this Article shall be applied in the transitional period until enactment of new by-laws under this Law (articles 158, 159, 160 and 161), if they are not contrary to this Law.

Article 163
(Entry into force of this Law)

This Law shall enter into force on the eighth day after its publication in the » Official Gazette of Bosnia and Herzegovina«, and provisions of articles 77 (*Issuing work permit*) paragraph (2) and 78 (*Work permits quota*) of this Law shall apply from 1st November 2008.

PSBiH No: 185/08

16 April 2008

Sarajevo

Speaker
House of Representatives
Parliamentary Assembly of
Bosnia and Herzegovina

Milorad Živković

Speaker
House of Peoples
Parliamentary Assembly of
Bosnia and Herzegovina

Sulejman Tihic