

Pursuant to Article 137 (1) of the *Law on Movement and Stay of Aliens and Asylum* (BiH Official Gazette, number: 36/08), Articles 4 and 14 (1) (8) of the *Law on the Ministries and Other Administrative Bodies of Bosnia and Herzegovina* (BiH Official Gazette, numbers: 5/03, 42/03, 26/04, 42/04, 45/06 and 88/07) and Article 16 of the *Law on Administration* (BiH Official Gazette, number: 32/02) the Minister for Security of Bosnia and Herzegovina hereby issues the:

BYLAW
ON INTERNATIONAL PROTECTION (ASYLUM) IN BOSNIA AND HERZEGOVINA

I – General provisions

Article 1
(Subject-matter)

This Bylaw determines categories of persons under international protection; fundamental principles; procedural bodies; procedures; rights and obligations of applicants for international protection in Bosnia and Herzegovina (hereinafter: BiH); record-keeping; data protection; as well as other issues regulated in Chapter VII of the *Law on Movement and Stay of Aliens and Asylum* (hereinafter: LMSAA).

Article 2
(Categories of persons protected by this Bylaw)

Protection shall be granted by the State of BiH on the basis of the principle of *non-refoulement* to aliens:

- (a) Who have expressed intention to submit the application for international protection in BiH;
- (b) Applicants for international protection in BiH;
- (c) Who have their refugee status recognized in BiH;
- (d) Who have their status of subsidiary protection recognized in BiH;
- (e) In respect of whom it has been determined the existence of the grounds for application of Article 91 of the LMSAA; and
- (f) Who have been granted temporary protection in BiH.

Article 3
(The principle of *non-refoulement*)

(1) In accordance with Article 91 of the LMSAA, an alien shall not be forcibly returned or expelled from the territory of BiH in any manner whatsoever to the frontier of territories:

- (a) Where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion, regardless of whether or not he/she has formally been granted asylum; or
 - (b) When there is a reasonable suspicion for believing that he/she would be in danger of being subjected to torture or other inhuman or degrading treatment or punishment.
- (2) An alien may not be sent to a country where he/she is not protected from being sent to such a territory either.
- (3) When an alien has expressed reasons referred to in paragraph 1 above, the procedural authority shall refer the case to the Organizational Unit of the Service for Foreigners' Affairs (hereinafter: the SFA OU) for the purpose of expressing the intention to submit the application for international protection in BiH.

Article 4

(Exclusion of penalties for illegal entry to BiH)

- (1) In accordance with Article 108 of the LMSAA, no penalty shall be imposed against an applicant for international protection coming directly from a territory where his/her life or freedom was threatened on account of his/her illegal entry or presence in the country, providing that he/she registers himself/herself without delay with the authorities referred to in Article 107 (1) of the LMSAA and expresses justified reasons for his/her illegal entry or presence.
- (2) When assessing whether the conditions mentioned in paragraph 1 above are met, the competent decision-making authority upon the application for international protection shall in particular examine the following facts and circumstances: whether the person briefly transited other countries and whether he/she was able to find effective protection in the first country or countries to which he fled.

Article 5

(Principle of the best interests of the child)

- (1) Minor applicants for international protection are entitled to rights laid down in Article 139 of the LMSAA.
- (2) The Seat Office of the Ministry – Asylum Sector (hereinafter: Asylum Sector) and other competent bodies in BiH shall ensure that, in all actions concerning children, the best interests of the child shall be a primary consideration and that their rights are protected in accordance with the *Convention on the Rights of the Child* and regulations in BiH relating to care for minors and their protection.

(3) Separated children require priority action with regard to their early identification, special protection and provision of care arrangements, as well as family tracing with a view to their reunification with parents or other traditional care providers.

Article 6
(Right to a guardian)

(1) A minor applicant for international protection who is without parental care and an applicant for international protection who lacks the capacity to enter legal relations on his/her own behalf shall be provided with a guardian on the same conditions as those applied to BiH nationals.

(2) The application for appointing a guardian shall be submitted to the Social Work Center by the Asylum Sector.

Article 7
(Family unity and reunification)

(1) The Asylum Sector and other competent authorities in BiH shall ensure that the principle of family unity is respected in all situations involving applicants for international protection who are on the BiH territory.

(2) In accordance with Article 120 (3) of the LMSAA, an alien holding a refugee status has the right to family reunification. A refugee status is in principle recognized also to a wedlock or out-of-wedlock spouse of the alien holding a refugee status and to his/her minor children and other close family members living in the same household in BiH.

(3) The application for family reunification with an alien holding a refugee status in BiH is submitted by family members of the alien holding a refugee status. The application shall be supported with a material evidence of connections with the alien holding a refugee status in BiH.

Article 8
(Obligation to provide information to asylum seekers)

(1) In accordance with Article 109 of the LMSAA, the responsible authorities which take part in the procedure upon applications for international protection shall inform the applicant for international protection of the requirements and the procedure for granting a refugee status or the status of subsidiary protection in BiH; the responsible authorities; the rights and obligations of applicants for international protection stemming from the LMSAA and the present Bylaw.

(2) The information referred to in paragraph 1 above can be presented to an applicant for international protection in the form of a leaflet, issued by the Asylum Sector in a language he/she can understand.

Article 9
(Right to an interpreter)

(1) In accordance with Article 109 (3) of the LMSAA, during the procedure an applicant for international protection, who cannot understand the language used during the procedure, shall be provided with the services of an interpreter, who is either:

- (a) Authorized official of the Ministry; or
- (b) Court interpreter; or
- (c) Person who is capable of translating from and to the language which the applicant for international protection can understand, when a court interpreter is not available.

(2) Agencies or persons referred to in (b) and (c) above may sign a service contract with the Seat Office of the Ministry which shall regulate their services as interpreters during the procedure upon international protection. Interpreters are required to maintain strict confidentiality as to the content of any discussions to which they are party and shall take an oath obligating them to respect data confidentiality.

(3) An applicant for international protection may be given an opportunity to have an interviewer of the same sex where there are religious, cultural or any other reasons expressed by the applicant.

Article 10
(UNHCR participation in the procedure)

(1) In accordance with Article 138 of the LMSAA, the Asylum Sector shall enable UNHCR to:

- (a) Establish contact with applicants for international protection;
- (b) Have access to case files of applicants for international protection, refugees and persons under subsidiary protection;
- (c) Be present during the interviews conducted with applicants for international protection or persons under subsidiary protection;
- (d) Present its views regarding individual applications for international protection at any stage of the procedure.

(2) The Asylum Sector shall notify UNHCR of the number of applicants for international protection, the types of decisions issued upon the applications for international protection as well as of other information requested by UNHCR

necessary to exercise its supervisory responsibilities under Article 35 of the 1951 *Convention relating to the Status of Refugees*.

Article 11
(Data protection)

(1) In accordance with Article 115 of the LMSAA, the procedure upon international protection shall be closed to the public and confidentiality shall be ensured throughout the procedure. No information regarding the applicant for international protection, refugee or person under subsidiary protection should be shared with the country of origin, unless prior authorization by the person concerned is given. The consent of the person concerned should normally be required before any disclosure of information from an individual file to a third party which in any event should not jeopardize the security of the person.

(2) In accordance with Article 145 (7) of the LMSAA, provisions and principles of the *Law on Personal Data Protection* and the *BiH Law on Agency for Identification Documents, Records and Data-Exchange* shall be applied to any processing, accessing and using of all data mentioned in the present Bylaw.

Article 12
(Application of the LMSAA in administrative proceedings)

In accordance with Article 3 of the LMSAA, provisions of the *Administrative Proceedings Act* (hereinafter: APA) shall be applied in the procedure upon the application for international protection unless the LMSAA or the present Bylaw regulate otherwise.

II – Procedural bodies and proceedings

Article 13
(Procedural bodies)

Under the provisions of the LMSAA and the present Bylaw, the procedure upon the international protection in BiH shall be conducted by:

- (a) Asylum Sector;
- (b) Service for Foreigners' Affairs (hereinafter: SFA);
- (c) BiH Border Police (hereinafter: BiH BP);
- (d) Court of Bosnia and Herzegovina (hereinafter: BiH Court).

Article 14**(Intention to submit the application for international protection)**

(1) In accordance with Article 107 (1) and (2) of LMSAA, an alien may express his/her intention to submit the application for international protection to:

- (a) BiH BP at the border-crossing point; or
- (b) SFA OUs.

(2) If an alien expresses his/her wish to submit the application for international protection to BiH BP at a border-crossing point, BiH BP shall immediately notify the closest SFA OU which is under obligation to take over the alien.

Article 15**(Attestation of the expressed intention)**

(1) The SFA OU shall issue to an alien who has expressed intention to submit the application for international protection in BiH an attestation of the expressed intention to submit the application for international protection, in accordance with Article 107 (3) of the LMSAA, determining the route of movement and the deadline within which the alien must submit in person the application for international protection to the Asylum Sector. The attestation may be valid for seven days the longest.

(2) The SFA shall determine the deadline for the validity of the attestation mentioned in paragraph 1 above, in previous consultations with the Asylum Sector with a view to preparing actions relating to receipt of applications and registration procedure.

(3) The attestation shall be regarded as a residence permit for a certain period of time and route of movement. The attestation shall contain the information on the person who has expressed intention to submit the application for international protection, his/her accompanying close family members as well as their photos. The format and the content of the attestation of the expressed intention to submit the application for international protection in BiH have been laid down in the form which is an integral part of the present Bylaw (Form no. 1).

(4) The SFA OU shall immediately fax to the Asylum Sector a copy of the attestation of the expressed intention to submit the application for international protection and photocopies of identification documents of persons who have expressed intention to submit the application for international protection.

(5) SFA OU shall deliver to the Asylum Sector, via a registered mail, copies of documents mentioned in paragraph 4 above.

(6) If an alien fails to submit the application for international protection to the Asylum Sector within a set deadline, it shall be considered that the intention has not been expressed.

(7) If a person who has expressed intention to submit the application for international protection in BiH will not be accommodated in the center for accommodation of applicants for international protection, he/she must, during the period set in the attestation mentioned in paragraph 1 above, and minimum within 48 hours from the issuance date of the attestation, register his/her residence in a way as prescribed in Articles 72 through 76 of the LMSAA.

Article 16

(Procedure with applicants for international protection who are in the immigration center, detention center or in prison)

(1) If an alien is in the immigration center or serving a prison sentence or is in detention center, he/she shall express intention to submit the application for international protection in BiH in a way as prescribed in Articles 14 and 15 of the present Bylaw.

(2) In situations mentioned in paragraph 1 above, the authorized official of the Asylum Sector shall receive the application for international protection in the immigration center, prison or detention center.

(3) Procedural safeguards applied to all applicants for international protection shall also be applied to applicants for international protection accommodated in the immigration center, prison or detention center.

Article 17

(Procedure for victims of trafficking)

(1) In case that an alien who is a victim of trafficking expresses his/her intention to submit the application for international protection or if during the procedure upon the application for international protection the competent authority determines that the alien is a victim of trafficking, the authorized official of the Asylum Sector may receive the application for international protection in the center for accommodation of victims of trafficking of human beings. The intention to submit the application for international protection in BiH is expressed in a way as laid down in Articles 14 and 15 of the present Bylaw.

(2) The procedural safeguards which are available to all applicants for international protection shall also apply to victims of trafficking who have sought international protection in BiH.

Article 18
(Transportation to a center)

(1) The SFA OU shall notify the Asylum Sector if the alien who has expressed intention to submit the application for international protection in BiH needs accommodation. The Asylum Sector shall decide upon his/her accommodation and refer the applicant to the center for accommodation of applicants for international protection and notify accordingly the center management and the SFA OU.

(2) In case the applicant who has expressed intention to submit the application for international protection needs assistance due to his/her medical or other condition, the SFA OU to which the intention has been expressed shall organize and bear the costs for transportation of the applicant and his close family members to the center for accommodation of applicants for international protection.

(3) The authorized official in the center for accommodation of applicants for international protection shall notify the Asylum Sector of the applicant's arrival to the center.

Article 19
(Application for international protection)

(1) The application for international protection in BiH shall be submitted to the Asylum Sector by the alien in person.

(2) The format and the content of the application for international protection are laid down on the form which is the integral part of the present Bylaw (Form no. 2).

Article 20
(Procedure for receiving the application for international protection)

(1) Following the expressed intention to submit the application for international protection, the alien shall come to the Asylum Sector within a deadline set in the attestation in order to submit the application for international protection.

(2) By way of derogation from paragraph 1 above, when the alien is in the immigration center, prison, detention center or the center for accommodation of victims of trafficking of human beings, owing to which he/she cannot submit the application for international protection in BiH in person, the application shall be received in the place of the alien's location by an authorized official of the Asylum Sector.

(3) The authorized official of the Asylum Sector shall fill in two identical copies of the application form for international protection, one of which shall be served to the alien.

Article 21

(Registration of applicants for international protection)

(1) Once the application for international protection is received, the authorized official of the Asylum Sector shall immediately register the applicant for international protection.

(2) The registration procedure includes:

- (a) Filling in the registration form;
- (b) Taking the applicant's photo;
- (c) Taking his/her fingerprints;
- (d) Coping identification and other documents bearing the image of the person as well as other documents relevant for the procedure.

(3) The registration form shall be filled in for all applicants for international protection of a full legal age, whose fingerprints shall also be taken. The format and the content of the registration form are laid down and make an integral part of the present Bylaw (Form no. 3).

(4) If the alien is in the immigration center, prison, detention center or other center for accommodation of victims of trafficking of human beings, the applicant shall be registered in the place of his/her location by the authorized official person of the Asylum Sector.

Article 22

(Card of the applicant for international protection)

(1) Following the procedure mentioned in Article 21 of the present Bylaw, the authorized official of the Asylum Sector shall issue a document to the applicant and his/her close family members – the card of the applicant for international protection (Form no. 4) - verifying that they have submitted the application for international protection.

(2) The card of the applicant for international protection is yellow; (125±0,75) mm x (88±0,75) mm. The card shall be considered as a residence permit pending a final and binding decision referred to in Article 116 (1) (a) (b) and (c) or final decision referred to in Article 116 (1) (d) and (e) of the LMSAA. The card of the applicant for international protection shall be issued for the period of up to three months and shall be extendable.

(3) If the applicant for international protection has his/her freedom of movement restricted, that fact shall be noted on his/her card of the applicant for international protection.

(4) If the identity of the applicant for international protection has been established on the basis of his/her statement rather than on the basis of an identification document, that fact shall be noted on the card.

(5) The card of the applicant for international protection may not be used for the State border-crossing.

Article 23

(Attestation of confiscation of travel documents)

(1) When issuing a card, all travel documents of the applicant for international protection, which he/she can use for border-crossing, shall be confiscated from him/her and he/she shall be issued with the attestation of confiscation of travel documents.

(2) Confiscated documents shall be kept by the Asylum Sector and returned to the applicant for international protection once the decision upon the application for international protection becomes final and binding.

(3) The format and the content of the attestation form of confiscation of travel documents are laid down and make an integral part of the present Bylaw (Form no. 5).

Article 24

(Case-file)

(1) After receiving the application for international protection and conducting the procedures laid down in Articles 21, 22 and 23 of the present Bylaw, the Asylum Sector shall form an official case-file on the applicant for international protection in BiH.

(2) The authentic version of the official case-file shall be made of documents and evidence collected when the application for international protection is received.

(3) The electronic version of an official case-file contains the information noted on the forms collected and filled in during the subsequent proceedings upon the application for international protection.

Article 25**(Extension of the card of the applicant for international protection)**

- (1) The card of the applicant for international protection is extended by the SFA OU upon the request by the applicant for international protection and after obtaining the consent from the Asylum Sector.
- (2) The applicant for international protection shall submit the application for the extension of the card the latest 15 days before expiry of the prior deadline set for the validity of the card.
- (3) When there is no more space in the columns stipulated for the extension of the card, the Asylum Sector shall issue a new card to the applicant for international protection.

Article 26**(Loss of the card of the applicant for international protection)**

- (1) If the applicant for international protection has lost his/her card, he/she shall report the loss to the SFA OU at the territory of which he/she has registered his/her residence or the closest Police Administration (hereinafter: PA) at the territory of which the loss has been discovered, the latest within 3 days from the date he/she finds out about the mentioned fact.
- (2) In case mentioned in the preceding paragraph of the present Bylaw, the SFA OU or the PA shall issue an attestation of the loss of the card to the applicant for international protection, which shall be forwarded to the Asylum Sector together with the application for issuance of a new card, for the purpose of issuing a new card to the applicant for international protection.

III – Examination procedure upon the application for international protection**Article 27****(Examination procedure upon the application for international protection)**

- (1) The application for international protection shall be examined and the decision taken by the Asylum Sector.
- (2) The procedure for international protection shall establish whether the applicant for international protection meets the requirements for recognition of a refugee status or subsidiary protection status in accordance with Article 105 (2) and (3) of the LMSAA.

(3) During the procedure upon the application for international protection, it shall also be assessed if conditions are met for protection of the applicant whose application for international protection has been rejected, in accordance with Article 118 of the LMSAA.

(4) Efforts should be made throughout the procedure to prioritize the applications of the following categories of applicants for international protection:

- (a) Victims of violence, torture or trauma;
- (b) Persons, in particular women, who are at risk of violence, torture or trauma;
- (c) Elderly or disabled persons;
- (d) Separated children or unaccompanied children;
- (e) Those who require urgent medical assistance.

(5) The applicant for international protection shall actively co-operate with the competent authority throughout the procedure and supply any available documents and evidence which support his/her application for international protection (identification documents, membership cards of political and other organizations, judicial and administrative decisions or summons by the court, photographs, travel tickets, medical records, etc).

Article 28

(Interview with the applicant for international protection)

(1) In accordance with Article 109 (2) of the LMSAA, the authorized official of the Asylum Sector shall conduct, without any delay, one or more in-depth interviews with the applicant for international protection. If the applicant for international protection does not appear for a scheduled interview, the competent authority shall send a second invitation.

Exceptionally, the interview shall not be scheduled if, during the registration process, evidence is obtained indicating that the applicant for international protection is a BiH national.

(2) The interview should be conducted individually in a confidential environment. The procedure upon the application for international protection shall be closed to the public. All information and data obtained during the procedure are confidential.

(3) Only the following additional persons may attend the interview referred to in paragraph 1 above between the applicant for international protection and the interviewer:

- (a) Legal representative and/or a guardian;
- (b) Legal agent - an authorized person;
- (c) Representative of UNHCR;
- (d) Translator or an interpreter

(4) The interviewer should take into account the cultural origin of the applicant for international protection and shall be especially sensitive to the particular condition of applicants for international protection, especially survivors of violence, torture and trauma.

(5) In accordance with Article 109 (2) of the LMSAA, the interviewer shall in particular alert the applicant for international protection that he/she is required to present all the circumstances and facts related to reasons for seeking international protection in BiH. The applicant for international protection must be given the opportunity by the interviewer to thoroughly present, explain and support by any available evidence all the facts and circumstances relevant for the issuance of the decision upon the application for international protection. The interviewer must ensure that the applicant for international protection has access to all available evidence and to suggest presentation of particular evidence. The decision of the Asylum Sector is not dependent on presentation of certain formal evidence by the applicant for international protection.

(6) The interviewer shall ascertain and evaluate all the relevant facts and circumstances, in particular country of origin information, and assess the validity of any evidence in order to reach a proper and lawful decision. The authorized official of the Asylum Sector shall update the information on general situation prevailing in the country of origin and, when required, in transit countries and shall obtain the information from different sources, including from UNHCR.

(7) When all available evidence has been obtained and evaluated and when the competent authority is satisfied as to the general credibility of the applicant for international protection, the applicant for international protection should be given the benefit of the doubt.

(8) Interview with and registration of the applicant for international protection may be conducted on the same date if there exist clues that it is the case of manifestly deception or abuse of the procedure, in accordance with Article 110 (3) of the LMSAA.

Part IV – Decisions upon the application for international protection

Article 29

(Decisions upon the application for international protection)

(1) In accordance with Article 116 of the LMSAA, the Asylum Sector shall issue the decision upon the application for international protection which:

- (a) Approves the application for international protection and recognizes the alien's refugee status in BiH;

- (b) Approves the application for international protection, does not recognize a refugee status and recognizes the status of subsidiary protection;
- (c) Rejects the application for international protection and determines the deadline within which the alien must leave the territory of BiH;
- (d) Terminates the procedure for international protection and determines the deadline within which the alien must leave the territory of BiH;
- (e) Dismisses the application for international protection and determines the deadline within which the alien must leave the territory of BiH.

(2) In case of the decision mentioned in paragraph (1) (c), (d) or (e) above, the deadline set for leaving the BiH territory is the deadline for voluntary action.

(3) In accordance with Article 118 of the LMSAA, when the decision mentioned in paragraph (1) (c), (d) or (e) above refers to an alien in respect of whom it has been determined during the procedure that he/she cannot be removed from BiH on the grounds stipulated in Article 91 of the LMSAA, that shall be noted in the ruling clause of such decision. The concerned alien shall be instructed to submit the application for temporary residence on humanitarian grounds in accordance with Article 54 (1) (d) of the LMSAA when the decision mentioned in paragraph 1 (c) becomes final and binding or when the decision mentioned in paragraph 1 (d) and (e) becomes final.

Article 30

(Recognition of the right to international protection)

(1) When after a special investigation procedure it is determined that conditions laid down in Article 105 (2) and (34) of the LMSAA are met, the Asylum Sector shall issue a decision recognizing a refugee status or status of subsidiary protection in Bosnia and Herzegovina to the applicant for international protection.

(2) The alien who has his/her status of subsidiary protection recognized in BiH is allowed to stay in BiH for one year. A residence permit is extendable when so requested by the alien for as long as there exist the grounds on account of which the status of subsidiary protection has been recognized, unless requested otherwise by the reasons of legal order, public order and peace and security of BiH.

(3) The alien who has his/her status of subsidiary protection recognized shall submit his/her application for the extension of that status to the Asylum Sector the latest 60 days before the expiry of his/her previous permit.

(4) If the Asylum Sector determines that conditions constituting the grounds for the status of subsidiary protection in BiH have not changed, it shall take a decision extending such status. The status of subsidiary protection is extendable for one year.

(5) In case that the Asylum Sector determines that conditions mentioned in Articles 123 and 124 of the LMSAA are met, it shall issue the decision on cessation or cancellation of the status of subsidiary protection in a way as prescribed in Article 125 of the LMSAA.

(6) The decision mentioned in paragraph (4) above shall be delivered to the Ministry of Human Rights and Refugees immediately upon its issuance.

Article 31

(Rejecting applications for international protection)

(1) In accordance with Article 110 (1) of the LMSAA, the application for international protection shall be rejected as unfounded by the Asylum Sector if after finalization of an examination procedure it is determined that conditions laid down in Article 105 (2) and (3) have not been met.

(2) When it is determined during a special examination procedure that the application is unfounded on the grounds laid down in Article 110 (2) and (3) of the LMSAA, the Asylum Sector shall decide upon such applications as a matter of priority, proceed urgently and issue a decision the latest within 15 days from the receipt date of the application (hereinafter: urgent procedure).

(3) If evidence contained in the case-file indicates existence of the grounds for exclusion of application of international protection, as laid down in Article 106 of the LMSAA, but the concerned person could qualify for protection on the grounds as laid down in Article 118 of the LMSAA, such cases shall be determined in a regular procedure due to their complexity.

Article 32

(Termination of the procedure)

(1) The procedure upon the application for international protection shall be terminated by way of a conclusion on the grounds as laid down in Article 112 of the LMSAA.

(2) In addition to cases stipulated in Article 112 of the LMSAA, the procedure shall also be terminated in case when the applicant for international protection does not stay on the last registered address and has not informed the competent body of change of his/her address in a way as laid down in Article 122 of the LMSAA and 44 of the present Bylaw.

Article 33**(Submission of new applications for international protection)**

(1) In accordance with Article 113 (1) of the LMSAA, the application for international protection shall be dismissed with a conclusion when previous application of the applicant for international protection in BiH was rejected, dismissed or when the procedure was terminated, while the applicant did not submit any new evidence that circumstances constituting the grounds for his/her previous application for international protection have meanwhile substantially changed.

(2) When during submission of a new application for international protection the applicant present some new facts, the authorized official of the Asylum Sector shall schedule a new interview in order to determine whether those new facts could affect the grounds of the application.

Article 34**(Delivery of the decisions)**

(1) The decision referred to in Article 29 of this Bylaw shall in principle be delivered to the applicant in person.

(2) Final and binding decisions mentioned in Article 29 (1) (a) and (b) of the present Bylaw shall be delivered to the Ministry of Human Rights and Refugees.

(3) Final and binding decisions mentioned in Article 29 (1) (a), (b) and (c) and final decisions mentioned in Article 29 (1) (d) and (e) shall be delivered to the Service for Foreigners' Affairs.

(4) After issuing the identification document to persons who have their refugee status or status of subsidiary protection recognized, their card of the applicant for international protection shall be confiscated and delivered to the Asylum Sector for archiving.

Article 35**(Legal remedy)**

(1) In accordance with Article 109 (7) of the LMSAA, a decision rejecting the application for international protection in a regular procedure may not be appealed but an administrative dispute may be initiated with a lawsuit submitted to the BiH Court within 60 days from the receipt date of the decision..

(2) In accordance with Article 109 (8) of the LMSAA, a decision rejecting the application for international protection in an urgent procedure may not be appealed but an administrative dispute may be initiated with a lawsuit submitted through the

Asylum Sector to the BiH Court during the period of 8 days from the receipt date of the decision. The BiH Court shall consider all such cases as urgent and shall decide upon them during the period of 30 days from the receipt date of the lawsuit.

(3) The lawsuit mentioned in paragraphs (1) and (2) above stays the execution of the decision.

(4) In accordance with Article 112 (2) and (3) of the LMSAA, the conclusion terminating the procedure for international protection may not be appealed but an administrative dispute may be initiated with a lawsuit submitted to the BiH Court during the period of 8 days from the delivery date of the conclusion.

(5) In accordance with Article 113 (2) and (3) of the LMSAA, the conclusion dismissing the application for international protection may not be appealed but an administrative dispute may be initiated with a lawsuit submitted to the BiH Court. The lawsuit is submitted through the Asylum Sector during the period of 8 days from the delivery date of the conclusion.

(6) The lawsuit mentioned in paragraphs (4) and (5) does not stay the execution of the conclusion.

Article 36

(Determination and allocation of a personal identification number for recognized refugees)

(1) When the decision mentioned in Article 116 (1) (a) of the LMSAA and in Article 29 (1) (a) of the present Bylaw becomes final and binding, the Asylum Sector shall submit the application to the BiH Ministry of Civil Affairs for determination and allocation of a personal identification number (hereinafter: JMB) to a foreign national/refugee.

(2) The format and the content of the application for determination and allocation of JMB to a foreign national/refugee have been laid down and make an integral part of the present Bylaw (Form no. 6).

(3) In accordance with the *Personal Identification Number Act* (BiH Official Gazette, number 32/01 and 63/08), the BiH Ministry of Civil Affairs shall determine JMB for the recognized refugee in BiH and accordingly notify the Asylum Sector and the recognized refugee.

V – Movement restrictions of an applicant for international protection**Article 37****(Movement restrictions on an applicant for international protection)**

- (1) The grounds for imposing temporary movement restriction on applicants for international protection are laid down in Article 114 (1) of the LMSAA.
- (2) Decisions to restrict the movement of applicants for international protection under Article 114 (1) (a) of the LMSAA shall be taken by the Asylum Sector on the basis of evidence delivered by the competent bodies showing that the applicant poses a threat to legal order, public order and peace or security of BiH.
- (3) Decisions to restrict the movement of applicants for international protection under Article 114 (1) (b) of the LMSAA shall be taken by the Asylum Sector on the basis of evidence delivered by a medical institution showing that the applicant poses a threat to public health in BiH.
- (4) The Asylum Sector shall determine the existence of the grounds for temporary movement restriction on applicants for international protection on the grounds as laid down in Article 114 (1) (c), (d) and (e) of the LMSAA.

Article 38**(Decision on temporary movement restriction)**

- (1) The measure of temporary movement restriction on the applicant for international protection is determined by way of a decision by the Asylum Sector in accordance with Article 114 (3) of the LMSAA. The decision shall specify the grounds for movement restriction, the modality of movement restriction, duration of movement restriction as well as legal remedy.
- (2) The decision on temporary movement restriction, issued in accordance with Article 114 (3) of the LMSAA, may be appealed by the applicant for international protection, with a lawsuit initiating an administrative dispute before the BiH Court. The lawsuit is submitted within 8 days from the delivery date of the decision.
- (3) The lawsuit does not stay the execution of the decision.

Article 39**(Modality of movement restriction)**

- (1) The applicant for international protection may have his/her movement temporarily restricted to a certain area and place as laid down in Article 114 (2) of the LMSAA.

- (2) The Asylum Sector may temporarily restrict the movement of the applicant for international protection exclusively to the area of the immigration center if the measure of movement restriction is based on the grounds laid down in Article 114 (1) (a) of the LMSAA.
- (3) If the measure of temporary movement restriction on the applicant for international protection is based on the grounds laid down in Article 114 (1) (b), (c), (d) and (e) of the LMSAA, the Asylum Sector shall issue the decision relating to restriction area and place, taking into account the individual circumstances of each case.
- (4) The measure of temporary movement restriction on the applicant for international protection to a certain area or place is applied to the territory covered by the competent SFA OU where the applicant for international protection has his/her residence registered. In case of geographical movement restriction, the applicant for international protection must report to the SFA OU in a manner as determined by the Asylum Sector, during the duration of the imposed measure.
- (5) The SFA shall without any delay notify the Asylum Sector of all possible changes relating to the applicant for international protection who has his/her movement temporarily restricted with a decision.
- (6) Unaccompanied children or separated children must not be accommodated in the immigration center under any circumstance.

IV – Rights and obligations of applicants for international protection

Article 40

(Rights of applicants for international protection)

- (1) Applicants for international protection are entitled to:
- (a) Stay in BiH pending a final and binding or final decision upon their application for international protection;
 - (b) Primary health care;
 - (c) Accommodation in a center for applicants for international protection in accordance with available capacities;
 - (d) Primary education;
 - (e) Legal aid provided free of charge with regard to issues relating to the procedure;
 - (f) Interpretation/translation services;
 - (g) Social welfare in terms of ensuring the right to a temporary guardian in accordance with this Bylaw;

(2) Family unity shall be taken into account when accommodating the applicant for international protection in a reception center.

(3) In addition to the rights mentioned in paragraph (1) above, individuals accommodated in the reception center for applicants for international protection are also entitled to food and hygiene items.

(4) Applicants for international protection exercise the mentioned rights by means of their card of the applicant for international protection. Any costs thus incurred shall be covered by the Asylum Sector from the funds provided for this purpose in the budget of BiH institutions or through special arrangements.

Article 41

(Obligations of applicants for international protection)

The obligations of applicants for international protection are as follows:

- (a) To respect the legal order, laws and other regulations in BiH and to comply with decisions issued by competent authorities in BiH;
- (b) To actively co-operate with the competent authorities throughout the procedure upon the application for international protection;
- (c) To submit the application for the extension of their card of the applicant for international protection in accordance with Article 107 (6) of the LMSAA and Article 25 (2) of the present Bylaw;
- (d) To report the loss of the card in a manner as laid down in Article 26 of the present Bylaw;
- (e) To register their residence and change of address to the SFA OU in accordance with Article 122 of the LMSAA; and
- (f) To respect the house rules in the asylum center.

Article 42

(Rights of persons under international protection)

(1) Rights and obligations of persons granted a refugee status or the status of subsidiary protection in accordance with Article 105 (1) and (2) of the LMSAA shall be regulate thoroughly by way of a special bylaw to be issued by the Ministry of Human Rights and Refugees on the basis of Article 137 (3) of the LMSAA in co-operation with the Ministry of Security, Ministry of Civil Affairs and UNHCR.

(2) In accordance with Article 121 (4) of the LMSAA, the Seat Office of the Ministry shall issue a travel document to recognized refugees valid for two years.

Article 43
(Mass influx and temporary protection)

In cases of mass influx or imminent mass influx of aliens in need of international protection in BiH, the actions shall be taken in accordance with Articles 126 through 136 of the LMSAA.

Article 44
(Registration of residence and change of address)

(1) Applicants for international protection shall register their residence and change of address to the competent SFA OU or police in a manner as laid down in Article 122 of the LMSAA.

(2) The SFA OU shall notify the Asylum Sector of any change of residence and change of address of the applicant for international protection by forwarding the copies of the residence registration cards.

VI – Cessation and cancellation of international protection

Article 45
(Cessation of international protection)

(1) International protection granted in BiH shall cease on the conditions contained in Article 123 of the LMSAA.

(2) When applying Article 123 (1) (e), (f) and (h) of the LMSAA, the Asylum Sector shall obtain *ex officio* evidence based on which it shall determine whether circumstances in connexion with which the status of international protection was recognized in BiH have ceased or changed to the extent that protection is no longer needed.

(3) Upon cessation of international protection, aliens shall be allowed to exercise their right to residence in BiH in accordance with the LMSAA.

Article 46
(Cancellation of the status of international protection)

(1) The Asylum Sector shall cancel a recognized refugee status when conditions are met which are laid down in Article 124 (1) of the LMSAA. The decision on cancellation of a refugee status shall not affect the rights stipulated in Articles 91 and 118 of the LMSAA and Article 32 of the *1951 Convention relating to the Status of Refugees*.

(2) The Asylum Sector shall cancel the status of subsidiary protection in accordance with Article 124 (3) of the LMSAA if it finds that there exist some of the grounds for exclusion of application of international protection mentioned in Article 106 of the LMSAA as well as if misrepresentation or omission of facts, including the use of false documents, were a determining factor for granting the status of subsidiary protection.

Article 47

(Procedure in case of cessation and/or cancellation of the status of international protection)

(1) In accordance with Article 125 of the LMSAA, decision on cessation or cancellation of international protection shall be issued by the Asylum Sector *ex officio*.

(2) The concerned individual must be given an opportunity to present, through hearing or in writing, the reasons why his/her international protection should cease or be cancelled.

(3) Decision mentioned in paragraph (1) above may not be appealed but an administrative dispute may be initiated with a lawsuit submitted to the BiH Court through the Asylum Sector within 15 days from the delivery date of the decision. The Court shall take those cases as a priority and decide upon the lawsuit during 45 days from the receipt date of the lawsuit.

(4) The lawsuit stays the execution of the decision.

(5) The Asylum Sector shall deliver one copy of a final and binding decision on cessation or cancellation of the status of international protection to the Service for Foreigners' Affairs and the BiH Ministry of Human Rights and Refugees.

VIII – Record-keeping in the procedure upon the application for international protection

Article 48

(Record-keeping)

(1) In accordance with Article 144 (1) of the LMSAA, the Asylum Sector shall keep official records on:

- (a) Applicants for international protection in BiH;
- (b) Recognized refugees;
- (c) Aliens under subsidiary protection;
- (d) Aliens granted with temporary protection;

- (e) Aliens whose status of international protection has ceased;
- (f) Aliens whose status of international protection has been cancelled;
- (g) Aliens whose application for international protection has been rejected or whose status of international protection has been cancelled but who cannot be expelled from BiH on the grounds of the principle of *non-refoulement*;

(2) In addition to records mentioned in paragraph 1 above, the Asylum Sector may also keep other records for the sake of efficiency and processing.

IX – Transitional and final provisions

Article 49 (Interpretation of regulations)

The Ministry is competent for the interpretation of the provisions of the present Bylaw.

Article 50 (Entry into force)

This Bylaw shall enter into force on the eighth (8) day from the date of its publication in the BiH Official Gazette.

Number 08-02-2-804/09
23 April 2009
Sarajevo

Minister
Tarik Sadović (signature)