

Official Gazette BH no. 23/99 of 23 December 1999

Based on Article IV.4. a. of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives held on 24 November 1999 and the session of the House of Peoples held on 3 December 1999, adopted

Law on Immigration and Asylum Bosnia and Herzegovina

Chapter I. General Provisions

Article 1

This Law shall regulate the conditions and procedure for the entry and stay of aliens in the territory of Bosnia and Herzegovina, reasons for refusal of entry and for expulsion of aliens, as well as the procedure for submission of requests for asylum, approval of asylum and cessation of asylum in Bosnia and Herzegovina.

For the purpose of this Law, all individuals who are not citizens of Bosnia and Herzegovina in accordance with Article I.7 of the Constitution of Bosnia and Herzegovina and in accordance with the Law on Citizenship of Bosnia and Herzegovina are considered as aliens.

Article 2

Aliens have to comply with the provisions of the present law with regard to their entry and stay on the territory of Bosnia and Herzegovina, subject to any international agreements to which Bosnia and Herzegovina is a Party, in particular the 1951 Convention relating to the Status of Refugees, and any special regulations issued in accordance with the present law and the provisions of the Constitution of Bosnia and Herzegovina in general and Article II, Article III.1.f, Article III.2.c and III.3.a-b as well as Article V.4.a in particular.

Aliens must respect the constitutional order and the laws of Bosnia and Herzegovina and its Entities, as well as the regulations necessary in a democratic society, in the interests of national security or public safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 3

Aliens who stay in Bosnia and Herzegovina, under the conditions provided for by the present law, enjoy the right to move freely within the country and to choose freely their place of residence.

Article 4

Aliens must, within any prescribed time, present to the competent authorities the documents, information and certificates required for the implementation of the procedures of authorisation, as defined by the present law.

At all stages of the procedure aliens shall be informed of the rights and obligations that ensue from the present law, as well as of any right of appeal, any possible claims for damages and all formalities necessary in order to have their rights recognised.

Article 5

During their stay on the territory of Bosnia and Herzegovina, aliens must be able to present to the competent

authorities the documents according to which they have been authorised to enter or stay.

Article 6

Chapters II to V, with the exception of Articles 33, 34, 37, 38 and 42 are not applicable to asylum applicants nor to persons to whom asylum has been granted, unless provided otherwise. Nor is Article 56 applicable to asylum applicants and to persons to whom asylum has been granted.

Chapter II. Entry

Article 7

Subject to any international agreement to which Bosnia and Herzegovina is a Party or any regulations issued by the Council of Ministers of Bosnia and Herzegovina that provide otherwise, aliens who enter the territory of Bosnia and Herzegovina must be in possession of a valid passport delivered by a state authority and a valid visa.

In compliance with the present law, any pass, identity card or travel document that authorises an alien to enter the territory of Bosnia and Herzegovina, issued pursuant to an international agreement to which Bosnia and Herzegovina is a Party, in particular Article 28 of the 1951 Convention relating to the Status of Refugees, or a decision by the Council of Ministers of Bosnia and Herzegovina, is also regarded as a passport.

Article 8

To enter Bosnia and Herzegovina, aliens may only cross the border at the border posts open to international traffic or at those meant for circulation between two States, unless agreements between Bosnia and Herzegovina and neighbouring States provide otherwise.

Article 9

Aliens, who in conformity with Article 7 first paragraph have the benefit of an exemption from visa to enter the territory of Bosnia and Herzegovina, have the right to stay in the country for a period of three months unless otherwise determined. These aliens have to present the certificates and documents mentioned hereafter, unless provided otherwise.

Article 10

In order to enter Bosnia and Herzegovina, aliens must be in possession of documents related to the purpose and the conditions of their stay and be able to show evidence of the existence of means of subsistence, as well as guarantees of repatriation.

Evidence of the existence of means of subsistence can be brought through: cash, a letter of invitation, board and lodgings reserved and paid for through travel agencies, or other reliable means.

Letters of invitation may be issued by citizens of Bosnia and Herzegovina and aliens authorised to stay for more than one year. The inviting party undertakes to provide lodging, costs of medical treatment, and to ensure support to the applicant during his/her stay in Bosnia and Herzegovina.

The existence of a repatriation guarantee can be proved by the presentation of a title of transport valid for the return or the continuation of the journey as well as by the possession by the alien of an appropriate means of transport. Whenever necessary, the possession of various visas which authorise the alien to continue his/her journey on the territory of other States may be required.

When the applicant wishes to enter Bosnia and Herzegovina for the purpose of work or other taxable activity returning profits, entry may only take place when he/she has a work permit or equivalent. Visa applications submitted together with such a permit are considered to satisfy the conditions laid down in the present Article as

regards the existence of means of subsistence.

The Council of Ministers of Bosnia and Herzegovina may decide on exceptions from the requirements set out above.

Chapter III. Visa and Passports

Article 11

A visa is a permit authorising entry to and stay on the territory of Bosnia and Herzegovina for a limited period of time.

Visas for single or double entry shall be valid for not more than three months, while visas permitting multiple entry shall be valid for not more than one year.

The visa shall authorise stay for the period defined therein, but for not more than 90 days. In case of a visa permitting multiple entry, each period of stay on the territory of Bosnia and Herzegovina shall not be longer than 90 days.

The period of stay defined in a single entry visa may, within the period of validity of the visa, be extended in accordance with the rules regarding the issue of the visa, for no more than 90 days following the date of entry.

Article 12

The Ministry of Civil Affairs and Communication of Bosnia and Herzegovina shall, by way of regulations, specify the common requirements for the implementation of Article 10, define a common form and determine a uniform fee for the delivery of the visa.

Visas shall be applied for in advance and delivered by diplomatic or consular representations of Bosnia and Herzegovina abroad, under the authority of the Ministry of Foreign Affairs of Bosnia and Herzegovina.

If, for due reasons, an application for visa is made at the border, it shall be considered by the service competent at the border and decided upon in accordance with regulations issued by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 13

The Council of Ministers of Bosnia and Herzegovina is the only body competent to establish a list of countries of which the citizens do not require a visa to enter Bosnia and Herzegovina. It is also the only body competent to exempt refugees recognised by another State from the visa requirement.

Article 14

In accordance with regulations issued by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina, a travel document valid for one single trip abroad may be issued to an alien authorised to reside in the territory of Bosnia and Herzegovina whose passport or national travel document has been lost or destroyed and cannot be replaced, to allow his/her return to the State of his/her habitual residence.

Chapter IV. Residence Permits

Article 15

In the sense of the present law:

- (a) short stay is a stay on the territory of Bosnia and Herzegovina for three months unless otherwise specified by the visa;

- (b) temporary residence is a stay on the territory of Bosnia and Herzegovina for a period of not over one year, unless otherwise specified by the residence permit;
- (c) permanent residence is a stay on the territory of Bosnia and Herzegovina for an unlimited period, unless otherwise specified by law or international agreements.

Article 16

If an alien wants to stay longer than the duration of the short stay, he/she must apply for a temporary residence permit.

Article 17

A temporary residence permit may be issued for justified reasons such as marriage with a citizen of Bosnia and Herzegovina or education, employment or business as specified in the work permit granted, or medical treatment.

A temporary residence permit may be issued with a validity of one year, or for the time of validity of the alien's passport, if that passport is valid for less than one year.

A temporary residence permit may be extended.

Article 18

A permanent residence permit shall be issued to an alien who has been living on the territory of Bosnia and Herzegovina for a minimum of five years, on the basis of temporary residence permits.

A permanent residence permit shall be issued to an alien before the five year period mentioned in paragraph 1 above, when the permit is applied for by a family member, as defined in Article 19, of a citizen of Bosnia and Herzegovina. However, the issue of the permanent residence permit to an alien who is the spouse of a citizen of Bosnia and Herzegovina shall be subjected to a waiting period of one year following the date of marriage.

Article 19

Notwithstanding the above provisions, family members of an alien who holds a permanent or temporary residence permit shall be granted residence for the same period as the alien.

Family members are defined for the purpose of this provision as:

- (a) spouse;
- (b) children under 18 years of age or supported in the joint household;
- (c) parents and grandparents supported in the joint household.

Article 20

A temporary residence permit may be refused to an alien if:

- (a) he/she has entered the territory of Bosnia and Herzegovina without respecting the conditions of entry as laid down in the present law.
- (b) he/she has no sufficient means of subsistence, except in the case of family members who are financially dependent.
- (c) he/she has not been granted the necessary work permit or permit to exercise, as self-employed, an

economic activity.

Neither a temporary nor a permanent residence permit shall be granted to an alien who:

- (a) is registered as an international offender by the department for the relations with Interpol within the Ministry of Civil Affairs and Communications of Bosnia and Herzegovina;
- (b) constitutes a threat to the public order of Bosnia and Herzegovina

Article 21

The Ministry of Civil Affairs and Communication of Bosnia and Herzegovina may, by way of regulations, further specify rules for the implementation of Articles 17, 18 and 19.

An application for a residence permit shall be submitted to the competent authority of the Entity.

An application must be submitted before entry or, where applicable, before the date of expiry of the lawful period of stay and be accompanied by evidence justifying the request.

The competent authority of the Entity shall decide upon the application without unnecessary delay and within a maximum period of thirty days. It shall issue to the applicant and simultaneously copy to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina an attestation of the request, which shall be considered as a residence permit until the application is finally decided upon.

Copies of all decisions on residence permits, accompanied by copies of all documentation relevant to the decisions, shall be sent within seven days by the competent authority of the Entity to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 22

Decisions of refusal of residence permits shall be reasoned and issued through a written order, specifying that an appeal may be lodged with the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

The applicant whose application has been denied has a period of fifteen days from receiving the notification of the decision, to lodge an appeal; he/she cannot be expelled from the territory of Bosnia and Herzegovina before the expiry of that period.

An applicant having lodged an appeal shall not be expelled from the territory of Bosnia and Herzegovina until a final decision has been taken by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

The final decision of the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina shall be reasoned on legal grounds and issued through a written order.

Article 23

Where serious grounds exist for believing that the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina would have decided differently than the competent Entity authority, the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina may, within a period of [one month] after the receipt under Article 21 (5) of a decision granting a residence permit, review the decision and issue a final decision either confirming or revoking it. The competent authority of the Entity which made the decision, as well as the applicant whose residence permit is under review, are entitled to be heard during this proceeding and must cooperate with requests for relevant information.

The final decision of the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina shall be reasoned on legal grounds and issued through a written order.

Article 24

Evidence of the residence permit, as well as its length of validity, shall be mentioned in the alien's passport. Aliens who have been granted a permanent residence permit shall be provided with identity cards certifying their right to stay in Bosnia and Herzegovina, delivered by the municipal authority of their place of residence.

Article 25

Aliens who have been granted a residence permit, whether temporary or permanent, in Bosnia and Herzegovina on their foreign passports, are exempted from the requirement of a visa to enter Bosnia and Herzegovina.

Article 26

The Council of Ministers of Bosnia and Herzegovina shall issue regulations concerning the duty of reporting the residence of aliens in Bosnia and Herzegovina.

Chapter V. Refusal of Entry and Expulsion**Article 27**

An alien may be refused entry

- (a) if he/she lacks the passport required for entry in Bosnia and Herzegovina;
- (b) if he/she lacks a visa, residence permit or other permit required for entry, residence and work in Bosnia and Herzegovina;
- (c) if, on entry, he/she either avoids supplying the service competent at the border with requested particulars or deliberately supplies false particulars which have a bearing on his/her right of entry to Bosnia and Herzegovina or deliberately suppresses any such circumstance;
- (d) if it may be assumed that he/she will lack means necessary for his/her stay in Bosnia and Herzegovina except in the case where he/she has been granted a visa or a residence permit;
- (e) if it may be assumed that he/she will be carrying on activities requiring a work permit without possessing such a permit;

An alien shall be refused entry if his/her presence in the country would constitute a threat to public order and security.

Article 28

Decisions on refusal of entry are taken at the border entry point, or within Bosnia and Herzegovina in relation to aliens who have entered illegally or who illegally remain on the territory of Bosnia and Herzegovina after the expiry of their visa or the period referred to in Article 9. Refusal of entry shall be ordered at the border entry point, or within Bosnia and Herzegovina in relation to aliens who illegally remain on the territory of Bosnia and Herzegovina after the revocation of their visa according to Articles 30 and 32.

Article 29

An alien may be expelled from Bosnia and Herzegovina

- (a) if he/she remains on the territory of Bosnia and Herzegovina after his/her residence permit has expired or has been revoked according to Articles 30 to 32.

- (b) if he/she is convicted by a court in Bosnia and Herzegovina of a criminal offence and sentenced to more than four years imprisonment.

Article 30

Visas and residence permits may be revoked

- (a) if the alien has deliberately furnished false particulars or has deliberately concealed circumstances of importance in the award of the permit;
- (b) if he/she is conducting activities for which a work permit is required without having such a permit;
- (c) if his/her presence constitutes a threat to public order and security

The first and second sub-paragraphs do not apply if the alien has resided in Bosnia and Herzegovina for more than four years with a residence permit, and is able to show exceptional grounds for such exemption.

Article 31

A permanent residence permit shall be revoked if it has been determined that the alien has ceased to be domiciled in Bosnia and Herzegovina.

Article 32

Revocation of visas and residence permits is decided by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 33

Refusal of entry and expulsion shall be ordered in a formal, motivated, written decision. All decisions on refusal of entry taken by the competent authority of the Entity under Article 35, accompanied by copies of all documentation relevant to the decisions, shall be sent within seven days by the competent authority of the Entity to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Expulsion shall be ordered for a definite period of at least one and not more than ten years

Article 34

Aliens shall not be returned or expelled in any manner whatsoever to the frontier 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, whether or not they have formally been granted asylum. The prohibition of return or expulsion also applies to persons in respect of whom there are grounds for believing that they would be in danger of being subjected to torture or other inhuman or degrading treatment or punishment. Nor may aliens be sent to a country where they are not protected from being sent to such a territory.

Article 35

Decisions on refusal of entry at the border are taken by the service competent at the border. Refusal of entry shall be ordered at the border by the service competent at the border when necessary to implement decisions taken under Articles 30 and 32 of this Law.

Decision on refusal of entry taken on the territory of Bosnia and Herzegovina are taken by the competent authority of the Entity. Refusal of entry shall be ordered by the competent authority of the Entity in relation to aliens who illegally remain on the territory of Bosnia and Herzegovina after the revocation of their visa according to Articles 30 and 32.

However, when an alien raises reasons relating to Article 34 or Article 46 against his/her return, the service competent at the border or the competent authority of the Entity shall, in accordance with Article 49 paragraph two and Article 50, refer the matter for decision to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 36

Decisions of expulsion are taken by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 37

An alien may appeal to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina against a refusal of entry order by the service competent at the border. Such an appeal does not stay the execution unless so ordered by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 38

An alien may appeal to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina against a refusal of entry order taken on the territory of Bosnia and Herzegovina by the competent authority of the Entity.

An alien may appeal to the appeals panel as defined in Article 53 against an expulsion order by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

The execution is stayed pending an appeal according to this Article.

Article 39

Appeals under Articles 37 and 38 may be lodged within fifteen days from the notification of the decision to the person concerned.

Article 40

A refusal of entry order shall be enforced by the competent police or service in accordance with this and other laws regulating this matter.

Article 41

An alien against whom a decision on expulsion has been made shall leave the country within one month of the notification of the final decision, failing provisions to the contrary in the order. Otherwise, the expulsion order shall be enforced by the competent police or service in accordance with this and other law regulating this matter.

Article 42

A decision on refusal of entry or of expulsion may not be enforced before a prison sentence passed on the alien has been served. If public prosecution has been instituted against the alien, the decision may not be enforced before the case has been finally adjudicated.

Article 43

A refusal of entry order or an expulsion order may not be enforced in contravention of the provisions of Article 34.

Article 44

If enforcement is not subject to any impediments under Article 34, an alien refused entry or expelled shall

normally be sent to his/her country of origin or to the country from which he/she came to Bosnia and Herzegovina.

Article 45

If an alien is refused entry or expelled, he/she is liable to pay the cost of his/her own journey to the place to which he/she is sent.

Chapter VI. Asylum

Article 46

Pursuant to the present law, asylum shall be granted to :

- (a) an alien who, in accordance with the refugee definition contained in Article 1 § A (2) of the 1951 Convention relating to the Status of Refugees and Article I of the 1967 Protocol, 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/her nationality and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country; or who, not having a nationality and being outside the country of his/her former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it;
- (b) an alien who, while not meeting the requirements mentioned in paragraph (a) above, nevertheless cannot be returned to his/her country of origin where his/her life or freedom would be in danger or where he/she would risk torture or inhumane or other degrading treatment.

Article 47

The provisions above shall not apply to any person with respect to whom there are serious reasons for believing that :

- (a) he/she has committed a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes,
- (b) he/she has committed a serious non political crime outside the country of refuge prior to his/her admission to that country,
- (c) he/she has been guilty of acts contrary to the purposes and principles of the United Nations.

Asylum may be denied to a person who has been recognised as a refugee by another country or found effective protection elsewhere and would be able to return to that country and re-avail him/herself of such protection.

Article 48

Asylum granted in Bosnia and Herzegovina may cease for a person :

- (a) who has voluntarily re-availed him/herself of the protection of the State of his/her citizenship;
- (b) who, having lost his/her citizenship has voluntarily re-acquired it;
- (c) who has acquired a new citizenship and enjoys the protection of the country of this new citizenship;
- (d) who has voluntarily re-established him/herself in the State which he/she left or outside which he/she remained owing to fear of persecution
- (e) who can no longer, because the circumstances in connection with which he/she has been recognised as a

refugee have ceased to exist, continue to refuse to avail him/herself of the protection of the State of his/her citizenship; or being stateless cannot refuse to avail him/herself of the protection of the State of former habitual residence, unless he/she is able to invoke compelling reasons arising out of previous persecution for refusing to avail him/herself of the protection of the country of citizenship or former habitual residence;

- (f) who has obtained the citizenship of Bosnia and Herzegovina

Decisions on the cessation of asylum are taken by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina. The alien may appeal against the decision to the appeals panel as defined in Article 53, within 15 days upon notification of the decision on cessation. The alien may neither be expelled from the territory of Bosnia and Herzegovina before the expiry of that period, nor pending the appeal.

Article 49

Asylum requests shall be examined by a unit fully qualified in the field of asylum and refugee matters set up in the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina. Decisions will be taken independently in the sense that all asylum requests will be examined and decided upon individually, objectively and impartially.

When examining an asylum request the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina shall, of its own initiative, take into consideration and seek to establish all the relevant facts and to give the applicant the opportunity to present a substantial description of the circumstances of the case and to prove them. For his/her part the applicant must present all the facts and circumstances known to him/her and give access to all the available evidence. Recognition of refugee status is not dependent on the production of any particular formal evidence.

The authorities to which the request is first presented shall without delay forward the case for examination to the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina according to the rules set out by the latter.

No penalty shall be imposed to asylum applicants coming directly from a territory where their life or freedom was threatened on account of their illegal entry or presence.

Article 50

An asylum applicant shall be given an effective opportunity to lodge his/her asylum request as early as possible.

The applicant is permitted to remain in the territory of Bosnia and Herzegovina until a final decision on his/her request has been taken. To this effect he/she will be issued an attestation of the request, which shall be considered as a residence permit, and an identity document showing him/her as an asylum applicant. The Ministry of Civil Affairs and Communication of Bosnia and Herzegovina, in consultation with UNHCR, shall make provision for adequate conditions of reception of asylum applicants, notably in the area of accommodation, food, access to health care and education.

Asylum applicants shall be informed about the procedure to be followed and of their rights and obligations during the procedure in a language they can understand. In particular they shall be given the services of an interpreter whenever necessary for submitting their case to the authorities concerned and they may call in a legal adviser or other counsellor to assist them during the procedure.

Before a final decision is taken on the asylum request, the applicant shall be given the opportunity of a personal interview with a qualified official of the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina.

Article 51

The decision on the asylum request shall be issued by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina without unnecessary delay and shall be in writing. Any decision rejecting an asylum application

shall state the reasons for rejection and shall be communicated without delay to the applicant either personally or by registered mail or through his/her lawyer, if he/she was assisted. The decision should clearly indicate the right to appeal and the time limits as well as the appeal procedure.

Article 52

Upon notification of a negative decision on his/her asylum application, the applicant may appeal against the decision within fifteen days to the appeals panel as defined in Article 53. He/she shall not be expelled from the territory of Bosnia and Herzegovina before the expiry of that period and pending the appeal.

The appeal must be submitted in writing. The applicant's file must be forwarded for consideration to the appeals panel, which shall decide on the merits of the appeal without unnecessary delay.

Article 53

For the purpose of this Law, the Council of Ministers shall establish an appeals panel.

Members of the appeals panel shall be appointed by the Council of Ministers for fixed renewable terms. The Members shall have a degree in law and be selected upon the basis of their professional experience and their demonstrated ability to exercise their function within the appeals panel. Members of the appeals panel shall be independent and impartial and shall not be elected officials or hold any political mandate.

At the initiative of the Council of Ministers, removal of a member of the appeals panel before the end of his/her term will be limited to exceptional circumstances and done by consensus of the other members of the appeals panel.

The Council of Ministers shall submit every year to the Parliament the operating budget of the appeals pane for approval.

Decisions of the appeals panel shall be:

- (a) final, subject to any judicial review which may be provided by the laws of Bosnia and Herzegovina;
- (b) reasoned on legal grounds;
- (c) notified to the appellant within 7 days;

The appeals panel shall:

- (a) hear the applicant;
- (b) call witnesses and experts when deemed necessary;
- (c) ask and obtain from the authorities concerned all relevant information;

Article 54

Persons having been granted asylum shall be entitled to the rights defined in Articles 3 to 34 of the 1951 Convention relating to the Status of Refugees. This shall not prejudice the provisions of domestic law or of any other international instruments which are already in force, or may come into force, under which more favourable treatment would be accorded to persons having been granted asylum.

Persons having been granted asylum will have the right to remain permanently on the territory of Bosnia and Herzegovina and will be issued to that end a residence permit which will remain valid as long as they are beneficiaries of asylum. Refugee status shall in principle be extended to the spouse and minor children as well as

other dependants, if they are living in the same household. Entry visas shall be provided to such dependants of persons to whom asylum has been granted. Persons to whom asylum has been granted will be authorised to work and will be granted access to education, medical care and social welfare on the same conditions as citizens of Bosnia and Herzegovina.

Article 55

Persons having been granted asylum shall be issued identity papers and a travel document for the purpose of travelling abroad. This document must show the identity of the alien who requests it. It must state that the holder is authorised to return to the territory of Bosnia and Herzegovina at the termination of the travel. This document must be valid for a period of not less than two years, it must be renewable and fulfil the conditions stated in Article 28 of the 1951 Convention relating to the Status of Refugees.

Article 56

In cases of mass influx, or imminent mass influx, of aliens in need of international protection, the Council of Ministers of Bosnia and Herzegovina, in consultation with UNHCR, may decide on special provisions for their protection.

Article 57

Asylum applicants shall be given the opportunity, at all stages of the procedure, to communicate with UNHCR or with other refugee organisations which may be working on behalf of UNHCR, and vice versa. The representative of UNHCR shall be given the opportunity to be informed of the course of the procedure, to learn about the decisions of the competent authorities and to submit his/her observations.

The competent authorities shall cooperate with UNHCR in the implementation of the present Law, including the elaboration of implementing legislation and decrees, insofar as they affect persons in need of international protection.

Chapter VII. Special Provisions

Article 58

The provisions of the present law are not applicable to diplomatic and consular agents or other persons covered by specific agreements on privileges and immunities to which Bosnia and Herzegovina is a Party.

Article 59

Official records shall be kept as provided in this Article on aliens with permanent or temporary residence permits, travel documents and visas of aliens, enforcement measures with regard to aliens, reported missing passports or other documents, issued identity cards, registration of residence, cancellation of registration of residence and change of address, aliens to whom asylum is granted and asylum applicants as well as on aliens who are forcibly removed from the territory of Bosnia and Herzegovina. All written decisions taken by any authority competent or required to do so under this Law, together with copies of all documentation relevant to the decisions, must also be kept as official records.

All records and data described in the first paragraph of this Article shall be kept by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina. The competent Entity authorities shall have access to such records and data where such access is demonstrably necessary for the fulfilment of their specific responsibilities under this Law.

All treatment of data under this Law shall be in accord with all data protection principles applicable in Bosnia and Herzegovina.

The Ministry of Civil Affairs and Communication of Bosnia and Herzegovina shall, by way of regulations, further

specify rules for the keeping of the records and data described in the first paragraph of this Article.”

Chapter VIII. Transitional Measures

Article 60

Aliens who have been residing on the territory of Bosnia and Herzegovina for at least three years before the entry into force of the present law shall be granted a permanent residence permit as defined in Article 18.

Article 61

All persons who have already acquired refugee status or who have been granted temporary admission within the territory of Bosnia and Herzegovina before the entry into force of this Law shall have this status recognized in the sense of this Law. The Ministry for Civil Affairs and Communication of Bosnia and Herzegovina may issue by-laws concerning this matter.

Article 62

All laws, and by-laws passed pursuant to them, as well as provisions of law, which regulate immigration and asylum matters, shall cease to apply after entry into force of this Law, except the Instruction on the Temporary Admission to Bosnia and Herzegovina of Refugees from the Federal Republic of Yugoslavia (FRY) (Official Gazette BH no. 7/99).

Article 63

No provision of this Law shall prevent the exercise and protection of the rights of any person subject to it before any competent body under the Constitution and laws of Bosnia and Herzegovina.

The review of final administrative decisions by the Ministry of Civil Affairs and Communication of Bosnia and Herzegovina shall be done by the appeals panel as defined in Article 53 of this Law until such time as superseded by the adoption of laws regulating the same subject-matter.

Article 64

This law shall enter into force eight days from the day of its publication in the “Official Gazette BiH” and shall be also published in the official gazettes of the Entities.

PS BH number 36/99
3 December 1999
Sarajevo

Chair of the House of Representatives
of the Parliamentary Assembly
of Bosnia and Herzegovina

Izet Zigic

Chair of the House of Peoples
of the Parliamentary Assembly
of Bosnia and Herzegovina

Mirko Banjac