

UNOFFICIAL TRANSLATION

OFFICIAL GAZETTE SARAJEVO CANTON NO. 15/2001 OF 19 JUNE 2001

Based on Article 13. Paragraph 1 item e) and Article 18. Paragraph 1 item b) of the Constitution of the Sarajevo Canton ("Official Gazette of the Sarajevo Canton", no. 1/96, 2/96, 3/96,, 16/97, 14/00 and 4/01) the Assembly of the Sarajevo Canton, at its session of 14 June 2001, *has passed* the

LAW ON DISPLACED-EXPELLED PERSONS AND REFUGEES-REPATRIATES IN THE SARAJEVO CANTON

I GENERAL PROVISIONS

Article 1

This Law shall regulate:

- the procedure for the exercise and recognition of the rights and obligations of displaced-expelled persons and refugees-repatriates in the territory of the Sarajevo Canton (hereinafter referred to as: Canton),
- the submission of the request for the acquisition of the status,
- the competent authority for issuing decisions on recognition and cessation of the status and rights,
- the rights and obligations of displaced-expelled persons and refugees-repatriates,
- issuing of DP cards,
- the procedure for keeping basic records,
- the provision of resources for the return and exercise of other rights,
- monitoring of the implementation of the laws,
- other issues with regard to the rights and obligations of these persons in accordance with the BiH Constitution, the BiH Federation Constitution and the Constitution of the Canton, Federation and Cantonal laws and regulations.

Article 2

The issues which are not regulated by this Law shall be regulated by the Law on Displaced-Expelled Persons and Refugees-Repatriates in the BiH Federation ("Official Gazette of the Federation of Bosnia and Herzegovina", no 19/2000), (hereinafter referred to as the Federation Law) and the Law on Refugees from BiH and Displaced Persons in BiH ("Official Gazette of BiH", no 23/99) (hereinafter referred to as: the BiH Law).

Article 3

The status of persons referred to in Articles 4., 5. and 6 of the Federation Law shall be acquired and shall cease based on the BiH Law and the Federation Law, in accordance with the procedure prescribed by this Law.

II – PROCEDURE FOR SUBMISSION OF REQUESTS FOR RECOGNITION OF THE STATUS

Article 4

The recognition and cessation of the status of persons referred to in Articles 4., 5. and 6 of the Federation Law, as well as the recognition and cessation of their rights and obligations shall be decided by the department competent for the affairs of displaced persons and refugees of temporary residence (*boraviste*) municipality (hereinafter referred to as: competent department of the municipality.)

The request for recognition of the status of a person referred to in paragraph 1. of this Law, shall be submitted to the competent department of the municipality.

The applicant is responsible for the accuracy of data outlined in the attached corresponding documentation necessary for decision-making procedure.

Where the applicant neither holds the corresponding documentation necessary for the establishment of a certain fact nor is able to provide it, for justified reasons, the competent department of the municipality shall provide this documentation *ex officio* on the basis of the statement given by the applicant.

Article 5.

The parent-legal guardian or custodial body shall submit the request for recognition of the status of a person younger than 15 years of age.

The competent department of the municipality shall recognise any document confirming the identity of the applicant, including identification documents issued on the basis of prior regulations.

The Ministry for Work, Social Affairs, Displaced Persons and Refugees of the Canton (hereinafter referred to as: the Cantonal Ministry) shall prescribe the content and layout of the form of the request

III – DECISION-MAKING UPON REQUEST FOR ACQUISITION OF THE STATUS

Article 6

The competent department of the municipality, upon completing the request for recognition of the status, receiving and completing the status data, in accordance with the Instruction on the Form of the DP Card of a Displaced-Expelled Person ("Official Gazette of the BiH Federation", no. 28/00 and 42/00) and the Instruction on Keeping the Central and Basic Records on Displaced-Expelled Persons and Refugees-Repatriates for the territory of the Federation of Bosnia and Herzegovina ("Official Gazette of the BiH Federation", no 29/00), shall enter data into the basic evidence, complete the case and make a decision upon this request at the first instance.

The competent department of the municipality shall make a decision upon the request within the 30 days deadline as of the day of receiving a request.

The procedure of the recognition and cessation of the status as well as of the rights and obligations of persons referred to in Articles 4., 5. And 6. of the Federation Law shall be conducted in accordance with provisions of the Law on Administrative Procedure.

Article 7

A decision on recognition and a decision on cessation of the status of persons referred to in Articles 4., 5. and 6 of the Federation Law contains all data envisaged by the Instruction on Keeping Central and Basic Records on Displaced –Expelled Persons and Refugees-Repatriates for the territory of the Federation of Bosnia and Herzegovina.

The status and rights of persons referred to in Articles 4., 5. and 6 of the Federation Law shall be recognised as of the day when the request was submitted.

IV – RIGHTS AND OBLIGATIONS OF A DISPLACED-EXPULSED PERSON AND A REFUGEE-REPATRIATE AND OF PERSONS AS REFERRED TO IN ARTICLE 6. OF THE FEDERATION LAW

Article 8

Displaced-expelled persons and refugees-repatriates shall exercise their rights under conditions and in the procedure determined based on the Annex VII – the General Framework Agreement for Peace in BiH and other international documents in the field regulating protection of human rights and rights of displaced-expelled persons and refugees-repatriates.

Article 9

The rights determined by Article 11. paragraph 1. of the Federation Law shall be recognised to persons whose status has been recognised within the same decision, under condition and method prescribed by this Law.

Right to accommodation

Article 10.

The right to provision of accommodation shall be provided to persons referred to in Articles 4., 5. and 6. of the Federation Law, provided that they are unable to return to their former permanent residence, what shall be verified by the competent department of the municipality in co-operation with the Cantonal Ministry *ex officio* through municipalities in the BiH Federation and the department of the Ministry for Refugees and Displaced Persons in the Republika Srpska.

- The right to provision of the accommodation shall not be provided to persons referred to in Articles 4., 5. and 6 of the Federation Law regardless whether the conditions have been fulfilled referred to in paragraph 1. of this Article, if the total income of the household members exceeds - for a one-member household the amount of the average net salary of those employed in the Sarajevo Canton in the previous year,
- for each household member the amount shall be increased by 20%.

Article 11

The total household income used as a basis for the exercise of right referred to in Article 10 of this Law, shall include income realised by the household members based on:

1. salaries and other income deriving from employment;
2. old-age pension, disability pension and family pension;
3. income realised based on economic, service and other activities;
4. income realised based on property rights;
5. additional work;
6. and other income.

The incomes in terms of item 3 of this Article shall be considered incomes realised through economic, service and other activities from the previous year divided into twelve (12) months as well as by household members.

The incomes in terms of this Article shall not be considered the children's allowance, awards, severance pays, alimonies, scholarship fees and one-cash grands.

Article 12.

The right to accommodation regardless of the amount of income shall be provided to persons referred to in Articles 4, 5 and 6 if they are:

1. beneficiaries of the right on family invalidity allowance based on the soldiers-war disability protection and on protection of civil war victims;
2. war military invalids with over then 80% of invalidity;

3. families with children of up to 7 years of age and with children physically and mentally handicapped, families with elderly and immobile persons, heavily ill and pregnant women;
4. beneficiaries of permanent social welfare and of right to the enjoyment of care and assistance by other persons.

Article 13

Provided that persons referred to in Articles 4., 5. and 6 of the Federation Law fulfil conditions for the exercise of right to accommodation according to this Law, they shall be first accommodated in available apartments, as prescribed by paragraphs 3. and 4. of Article 12. of the Federation Law, through competent authority in charge of housing issues.

Temporary user of apartment is obliged to pay housing costs except when being a beneficiary of financial allowance granted for payment of utility services and of other subventions according to the Law on Social Welfare, Protection of Civilian War Victims and Protection of Families With Children (Sarajevo Canton Official Gazette, no. 16/00).

Provided that there are no available apartments for accommodation of these persons, they shall be accommodated on a temporary basis in reception-transit centres, collective centres and settlements that have been built and reconstructed for the purpose of accommodation , as well as in other types of accommodation determined by regulations of the Cantonal Government.

Right to food

Article 14

The right to food shall be provided through provision of packets containing basic items, through the competent department of the municipality where persons referred to in Articles 4. and 5. of the Federation Law have their temporary residence.

The right to food shall not be exercised for persons referred to in paragraph 1. of this Article provided that they do realise their income on any basis and regardless of the income amount.

Right to social adaptation and psychological support

Article 15

Social adaptation and psychological support of a person referred to in Articles 4. ad 5. of the Federation Law shall be provided within special programmes for this purpose financed by governmental and non-governmental organisations, through Centres for Social Affairs and Family Guidance Centres.

Right to health care

Article 16

The right to health care of a person referred to in Articles 4. and 5. of the Federation Law shall be exercised under condition that they could not acquire the status of the insured person on any other basis in accordance with regulations of health insurance.

The health booklet for persons referred to in paragraph 1. of this Article shall be issued by the competent municipal department.

Right to education of children and youth

Article 17

The right to education of children and youth of persons referred to in Articles 4. and 5. of the Federation Law shall be exercised in accordance with regulations deriving from the education field.

Right to the exercise of other necessary everyday needs

Article 18

The right to the exercise of other necessary everyday needs of persons referred to in Articles 4. and 5 of the Federation Law shall be exercised under conditions and method prescribed by laws in the field of social care.

V – CANCELLATION OF THE STATUS AND CESSATION OF THE RIGHT OF PERSONS REFERRED TO IN ARTICLES 4., 5. AND 6 OF THE FEDERATION LAW

Article 19

Except on such grounds as envisaged by the Federation Law, a status of a displaced-expelled person shall cease in case of:

- exchange, renting, sale of the house or apartment in the pre-conflict permanent residence,
- death.

Article 20

Upon fulfilling conditions for cancellation of the status of persons referred to in Articles 4., 5. and 6 of the Federation Law, or some of the rights recognised by a decision, these persons are obliged to notify the competent department of the municipality, as well as to complete the de-registration form for the purpose of deleting their names in the record of displaced-expelled persons, setting out the basis for deletion.

Article 21

The competent department of the municipality shall initiate the procedure for cancellation of the status of persons referred to in Articles 4., 5., and 6. of the

Federation Law or of rights determined by decision, *ex officio*, in case it has not been enforced in accordance with the previous Article, respectively, if to its own knowledge or based on information provided by other state or local authorities – institutions, international organisations or citizens, the department ascertains the conditions prescribed by the law for cancellation of the status or of rights has been fulfilled, and a person has not notified the competent department of the municipality.

VI – ISSUING OF DP CARDS TO DISPLACED-EXPELLED PERSONS

Article 22

A DP card shall be issued to displaced-expelled persons by the competent department of the municipality based on the decision on recognition of the status.

Before a DP card is handed over, it shall be verified by the competent department of the municipality in the competent Police administration of the temporary residence municipality.

VII – KEEPING OF BASIC RECORDS

Article 23

The basic records on persons referred to in Articles 4., 5. and 6 of the Federation Law shall be kept by the Cantonal Ministry in co-operation with competent departments in the municipalities of the Canton.

Article 24

The basic record shall contain the status data on persons referred to in Articles 4., 5. and 6 of the Federation Law.

Apart from data prescribed by the Instruction on Keeping Central and Basic Records on Displaced-Expelled Persons for the territory of the BiH Federation, the basic records shall also contain data on the number of issued DP cards of displaced-expelled persons as well as data referred to in the application for voluntary return of displaced-expelled persons and refugees-repatriates.

VIII – RESOURCES FOR FINANCING THE NEEDS OF DISPLACED-EXPELLED PERSONS AND REFUGEES-REPATRIATES

Article 25

Apart from recourses prescribed by the Federation Law, the resources for financing the needs of persons referred to in Articles 4., 5., and 6 of the Federation Law shall also be provided from:

-financial assistance of host countries accommodating refugees,

- donations and credits of international financial organisations,
- legacy, gifts and special legacies,
- other sources in accordance with the Law.

The financial resources necessary for the exercise of a part of rights prescribed by the Federation Law, the BiH Law and by this Law, the Plan of Return and Repatriation for the territory of the Canton and by the regulation of the Cantonal Government on other types of providing the accommodation, shall be provided from the Cantonal budget for each year from the above-mentioned sources.

The Cantonal Government shall every year prepare the balance of necessary resources for the exercise of rights of persons referred to in Articles 4., 5. And 6. Of the Federation Law which comprises the part of resources to be secured for the Canton for this purpose by the Federation BH.

IX – SUPERVISION OF THE APPLICATION OF THIS LAW

Article 26

The Cantonal Ministry shall supervise the application of this Law, other regulations and Cantonal general regulations of the Canton issued in accordance with this Law.

X – TRANSITIONAL AND FINAL PROVISIONS

Article 27

The application of the Temporary Decree on the Procedure of the Recognition of the Status in the first instance of Displaced-exiled Persons, Refugees-repatriates and the competence in the first instance in the Sarajevo Canton territory (“Official Gazette of the Sarajevo Canton”, number 18/00) shall cease on the day of entry into force of this Law..

Article 28

Persons referred to in Articles 4., 5. and 6. of the Federation regulation shall exercise their rights according to this Law, if they had temporary residence on the territory of the Canton until the entry into force of this Law.

Article 29

This Law shall enter into force on the eighth day of its publication in “The Official Gazette of the Sarajevo Canton”.

Number: 01-02-213/01 _____
Sarajevo: 14 June 2001 _____

Chairperson
of the Sarajevo Canton
Assembly
Miro Lazovic,(signed
personally)