

UNOFFICIAL TRANSLATION

BH OFFICIAL GAZETTE 51/07 dated 09/07/07

Pursuant to Article 4 and 12 paragraph (1) item 10 of the *Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina* (BiH Official Gazette, number 5/03, 42/03, 26/04, 42/04 and 45/06), Article 16 of the *Administration Law* (BiH Official Gazette, number 32/02), Article 81 and Article 87 of the *Law on Movement and Stay of Aliens and Asylum* (BiH Official Gazette, number 29/03 and 4/04), Article 34 of the *Bylaw on Asylum* (BiH Official Gazette, number 26/04), and Article 1 of the *Decision on Temporary Determination of Competencies* (BiH Official Gazette, number 100/06), the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in co-operation with the Ministry of Civil Affairs of Bosnia and Herzegovina and the Ministry of Security of Bosnia and Herzegovina, is passing the

RULEBOOK

ON PERSONAL STATUS AND REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS OF REFUGEES AND PERSONS UNDER INTERNATIONAL PROTECTION IN BOSNIA AND HERZEGOVINA INTO REGISTRY BOOKS

I. GENERAL PRINCIPLES

Article 1

(Subject-matter of the Rulebook)

The present Rulebook prescribes the basic principles, manner and special requirements, observed by responsible authorities during the procedure for registration of facts, relating to personal status (births, marriages, deaths) of persons under international/legal protection in Bosnia and Herzegovina (hereinafter: BiH), the requirements and the manner for providing administrative assistance to those persons in BiH, as well as recognition of the personal status acquired in the country of origin or habitual residence.

Article 2

(Qualified persons)

(1) Persons entitled to rights as defined in the present Rulebook, under the conditions stipulated by the relevant national legislation and international instruments applicable in BiH, are set to be:

- a) Persons who have their refugee status recognized by a final and binding decision of the BiH Ministry of Security, in accordance with Article 72 and Article 76 of the *Law on Movement and Stay of Aliens and Asylum*;

- b) Persons who have their right to temporary residence recognized on humanitarian grounds, by a final and binding decision of the BiH Ministry of Security, in accordance with Article 35 paragraph (1) item d) of Article 79 of the Law;
- c) Persons who have their refugee status recognized in accordance with Article 100 of the Law and Article 45 of the *Bylaw on Asylum in BiH*.

(2) In case of a family reunification, pursuant to Article 81 Paragraph (3) of the Law and Article 6 paragraph (3) and (4) of the *Bylaw on Asylum in BiH*, family members of persons mentioned in Article 2 paragraph (1) (a) and (c) of the present Rulebook are entitled to same rights as refugees, with regard to registration of facts relating to their personal status.

II. PROCEDURE AND RESPONSIBLE BODIES

Article 3

(Application of legislation and notification of registration)

(1) In Accordance with Article 81 paragraph (1) of the Law, Article 12 of the *1951 Convention and its 1967 Protocol relating to the Status of Refugees*, the facts relating to births, marriages and deaths of persons mentioned in Article 2 of the present Rulebook are recorded into the registry books, under the same condition as applied to BiH nationals, in accordance with the applicable legislation on registry books in Entities, BiH Brčko District, relevant international instruments applicable in BiH, and the present Rulebook.

(2) All newly-recorded facts, relating to the personal status of persons mentioned in Article 2 of the present Rulebook, shall be shared with the Ministry of Security and with the Ministry of Human Rights and Refugees (hereinafter: MHRR).

Article 4

(Identification documents)

(1) Recognized refugees, mentioned in Article 2 paragraph (1) item a) and c) of the present Rulebook, shall prove their identity and status with a valid refugee card, issued by the Ministry of Security.

(2) Persons mentioned in Article 2 paragraph (1) item b) of the present Rulebook shall prove their identity and status with an identification document, issued in accordance with Article 38 of the *Bylaw on Asylum in BiH*, or with a travel document, provided that a valid residence permit sticker, issued by the BiH Ministry of Security, is affixed in the mentioned documents, with the inscription reading "PB-HR-79Z".

Article 5
(Provision of documentation and administrative assistance)

(1) Persons mentioned in Article 2 of the present Rulebook shall submit documentation required for their registration into registry books, under the same conditions as BiH nationals, provided that the documentation is in their possession or that they can obtain it easily from their country of origin or habitual residence.

(2) If, in order to exercise their rights, persons mentioned in Article 2 of the Rulebook are required to submit documentation obtainable from the authorities in their country of origin or habitual residence, but, due to previous persecution, they are unable or unwilling to seek assistance or the assistance is not provided to them, the Ministry of Security shall issue to refugees the attestation of facts obtained from the official records, which shall serve in lieu of the required documentation.

Article 6
(Documenting facts and legal aid)

When a disputable fact cannot be established in a manner as prescribed in Article 5 of the present Rulebook, the body responsible for keeping of registry books shall instruct the party of the procedure and the authority relevant for the establishment of the fact, in accordance with the applicable legislation in BiH.

Article 7
(Acquired rights)

1. The rights acquired by persons mentioned in Article 2 of the present Rulebook, before their arrival to the BiH territory, relating to their personal status, shall be recognized in accordance with the applicable legislation in BiH.

2. The personal status obtained before arrival to the BiH territory, of a person mentioned in Article 2 of the present Rulebook, which he/she cannot substantiate with valid evidence, shall be determined in the procedure, in the manner and under the conditions, as prescribed by the applicable legislation in BiH.

Article 8
(Confidentiality of data)

(1) In accordance with Articles 77 and 92 paragraph (3) of the Law, Article 9 of the *Law on Protection of Personal Data* (BiH Official Gazette, number 49/06) and Articles 11 and 41 of the *Bylaw on Asylum in BiH*, no information regarding the person mentioned in Article 2 of the present Rulebook should be shared with the

country of origin, unless prior authorization is given by the person concerned or by his/her legal representative.

(2) Any processing of data, obtained from the records on those persons, shall be subject to provisions on confidentiality of data, applicable in BiH.

(3) If the procedural body is uncertain about the application of paragraphs 1 and 2 of the present Article, it shall approach the MHRR and the Ministry of Security for their instruction.

Article 9

(The principle of the best interest of a child and family unity)

(1) The MHRR and other competent authorities 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 applicable BiH legislation and international instruments.

(2) The child shall be registered in accordance with the applicable legislation in BiH and, since his/her birth, shall be entitled to have a name and other data, which can be established upon his/her birth, and which are important for the identification of the child and for the exercise of his/her other rights.

(3) The MHRR and other competent authorities in BiH shall ensure that the principle of family unity is respected in all situations involving persons mentioned in Article 2 and Article 10 of the present Rulebook.

II. TRANSITIONAL AND FINAL PROVISIONS

Article 10

(Persons protected by Article 85 of the Law)

(1) Persons entitled to international/legal protection, in accordance with the legislation passed by the BiH Council of Ministers, in co-operation with UNHCR, in case of mass influx, shall exercise their right to registration of facts relating to their personal status, in the manner and under the conditions as prescribed by the present Rulebook.

(2) The Card issued in accordance with the legislation passed on the basis of Article 85 of the Law shall serve as an identification document, for the purpose of exercising the rights under the present Rulebook.

Article 11
(Interpretation of the Rulebook)

The MHRR is set to be the authority responsible for the interpretation and implementation of provisions of the present Rulebook.

Article 12
(Entry into force)

The present Rulebook enters into force on the eighth (8) day from its publication in the BiH Official Gazette.

Number: 01-41-2346-591/07
2007 Sarajevo

Minister
Safet Halilovic