

Based on Article 39 of the Law on the Council of Ministers of Bosnia and Herzegovina and Ministries of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no. 11/2000) and Article 2 of the Decision on Partial Lifting of the Instruction on the Temporary Admission to Bosnia and Herzegovina of Refugees from the Federal Republic of Yugoslavia (Official Gazette, no. 28/2001), the Ministry for Human Rights and Refugees, with consent of the Council of Ministers of Bosnia and Herzegovina, is passing the:

INSTRUCTION ON THE STATUS OF PERSONS
FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA
ADMITTED TEMPORARILY IN BOSNIA AND HERZEGOVINA

Article 1

1. The Instruction on the Status of Persons from the Federal Republic of Yugoslavia Admitted Temporarily in Bosnia and Herzegovina (hereinafter referred to as: the Instruction) shall regulate the status and rights of persons from the Federal Republic of Yugoslavia with recognised temporary admission under the Instruction on the Temporary Admission to Bosnia and Herzegovina of Refugees from the Federal Republic of Yugoslavia (Official Gazette of Bosnia and Herzegovina, no. 7/99; hereinafter referred to as: previous Instruction).

Article 2

1. Persons from the Federal Republic of Yugoslavia whose temporary admission was recognised based on the previous Instruction before entering into force of the Decision on Partial Lifting of the Instruction on Temporary Admission of Refugees from the Federal Republic Yugoslavia into Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no. 28/01) shall continue to enjoy the status of temporarily admitted persons, subject to the conditions provided for in this Instruction.
2. Persons from the Federal republic of Yugoslavia whose temporary admission has been lifted in accordance with this Instruction shall have the right of seeking asylum or right of stay in BiH according to applicable legislation in BiH. Any cessation of temporary admission shall not prejudice any asylum claim lodged under the regular refugee status determination procedure.

Article 3

1. Re-registration of persons who have realised their status in accordance with Article 2 Paragraph 1 of this Instruction, shall be carried out within 3 months from the day when this Instruction enters into force. The status of temporary admission

shall be extended for persons who re-register, while this Instruction shall no longer apply to persons who fail to re-register within the set deadline.

2. This Instruction shall no longer apply to persons who have by the time of re-registration permanently solved their status in accordance with Article 13 paragraph 2 of this Instruction.
3. The status of temporary admission shall be extended for twelve months as of the re-registration date of these persons.
4. Persons who re-register shall be issued temporary admission cards in accordance with this Instruction.
5. Prior to the expiry of twelve months period, the Ministry for Human Rights and Refugees (hereinafter referred to as: the Ministry), in co-operation with UNHCR, shall review the continued needs of beneficiaries of this Instruction

Article 4

1. The Ministry shall provide the Municipal Bodies in charge of refugees and displaced persons (hereinafter: the Municipal Body) with the Application Form for regulating the status of persons from the Federal Republic of Yugoslavia who have been granted temporary admission in BiH (hereinafter referred to as: the Form no. 1), with the Decision Form on Status Determination (hereinafter referred to as: the Form no. 2) and with the Card on Temporary Admission of Refugees from the Federal Republic of Yugoslavia (hereinafter referred to as: the Temporary Admission Card), that are an integral part of this Instruction.

Article 5

1. Persons who hold temporary admission cards issued under the previous Instruction, shall approach the Municipal Body in the place of their current residence to apply for re-registration and extension of status of temporary admission (hereinafter referred to as: beneficiaries). The Form no. 1 shall be completed by the head of the household or one of members of a full legal age for all other household members.
2. Four copies of the Form no. 1, accurately and fully completed, shall be submitted to the Municipal Body. The Municipal authorised official shall provide all necessary assistance to the applicant with the view to entering data in the stated Form no. 1, fully and correctly, and shall complete the Application Form on behalf of the applicant, if so necessary. The Municipal authorised official shall also submit previously issued Cards on Temporary Admission of Refugees from the Federal Republic of Yugoslavia (hereinafter referred to as: previous Refugee Cards) for each person listed in the Form no. 1 as proof of their status acquired under the previous Instruction.

Article 6

1. The Municipal authorised official shall verify the accuracy and completeness of data provided in the Form no. 1, and shall certify all copies with their stamp and signature. The Municipal Body shall keep one copy of the completed Form no. 1.
2. The Municipal Body shall provide one copy of the Form no. 1 to the applicant, which shall serve as proof of submitted application for re-registration within a prescribed deadline.
3. The Municipal Body shall complete appropriate data in the Form no. 2 in three copies.
4. The Municipal Body shall forward to the Ministry two copies of the Form no. 1 and three copies of the Form no. 2 together with copies of refugee cards within two days from the day of receipt of these documents.

Article 7

1. The Ministry shall complete the appropriate data of the Form no. 2 in three copies listing the individual beneficiaries and designating for each one their unique registration numbers.
2. The Ministry shall keep one copy of the Form no. 1 and one copy of the Form no. 2, together with the copies of previously issued refugee cards.
3. One copy of the Form no. 2 shall be forwarded to the Municipal Body, within five days from the day of receipt of applications.
4. The Ministry shall forward the second copy of the Form no. 1 and the Form no. 2 to the competent Entity Ministry at the latest thirty days of the last day of re-registration.

Article 8

1. The competent Municipal Body shall issue a new Temporary Admission Card to each beneficiary listed on the Form no. 2 whose status has been confirmed by the Ministry and shall simultaneously withdraw, cancel and archive all previous temporary admission Refugee Cards.

Article 9

1. The Ministry, in co-operation with UNHCR, shall establish and maintain a database of all beneficiaries. Designated officials in the Ministry and UNHCR shall have sole access to the database. Any use of the collected personal data on beneficiaries shall be subject to national and international requirements on confidentiality.

2. The Ministry shall in co-operation with UNHCR elaborate further guidance on the use of the database.

Article 10

1. All previous Refugee Cards issued under the previous Instruction shall cease to be valid 30 days following the last day of re-registration.

Article 11

1. The Temporary Admission Card issued in accordance with this Instruction shall be considered a temporary residence permit, as well as an identity document for the purposes of exercising entitlements recognised by this Instruction. Temporary Admission Cards shall also be issued to the spouse and minor and newborn children of the refugee, as well as other persons who live in the same household and whose right to temporary admission has been confirmed.
The Temporary Admission Card, in accordance with this Instruction, shall also be issued to children born in Bosnia and Herzegovina after coming into force of the Decision on Partial Lifting the Instruction on Temporary Admission of FRY Refugees into Bosnia and Herzegovina (BiH Official Gazette no. 28/01) if the status of their parents has been confirmed in accordance with this Instruction.
2. Beneficiaries of temporary admission status shall not be returned or expelled in any manner whatsoever to the place where their life or freedom would be threatened. This basic principle shall be respected by the competent authorities, including all border officials.
3. Beneficiaries of temporary admission shall not be hold responsible for their previous supposed illegal entry in Bosnia and Herzegovina.

Article 12

1. Persons covered by this Instruction will continue to be entitled to adequate conditions of reception, including on a need basis the right to free accommodation, food assistance, access to primary health care, primary education, as well as other necessary assistance. The Ministry and the competent Entity authorities, in co-operation with UNHCR, are responsible for ensuring the exercise of these rights.
2. All authorities in BiH are obliged to in co-operation with UNHCR ensure that persons granted temporary admission status are treated in accordance with the following standards:
 - a) there shall be no discrimination on the grounds of religion, political opinion, nationality, country of origin or any other status;

- b) they are to be considered as persons before the law, enjoying free access to courts of law and other competent administrative authorities;
 - c) the location of refugees shall be determined by their safety and well-being;
 - d) family unity should be respected;
 - e) adequate provision shall be made for the protection of minors, unaccompanied children and other vulnerable groups;
 - f) appropriate arrangements shall be made for the registration of births, deaths and marriages and other administrative purposes, including, if necessary, the issuance of travel documents for aliens;
 - g) temporarily admitted persons shall be entitled to contact the Office of UNHCR.
3. UNHCR shall enjoy immediate and unhindered access to persons enjoying status of temporary admission in BiH. UNHCR shall be given the possibility of exercising its function of international protection and shall be allowed to supervise the adequate treatment of persons entering reception or other refugee centres.

Article 13

1. The Ministry shall, in the course of re-registration, cancel the acquired status of temporary admission for persons who have permanently solved their status in accordance with paragraph 2 of this Article.
2. Persons shall be considered to have permanently solved their status if they have:
 - Secured a right of permanent stay in accordance with the Law on Immigration and Asylum of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, no. 23/99);
 - Acquired citizenship of Bosnia and Herzegovina;
 - Have secured right of entry and durable right of stay in a third country;
 - Assisted with voluntary return to their country of origin or of habitual residence;
 - Acquired or have citizenship of a third country.
3. Persons who are considered to have found a durable solution prior to the expiry of the extension may have their status cancelled. The Ministry shall, in consultation with UNHCR, regulate a de-registration procedure. Cancellation of status shall be carried out in accordance with international law, including provisions on *non-refoulement*. In specific cases, a due consideration shall be given to all humanitarian reasons that make the return unfeasible or endangered.
4. The Ministry may issue instructions that would provide a mechanism for adjusting temporary admission status to temporary or permanent residence prescribed by the Law.

5. The Ministry in co-operation with UNHCR is obliged to further undertake all necessary measures to provide beneficiaries of this Instruction with information necessary for their voluntary return, based on their free and informed choice. Temporarily admitted persons shall be informed about other possible durable solutions with a view to regulating the cessation of their current refugee status.

Article 14

1. The Ministry and the competent Entity Bodies, in co-operation with UNHCR, are responsible for the implementation of this Instruction.

Article 15

1. This Instruction shall not prejudice the provisions of legislation of Bosnia and Herzegovina or of other international instruments that are already in force, based on which more favourable treatment would be accorded to persons seeking asylum.

Article 16

1. This Instruction shall enter into force on the eighth (8) day after its publication in BiH Official Gazette and shall also be published in the official gazettes of the Entities and Brčko District of Bosnia and Herzegovina.

Number: 991/02
7 February 2002
Sarajevo

MINISTER
Krešimir Zubak

A) Case

Case No Municipality of registration

Date of arrival Registration date Number of persons currently living in the same household

What are your future plans: Return Stay in BiH Other (please specify) _____

Any family members previously returned: yes no

Current accommodation: Friends/Relatives Reception Centre Privately owned Rent
 Temporary user of abandoned property Other

Have you visited your permanent residence in country of origin during temporary admission? yes no
(if yes, indicate how many times and when _____)

Current address

Str.& No. Postal code Town/village

Municipality Telephone number

Name of person you are accommodated with :

Last Permanent residence in country of origin

Str.& No. Postal code Town/village Municipality

Telephone number

B) Principal applicant (PA)

Family name First name Parent's name

Sex M F Ethnicity Citizenship (If more than one please specify all)

Date of birth Place of birth (town or village): JMBG

Marital Status: Single Married Divorced Widowed Cohabitation Separated

Occupation/skills _____ Special needs _____

Regular/current employment in BiH: yes no

Employer: _____ Start (date): _____

Other source of income: Pension Scholarship Season work other

DATA ABOUT FAMILY MEMBERS WITH TEMPORARY ADMISSION

	Last name	First name	Parent's name	Sex	Date of birth	Place of birth	Relationship to applicant	JMBG
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

	Nationality	Citizenship	Marital status	Occupation/Qualifications	Employed	Employer	Other sources of income (pension, scholarship, seasonal work, other)	Special needs
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

Date and place _____

Applicant's signature

L.S.

Authorised person

DECISION ON STATUS DETERMINATION

A) TO BE COMPLETED BY MUNICIPAL BODY

APPLICANT: _____

ENTITY: _____ CANTON: _____

MUNICIPALITY: _____ MUNICIPAL CODE: _____

RECEIPT DATE: _____ DOCUMENTS VERIFIED: YES NO

L.S. AUTHORIZED PERSON: _____

B) TO BE COMPLETED BY THE MINISTRY FOR HUMAN RIGHTS AND REFUGEES

I RECEIPT DATE: _____ APPROVAL/SENDING DATE: _____

II APPROVAL GRANTED FOR FOLLOWING PERSONS:

No.	LAST NAME	PARENT'S NAME	FIRST NAME	REGISTRATION NUMBER
1				
2				
3				
4				
5				
6				
7				

III APPROVAL DENIED FOR FOLLOWING PERSONS

No.	LAST NAME	PARENT'S NAME	FIRST NAME	REASON – ART. 13	REFERRED TO
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

L.S.

Authorized person of the Ministry

1. Temporary Residence

Town: _____

Address: _____

2. Temporary Residence

Town: _____

Address: _____

3. Temporary Residence

Town: _____

Address: _____

BOSNIA AND HERZEGOVINA

**CARD ON
TEMPORARY ADMISSION
OF REFUGEES FROM FRY**

Expiry Date

Registration number of the beneficiary

-

Last name: _____

First name: _____

Parent's name: _____

Date of birth: _____

Municipality of birth: _____

Permanent residence before arrival to BiH: _____

Country: _____

Municipality: _____

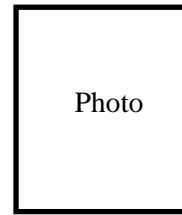
Address: _____

Previous Refugee Card: (number,
date and municipality of issuance):

Place and date
of issuance

Signature
(Seal) of authorised person

Unique citizen's number



(stamp)

Signature of beneficiary:
