

[Published in the Official gazette of BiH no. 7, 20 May 1999]

Instruction on the Temporary Admission to Bosnia and Herzegovina of Refugees from the Federal Republic of Yugoslavia (FRY) was published in BiH Official Gazette (BH OG, no. 7/99 of 20 May 1999) and entered into force on 21 May 1999.

Based on Article 44 of the Law on the Council of Ministers of Bosnia and Herzegovina (Official Gazette of BH, number 4, dated 23 December 1997), the following Instruction is being passed:

**INSTRUCTION ON THE TEMPORARY ADMISSION
TO BOSNIA AND HERZEGOVINA OF REFUGEES
FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY)**

1. In view of the significant number of arrivals of persons from FRY to Bosnia and Herzegovina, this Instruction on the Temporary Admission to Bosnia and Herzegovina of Refugees from the Federal Republic of Yugoslavia (FRY) (hereinafter referred to as: "Instruction") shall regulate, in accordance with international refugee and human rights law, particularly the 1951 Convention and 1967 Protocol relating to the Status of Refugees, the following areas:

- their safe admission to BH without discrimination;
 - registration;
 - adequate conditions of reception;
 - protection against involuntary return to FRY for the duration of the crisis in that country;
 - temporary right of residence in the territory of BH pending their safe and dignified return home, as well as
 - adequate standard of treatment and legal status.
2. This Instruction shall apply to refugees from FRY arriving in BH, that is:
- FRY citizens, or stateless persons from FRY, who seek protection in Bosnia and Herzegovina, and who do not hold another citizenship;
 - for persons who had a recognised refugee status in FRY, and who do not hold a BH citizenship, UNHCR will, with a prior obtained opinion of the Council of Ministers, determine whether it is necessary to provide this category with a temporary protection in BH, and within what deadline.

UNHCR will do everything in its power to enable those refugees to return to their domicile country in an organised manner.

3. This Instruction shall not apply to any person with respect to whom there are serious reasons for believing that:

- s/he 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,
- s/he has committed a serious non political crime outside BH prior to her/his admission to BH,
- s/he has been guilty of acts contrary to the purposes and principles of the United Nations.

It shall also not apply 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 her/himself of such protection.

4. Refugees from FRY shall be admitted to BH on a temporary basis and without any discrimination as to race, religion, political opinion, nationality, country of origin or any other grounds. No penalty shall be imposed on refugees from FRY on account of their illegal entry or presence.

5. Refugees from FRY shall not be returned or expelled in any manner whatsoever to the frontier of territories, where their life or freedom would be threatened. The fundamental principle of non-rejection at the frontier, must be scrupulously respected by the competent authorities, including all border officials.

6. The Ministry of Civil Affairs and Communication shall provide the competent bodies at the Entity level with the attached Application Form for Granting Temporary Admission for refugees from FRY, which shall then forward it to all the Municipal Bodies in charge of Refugees and Displaced Persons. This Application Form is an integral part of this Instruction. Refugees from FRY shall fill out the Application Form and submit it to the Municipal Body in charge of Refugees and Displaced Persons. The Municipal Department shall provide a copy of the Application Form to the applicant and transmit the completed Application Form to the competent Entity Bodies within two days from the day of the submission of the application. The Entity Bodies shall transmit the Application Form to the Ministry of Civil Affairs and Communication within two days from the day of the receipt of the application. In case of need, the Ministry of Civil Affairs and Communication shall refer applicants to a Refugee Reception Centre designated for this purpose by the competent bodies.

Upon arrival to BH, a refugee from FRY shall register with the municipality where s/he has arranged accommodation on her/his own (with relatives, friends, etc.). If s/he has not arranged accommodation on her/his own, the competent bodies shall refer her/him to the Refugee Reception Centre, that is, to the municipality where adequate accommodation has been arranged for her/him.

7. The Ministry of Civil Affairs and Communication shall examine the application on the basis of paragraph 2 of this Instruction. It shall, through the competent Entity Bodies, notify the Municipal Bodies in charge of Refugees and Displaced Persons of the decision on the application, within seven days from the day of the receipt of the application. The competent Municipal Bodies shall issue the Temporary Admission Card for refugees from FRY on the basis of the prescribed form within two days from the day of the receipt of the MCAC's agreement on the application. This form is an integral part of this Instruction. This Card shall be considered a temporary residence permit, as well as an identity document for the purposes of exercising entitlements in accordance with this Instruction. These Cards shall also be issued to the spouse and minor children of the refugee, as well as other dependants, if they are living in the same household.

8. The beneficiaries of this Instruction are entitled, on a needs basis, to free accommodation, food assistance, access to basic health care, primary education, as well as other necessary measures of assistance. The Ministry of Civil Affairs and Communication, and the competent Entity authorities, in co-operation with UNHCR, are responsible for providing adequate conditions of reception for refugees from FRY, notably in the aforementioned areas, and, in case of need, shall accommodate them in specifically designated Refugee Centres on the basis of a distribution arrangement within BH.

A final decision on establishing a refugee centre shall be made, in consultations with UNHCR by the Ministry of Civil Affairs and Communications, upon the proposal of the Entity Ministries for Refugees.

9. In particular, all competent authorities must treat refugees from FRY in accordance with the following standards:

- (a) there should be no discrimination on the grounds of race, 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 should be determined by their safety and well-being;
- (d) family unity should be respected;
- (e) all possible assistance should be given for the tracing of relatives;
- (f) adequate provision should be made for the protection of minors, unaccompanied children and other vulnerable groups;

- (g) appropriate arrangements should be made for the registration of births, deaths and marriages and other administrative purposes, including, if necessary, the issuance of travel documents for aliens;
- (h) refugees from FRY shall be entitled to contact the Office of UNHCR.

UNHCR shall be given immediate and unhindered access to refugees from FRY. UNHCR shall also be given the possibility of exercising its function of international protection and shall be allowed to supervise the well-being of persons entering reception or other refugee centres.

10. The Ministry of Civil Affairs and Communication shall, together with the competent Entity bodies, periodically review the situation of refugees from FRY and issue the necessary instructions in consultation with UNHCR. Depending on the circumstances, the Ministry of Civil Affairs and Communication together with the competent Entity Bodies may adopt measures which provide a mechanism for adjusting temporary admission status to lawful permanent residence after an extended period of time. The Ministry of Civil Affairs and Communication may only withdraw temporary admission status after consultations with UNHCR when it is considered that the beneficiaries of this Instruction would be able to return to their homes of origin in safety and with dignity. At the end of the crisis and upon withdrawal of temporary admission status, return should take place in co-operation with UNHCR. Those who have valid claims not to be returned should be allowed to have their claims assessed within the framework of established national refugee protection mechanisms.

11. This Instruction shall not prejudice the provisions of domestic law or of any other international instruments which are already in force, under which more favourable treatment would be accorded to persons seeking asylum.

12. This Instruction retroactively applies to those refugees from FRY whose refugee status has already been recognised by the Ministry of Civil Affairs and Communication, as well as those whose residence status has not been regulated. Refugees from FRY who lost their status under the Law on Stay and Movement of Foreigners shall equally benefit from this Instruction.

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

14. Upon entering into force of this Instruction, the Instruction on Temporary Admission of FRY Refugees from the Territories of Kosovo and Metohija (published in the Official Gazette of BH, number 19/98) shall become invalid.

15. This Instruction shall enter into force one day after the date of its publication in the Official Gazette of BH and shall be published in the official publications of the Entities.

COUNCIL OF MINISTERS
Sarajevo _____

CO-CHAIR

CO-CHAIR

VICE-CHAIR

Svetozar Mihajlović

Haris Silajdović

Neven Tomić

Bosnia and Herzegovina
Ministry of Civil Affairs and Communication
Musala 9 - Sarajevo

Form no. 1



A) Principal applicant (PA)

Family name First name Parent's name

Sex Ethnicity Citizenship

Date of birth Place of birth: Town or village Republic/State

Marital Status: Single Married Divorced Widowed Cohabitation Separated
 JMBG No. _____ Occupation/skills _____ Special needs _____
 Do you hold another citizenship? yes no If yes, please specify: _____

Current address

Str.& No.; apt.no. Postal code Town/village Municipality

Country Telephone number

Current accommodation: Friends/Relatives Transit Centre Guesthouse other, pls specify:
 If no address: Do you need accommodation? yes no

Data about close family members/relatives or contact person in BH

No	Last name	First name	Relationship/ Contact person	Address of residence
01				
02				
03				

Last Permanent residence in country of origin

Str.& No., apt.no. Postal code Town/village Municipality/District

Country Telephone number

Departure from the FR Yugoslavia/Entry in BH

Date of departure from FRY Last address in FRY

Means of transport

Have you transited through other countries? (state duration of stay in each place) _____

Have you asked for protection in these countries? _____

Entry in BH - Date ___/___/___ Place _____ In what manner did you enter? _____

Reasons for leaving FRY
