

Pursuant to Article 16 and Article 61 (2) of the *Administration Act* (BiH Official Gazette, number 32/02), Article 4 of the *BiH Travel Documents Act* (BiH Official Gazette, number 4/97, 1/99, 9/99, 27/00, 32/00, 19/01, 47/04, 53/07, 15/08, 33/08 and 39/08) and Article 50 of the *Law on Movement and Stay of Aliens and Asylum* (BiH Official Gazette, number 36/08), and after having obtained the opinions from the Ministry of Security, number 06-50-1360/09-1, dated 26 August 2009, and from the Service for Foreigners' Affairs, number 19.5-50-3584-15/09, dated 27 August 2009, the Ministry of Civil Affairs of Bosnia and Herzegovina is issuing the

B A Y L A W
ON
LAISSEZ-PASSER FOR ALIENS

Article 1
(Subject-matter)

The present Bylaw prescribes the shape and content of a laissez-passer for aliens, reasons for issuing a laissez-passer for aliens, submission of application, competent issuing authorities, reasons for non-issuance of a laissez-passer for aliens, declaration forms concerning a lost, destroyed or otherwise unusable travel document, attestation forms concerning a lost, destroyed or otherwise unusable travel document, returning a found travel document, ensuring distribution and record-keeping of forms, cost of a laissez-passer for aliens and other technicalities concerning a laissez-passer for aliens.

Article 2
(Shape of a laissez-passer)

- (1) The size of a laissez-passer form is 29.5 x 19 cm.
- (2) The coat of arms of Bosnia and Herzegovina is printed in colours.
- (3) The serial number of a laissez-passer for aliens is printed in blue, the same one as used in the coat of arms of Bosnia and Herzegovina.
- (4) The rest of the text of a laissez-passer for aliens is printed in black.
- (5) The elements used for protection are the type of the paper and graphic design.

Article 3
(Content of a laissez-passer)

- (1) A laissez-passer for aliens contains identity data of an alien to whom the laissez-passer is issued.
- (2) A photograph of an alien to whom a laissez-passer is issued shall be affixed at the specifically designed photo space.
- (3) A laissez-passer for aliens includes recorded data on family members of the alien issued with that laissez-passer, if it is used by them for travel purposes. Their photographs shall be affixed at the specifically designed photo spaces.
- (4) A laissez-passer for aliens includes recorded data on the issuing authority, including the date of issuance and the expiry date.
- (5) In case a laissez-passer is issued to an alien under subsidiary protection in accordance with Article 121 (3) of the *Law on Movement and Stay of Aliens and Asylum* (hereinafter: LMSAA), that fact shall be recorded in the space designed for "COMMENTS" on the form of a laissez-passer for aliens.
- (6) A laissez-passer for aliens must be signed by an authorized person and certified with the seal of the issuing authority.
- (7) The form of a laissez-passer for aliens is an integral part of the present Bylaw (Form no. 1)

Article 4
(Laissez-passer for aliens)

- (1) A laissez-passer for aliens, in terms of Article 47 (1) of LMSAA is a travel document valid for one travel only and shall be issued to an alien:

 - a) Whose valid travel document has been lost or destroyed and cannot be replaced or is otherwise unusable, if in BiH there is neither a diplomatic/consular representation (hereinafter: DCR) of the country of the alien's nationality nor the alien's interests have been represented by another state, in order to enable him/her to return to the country of his/her habitual place of residence or the admitting country;
 - b) Who is or was granted international protection or temporary protection or is in the procedure of acquiring such status, in order to enable him/her to return voluntarily to his/her country of origin or the country of his/her habitual residence or into the third admitting country;

c) Who has been released from BiH citizenship in order to travel abroad.

(2) In addition to the cases mentioned in paragraph (1) above, a laissez-passer for aliens may also be issued in other cases if there exist justified reasons for such an action, as follows:

a) To an alien whose travel document has expired, if in BiH there is neither a DCR of the country of his/her nationality nor the alien's interests have been represented by another state, in order to enable his/her departure from BiH;

b) To a newly-born child of an alien holding a residence permit in BiH, if in BiH there is neither a DCR of the country of his/her nationality nor the alien's interests have been represented by another state, in order to enable his/her departure from BiH;

c) To an alien under subsidiary protection, who does not have a valid travel document or cannot obtain a travel document from the country of his/her habitual residence, in order to travel abroad, subject to existence of serious humanitarian reasons;

d) For other reasons assessed to be justified by the competent authority.

(3) By derogation from paragraph (1) above, and in accordance with Article 121 (3) of LMSAA, a laissez-passer for aliens, issued to an alien under subsidiary protection, is valid for his/her return to BiH also, in accordance with paragraph (2) c) above.

Article 5 (Submission of application)

(1) The application for issuance of a laissez-passer for aliens is submitted by the alien or other interested institutions or agencies from Bosnia and Herzegovina to the competent organizational unit of the Service for Foreigners' Affairs (hereinafter: SFA).

(2) For persons younger than 18 years of age, the application for issuance of a laissez-passer for aliens is submitted by their parent or guardian or legal representative.

(3) The application for issuance of a laissez-passer for aliens is submitted on the form as prescribed.

(4) By derogation from paragraph (1) above, the SFA may also issue a laissez-passer *ex officio*.

Article 6
(Competent authority)

(1) A laissez-passer for aliens is issued by the competent SFA organizational unit, to which a loss or destruction or lack of usability of the travel document has been reported and/or which is located in the area of the alien's residence.

(2) If the travel document has been reported lost or destroyed or otherwise unusable to the SFA organizational which is located in the area of the alien's temporary or permanent residence, a laissez-passer for the alien concerned is issued by that SFA organizational unit.

(3) If the travel document has been reported lost or destroyed or otherwise unusable to the SFA organizational unit located outside the area of the alien's temporary or permanent residence, the alien shall be issued with the attestation concerning a lost or destroyed or otherwise unusable travel document.

(4) In any other cases, the issuance of a laissez-passer for aliens falls under the competence of the SFA organizational unit to which the loss or destruction of a travel document has been reported.

(5) When the alien is or was granted international or temporary protection or when he/she has been in the procedure for acquiring such status, with a view to enabling his/her return to his/her country of origin or the country of his/her habitual residence or an admitting country, a laissez-passer for aliens is issued by the competent SFA organizational unit, after obtaining the approval from the Ministry of Security, Asylum Sector.

(6) Under Article 121 (3) of LMSAA, an alien under subsidiary protection may be, at his/her request, issued with a laissez-passer for aliens by the SFA organizational unit, after obtaining the approval by the Ministry of Security, Asylum Sector. In that case, an alien shall be allowed to return to BiH, within the timeframe as set by the Ministry of Security, Asylum Sector and specified on his/her laissez-passer, which cannot exceed 30 days from the date of its issuance.

Article 7
(Required documents)

(1) The application for issuance of a laissez-passer for aliens must be supported with the evidence, whereby the alien justifies his/her reasons for submitting the application for issuance of a laissez-passer for aliens, in terms of Article 47 of LMSAA.

(2) The evidence mentioned in paragraph (1) above includes:

- a) The *Attestation Form concerning a lost or destroyed or otherwise unusable travel document* or the other proof issued by the competent authority in Bosnia and Herzegovina specifying that the valid travel document has been lost or destroyed and cannot be replaced or is otherwise unusable.
 - b) The *Attestation Form concerning a lost or destroyed or otherwise unusable travel document* or the other proof documenting that the alien is or was under international or temporary protection or is in the procedure for acquiring such status;
 - c) Proof of a residence permit in Bosnia and Herzegovina;
 - d) Proof of admission issued by the competent authority of the admitting country;
 - e) Proof of release from the citizenship of Bosnia and Herzegovina;
 - f) Copy of the expired travel document;
 - g) Proof of existence of serious humanitarian reasons for the alien's presence abroad, which is assessed by the Ministry of Security, Asylum Sector;
 - h) Other proof justifying submission of the application.
- (3) The alien shall also submit two photographs of 35 x 45 mm size with his/her application for issuance of a laissez-passer for aliens.

Article 8
(Reasons for non-issuance of a laissez-passer for aliens)

A laissez-passer for aliens shall not be issued:

- a) To an alien who stands charged with misdemeanor or offence, unless in agreement with the procedural authority;
- b) To an alien who is subject to a term of imprisonment or fine or confiscation of the property gain or damage compensation, until he/she serves his/her term and/or pays the fine, or until he/she returns the property gain and/or compensate for the damage
- c) If so requested by the grounds for the protection of the legal system, national security or public health;
- d) If the applicant fails to provide required documents as prescribed in Article 7 (2) of the present Bylaw.

Article 9
(Timeframe)

A laissez-passer for aliens is issued for the period of 30 days.

Article 10
(Reporting lost or destroyed or otherwise unusable travel documents)

(1) Lost or destroyed or otherwise unusable travel document is reported to the SFA organizational unit holding territorial jurisdiction over the alien's place of residence, within 24 hours the latest from the moment when he/she finds out that his/her travel document has been lost or destroyed or otherwise made unusable.

(2) If the alien's travel document has been stolen, the competent police authority shall, after having received the report, issued the alien with the attestation and refer him/her to the competent SFA organizational unit, where he/she shall report that his/her travel document has been lost or destroyed or otherwise made unusable.

(3) Reporting mentioned in paragraph (1) above is made on the *Declaration Form concerning a lost or destroyed or otherwise unusable travel document*, which is an integral part of the present Bylaw (Form no. 2).

(4) The alien shall also submit two photographs of 35 x 45 mm size with the Declaration Form mentioned in paragraph (3) above.

Article 11
(Attestation Form concerning a lost or destroyed or otherwise unusable travel document)

(1) When the competent SFA organizational unit establishes the alien's identity, legality of his/her stay and truthfulness of his/her statements, it shall issue the alien with the *Attestation Form concerning a lost or destroyed or otherwise unusable travel document*, which is an integral part of the present Bylaw (Form no. 3).

(2) The attestation mentioned in paragraph (1) above serves in lieu of the alien's travel document:

a) To enable the alien to go to the DCR of the country of his/her nationality or DCR of the other country representing his/her interests;

b) To enable the alien to stay in BiH until he/she obtains a travel document or a laissez-passer of the country of his/her nationality;

c) To enable the alien to stay in BiH pending the issuance of a laissez-passer for aliens in terms of Article 47 of LMSAA.

(3) The competent organizational unit shall set up the expiry date of the attestation mentioned in paragraph (1) above, which cannot exceed 30 days from the date of its issuance.

(4) The competent organizational unit shall affix a photo of the alien in the right upper corner of the attestation form and the alien's fingerprint on the left upper corner of the photograph in a way to preserve the clarity of the photograph.

Article 12

(Return of a found travel document)

(1) A travel document which has been reported lost, and which has been found in the meantime, shall be returned to the alien, of which a note for the file shall be made.

(2) A foreign travel document which has been found but cannot be served to its bearer shall be delivered to the Ministry of Foreign Affairs in BiH, through the organizational unit of the SFA Seat Office, in order to be forwarded to the competent authority of the issuing country.

Article 13

(Provision, distribution and record-keeping of the forms)

(1) The forms which are integral part of the present Bylaw are printed in Latin alphabet and in Cyrillic script, in official BiH languages and in English language. A laissez-passer for aliens (Form no. 1) is provided by the Ministry of Civil Affairs and, upon request, distributed to SFA. The other forms which are integral part of the present Bylaw are provided by SFA.

(2) The SFA organizational unit shall forward to the SFA Seat Office copies of the *Declaration Forms* and *Attestation Forms concerning a lost or destroyed or otherwise unusable travel document*, as well as copies of all individual laissez-passers issued to aliens or laissez-passer forms which might have been completed improperly, for a record-keeping.

(3) The records of issued laissez-passers for aliens are integral part of a central database of aliens.

Article 14
(Nullification of previous regulations)

When the present Bylaw enters into force, the *Bylaw on Laissez-Passer for Aliens* (BiH Official Gazette, number 25/04) shall cease to be valid.

Article 15
(Entry into force)

The present Bylaw enters into force on the eighth day from the date of its publication in the BiH Official Gazette.

Number 06-2-30-4-258/09
30 September 2009
Sarajevo
