

Law on Permanent and Temporary Residence of Citizens of Bosnia and Herzegovina (2002)

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Pursuant to Article IV.4.a of the Constitution of Bosnia and Herzegovina the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on 25 th October 2001

and the session of the House of Peoples held on 25 th October 2001 adopted the

LAW

ON PERMANENT AND TEMPORARY RESIDENCE OF CITIZENS OF BOSNIA AND

HERZEGOVINA

Chapter I - GENERAL PROVISIONS

Article 1

This Law shall regulate the permanent and temporary residence of citizens of Bosnia and Herzegovina (hereinafter citizen), including the temporary residence of displaced persons in Bosnia and Herzegovina (hereinafter: "DPs").

Unless otherwise prescribed by the Special Provisions in Chapter IV of this Law, all provisions of this Law shall apply equally to every citizen of BiH.

No provision of this Law may be interpreted so as to restrict the right of citizens to freely choose their place of residence.

Article 2

Data processed under this Law shall be processed, stored, used and forwarded with the intention of serving the needs of BiH citizens in the enjoyment of their rights and the performance of their duties,

and shall be used to monitor population stock and flow in Bosnia and Herzegovina. The collection of data pursuant to this Law shall proceed in accordance with the BiH Law on Protection of Personal Data and the BiH Law on Central Registers and Data Exchange.

Article 3

For the purpose of this Law:

(1) A Citizen is an individual who has acquired citizenship in accordance with relevant legislation;

(2) A refugee from BiH is a person whose refugee status has been recognized under relevant legislation;

(3) A Displaced person is a person who has been granted DP or similar status under relevant legislation, or who has applied to obtain such a status;

(4) Evidence of identity shall be provided by any document showing the individual's name and date of birth which, unless otherwise prescribed by relevant law, was issued:

a. in the period between April 6, 1992 and the entry into force of this Law, in the required form and pursuant to the regulations then applicable, by the competent bodies, organizations or other legal entities empowered to carry out public authorizations in Bosnia and Herzegovina or;

b. which was issued prior to April 6, 1992 by the competent bodies of the former Socialist Federal Republic of Yugoslavia, or by the competent bodies of its former socialist republics and autonomous provinces.

(5) Home address is the name of the street and the number of the house or apartment within a citizen's place of permanent or temporary residence;

(6) An ID Card is a public document serving as a proof of identity, of place and date of birth, of permanent or, for DPs, temporary residence, and of BiH citizenship, in accordance with relevant legislation;

(7) Permanent residence is a municipality or district within which a citizen establishes his/her habitual place of living with the intention of residing there permanently;

(8) Pre-conflict permanent residence is a citizen's place of permanent residence, as defined by previously applicable laws, which a DP or refugee left after April 30, 1991, irrespective of whether he/she de-registered or was de-registered from that residence;

(9) A Returnee is a refugee from BiH in a foreign country, or a DP, who either has returned, or who is in the process of returning, to his/her pre-conflict permanent residence. Such an individual shall be considered a returnee until s/he has obtained an ID Card from the authorities in his/her pre-conflict permanent residence. A citizen need not return to his/her pre-conflict home address in order to be considered a returnee.

(10) Temporary residence is a municipality or district within which a citizen establishes his/her habitual place of living with the intention of residing there temporarily.

(11) Temporary residence of a DP is a municipality or district within which a DP establishes his/her habitual place of living with the intention of residing there temporarily.

Article 4

All Citizens shall register and de-register their permanent and temporary residence in accordance with this Law.

The registration and de-registration of permanent residence, including home address, is compulsory for all citizens, except in cases referred to in Article 9, paragraph 4 of this Law.

Registration and de-registration of temporary residence is voluntary, unless otherwise regulated by this Law.

Citizens may only register one place of permanent residence within the territory of BiH.

Chapter II - REGISTRATION AND DE-REGISTRATION OF PERMANENT AND TEMPORARY RESIDENCE

Article 5

Registration and de-registration of permanent and temporary residence and of home address shall be performed in the Federation of BiH by the Police Administrations within the Cantonal Ministry

of Internal Affairs, in Republika Srpska by public security stations within the RS Ministry of Internal Affairs, and in Brcko District by the competent authority which operates as a state institution.

Competent authorities of the entities shall act as the second-instance authorities in an appellate procedure addressing decisions of the authorities competent for issuance, revocation and replacement of ID cards. A party dissatisfied with the decision of the second instance authority decision may file an appeal with the BiH Ministry of Civil Affairs and Communications (hereinafter: MCAC).

Article 6

A citizen who registers his/her permanent or temporary residence shall provide the following information to the competent authority in his/her new place of permanent or temporary residence:

1. JMB number

2. Name
3. Surname
4. Sex
5. Date of Birth
6. Place of Birth
7. Municipality of Birth
8. Country of Birth
9. Place of Permanent or Temporary Residence
10. Post Code
11. Street of Residence
12. House/Apartment Number
13. Entity
14. Canton of Residence
15. BiH Citizenship
16. Entity name
17. Change of Name
18. Status of Residence (Permanent or Temporary)

The citizen shall not be obliged to de-register, in person, in his/her previous place of temporary or permanent residence. The de-registration shall be carried out by the official person in his/her previous place of permanent or temporary residence.

Citizens shall notify the competent authority of change of the home address. Citizens shall not be obliged to register a change of home address that results from a decision by local authorities to rename his/her street or change his/her house/apartment number. In such case, the competent authority will *ex officio* record in the register the change of permanent and temporary residence.

Article 7

Registration and de-registration of permanent and temporary residence shall be done either in person in by the citizen concerned or by a properly authorized legal representative.

Registration and de-registration of a minor shall be done by the minor's parent, his/her legal guardian or tutorial authorities.

Article 8

When registering and de-registering permanent or temporary residence, citizens shall be bound to provide correct and authentic data. Within 60 days of establishing permanent residence or 60 days after the entry into force of this Law, whichever is longer, a citizen shall submit an application for registration of such residence,

including his/her home address, with the competent authority in his/her place of permanent or temporary residence. Along with his/her application, s/he shall submit his/her ID Card or other

evidence of identity. When registering the permanent residence of a minor due to a change of permanent residence, the individuals/authorities specified in Article 7, paragraph 2 shall follow the procedure set forth in paragraph 2 of this Article, submitting the minor's birth certificate or other evidence of identity.

When registering the permanent residence of a child following his/her birth, the individuals/authorities specified in Article 7, paragraph 2 shall register the child with the relevant competent authority within 60 days of the child's birth, following the procedure set forth in paragraph 2 of this Article and submitting the child's birth certificate or other evidence of identity. Upon receipt of an application for permanent residence pursuant to the preceding paragraphs of this Article, the competent authority shall register the citizen's permanent residence once de-registration of the permanent residence has been completed. The competent authority which received an application for de-registration of the permanent residence shall immediately, ex officio, notify the competent authority in the citizen's previous permanent place of residence on de-registration. The competent authority that received the application for permanent residence shall be immediately notified

on de-registration of the permanent place of residence.

The procedure from the moment of submission of the application for registration of permanent residence and de-registration of previous permanent place of residence until the registration of new permanent place of residence may not exceed a 15-day-period.

The competent authority shall be bound to issue a stamped copy of the registration form to the citizen concerned immediately, which shall serve as evidence that s/he has applied for registration of

permanent/temporary residence as provided for by this Law. The stamped form shall also serve as evidence that the competent authority has facilitated the de-registration of the citizen's prior place of permanent residence.

Article 9

A citizen who takes up permanent residence abroad or who resides abroad longer than 1 year shall de-register his/her permanent residence in BiH. A citizen who is bound to de-register permanent residence in accordance with the preceding paragraph shall do so directly with the competent authority or via diplomatic and consular offices of BiH in the country where the citizen has taken up permanent residence. A citizen shall be bound to de-register his/her minor children, if they have taken up permanent residence abroad or are residing abroad for longer than 1 year. Should a child of a citizen who has taken up permanent residence abroad or who is residing abroad longer than 1 year and a citizen be born abroad, the child shall not be registered as a person with permanent residence in BiH at the time of his/her birth. Notwithstanding the preceding paragraphs of this Article, a citizen who resides abroad longer

than 1 year shall not be bound to de-register his/her permanent residence in BiH if s/he does not intend to take up permanent residence in the country in which s/he is currently residing and if s/he maintains an effective link with BiH (e.g., s/he has family, family members in BiH or owns a house, apartment, or

company). This Article shall not be applied to BiH refugees.

Article 10

There shall be no administrative fees charged for registration and de-registration of permanent and temporary residence, including change of home address.

Chapter III - PERMANENT AND TEMPORARY RESIDENCE REGISTERS

Article 11

In accordance with the Law on Central Registers and Data Exchange, the MCAC shall keep and maintain a central register containing data on citizens' permanent and temporary residence through electronic data processing. (hereinafter: central register).

Entity ministries of interior may maintain electronic register of data on temporary and permanent residence within the entities.

Each competent authority shall keep and maintain a local register containing data on citizens' permanent and temporary residence through electronic data processing (hereinafter: local register).

The data listed in Article 6 of this Law shall be maintained in both the central, entity and local registers.

Article 12

The competent authority shall be bound to provide the MCAC on a regular basis with the data kept in its local register. The MCAC shall provide the competent authority with the data kept in the central register for the purpose of carrying out the competent authority's duties under this Law.

Article 13

The authorities authorized to keep and maintain central, entity and local registers under Article 11 may only collect, process, store and use personal data contained in the registers for the purpose of implementation of this Law unless otherwise provided for by the Law. Data maintained under Article 11 of this Law shall be deleted 5 years after de-registration of permanent and/or temporary residence.

Article 14

A BiH citizen shall have the right to be informed as to whether his/her personal data are stored in the central, entity and local registers and shall have the right to have such data communicated to him/her in an intelligible form. In case such data is found to have been processed illegally or incorrectly, the citizen concerned shall have the right to have such data corrected or erased as appropriate. Such correction and erasure of the data shall be free of charge for the citizen concerned.

Article 15

The MCAC and the competent authorities shall be bound to undertake sufficient security measures to ensure the protection of all the data contained in the central and local registers, as well as all the data forwarded to other authorized bodies.

Chapter IV - SPECIAL PROVISIONS

Article 16

The persons covered by the provisions contained in this Chapter are displaced persons and returnees.

Article 17

A returnee to a pre-conflict permanent place of residence from which s/he has never de-registered or been de-registered has thereby re-established his/her pre-conflict permanent residence and does not need to reregister his/her permanent residence.

Article 18

A returnee who, before this Law came into force, de-registered or was ex officio de-registered from his/her pre-conflict permanent residence shall have the right to facilitated re-registration as outlined in this Chapter.

Article 19

In the event that the competent authority in the pre-conflict permanent residence is no longer in possession of the register containing residence data for a particular citizen, the authority shall be bound to verify the citizen's pre-conflict permanent residence with the body that is currently in possession of the register.

In case that for whatever reason it is not possible to verify the pre-conflict permanent residence of a citizen in accordance with Paragraph 1 of this Article, the returnee shall be entitled to

facilitated re-registration as foreseen by the provisions of this Law.

Article 20

A returnee entitled to facilitated re-registration shall provide the competent authority with evidence of identity and with a document in proof of pre-conflict permanent residence within 60 days

after returning to his/her pre-conflict permanent residence. No document other than evidence of identity and a document in proof of pre-conflict permanent residence may be requested for facilitated

re-registration. If a document proving evidence of identity or pre-conflict permanent residence cannot be provided, the returnee shall have the right to prove evidence of identity or evidence of his/her pre-conflict permanent residence by other means, including statements made by or in support of the returnee.

Article 21

Through facilitated re-registration, the returnee shall have his/her pre-conflict permanent residence re-established and shall be issued with a certificate of registration.

Article 22

Immediately following the issuance of an ID Card to a returnee in his/her place of pre-conflict permanent residence, the competent authority in the pre-conflict permanent residence shall notify the

competent authority in the place of temporary residence where the returnee held as a DP about the returnee's re-established permanent residence. The competent authority in the former place of temporary residence shall, immediately on

receipt of such notification, ex officio de-register the returnee from his/her former place of temporary residence.

The citizen concerned and the competent authority in the re-established pre-conflict permanent residence shall be immediately notified on de-registration by the aforementioned authority.

This process shall be completed within 15 days after the returnee has applied for facilitated re-registration. This Article shall not apply to a returnee from abroad.

Article 23

All DPs are bound to register their place of temporary residence.

Article 24

A DP who voluntarily decides to take up a new temporary residence shall be entitled to facilitated registration.

Article 25

A DP entitled to facilitated registration shall provide the competent authority with evidence of identity and with a document in proof of his/her previous place of temporary residence, within 60 days after

taking up a new temporary residence. No document other than evidence of identity and a document in proof of the DP's previous place of temporary residence may be requested for facilitated registration. If a document proving evidence of identity or previous place of temporary residence cannot be provided, a DP shall have the right to prove evidence of identity or his/her previous place of temporary residence by other means, including statements made by that person or by other persons in support of the DP concerned.

Article 26

Through facilitated registration, a DP shall have established his/her new place of temporary residence and shall be issued with a certificate of registration.

Article 27

Immediately following the issuance of an ID Card to a DP in his/her new place of temporary residence, the competent authority in the new place of temporary residence shall notify the competent

authority in the previous place of temporary residence held by the DP about the DP's new temporary residence.

The competent authority in the former place of temporary residence shall, immediately on receipt of such notification, ex officio de-register the DP from his/her former place of temporary residence.

The DP concerned and the competent authority in the new place of temporary residence shall be immediately notified on de-registration by the aforementioned authority. This process shall be completed within 15 days after the displaced person has applied for facilitated registration. This Article does not apply to a DP whose previous place of temporary residence was abroad.

Article 28

A DP who voluntarily decides to take up permanent residence in a place other than his/her pre-conflict permanent residence shall be registered by the competent authority within the new place of permanent residence in accordance with Chapter II of this Law.

Chapter V- PENALTY PROVISIONS

Article 29

The proceedings under this Chapter shall be pursued in accordance with relevant legislation on minor offences.

Article 30

A responsible official in the competent authority shall be fined between 200 KM and 1000 KM for the following minor offenses if s/he:

- 1. fails to carry out registration and/or de-registration of permanent residence within the time limits set forth in this Law;*
- 2. fails to issue immediately a stamped copy of the prescribed form serving as evidence that the citizen has registered or de-registered his/her permanent or temporary residence;*
- 3. collects, processes, stores, uses or transmits data in its register contrary to Article 13 of this Law;*
- 4. in the pre-conflict permanent residence, fails to verify the pre-conflict permanent residence of a citizen with the authority currently in possession of the register;*
- 5. refuses to carry out facilitated registration for a returnee or DP who qualifies for such;*
- 6. does not allow a returnee to prove pre-conflict permanent residence by other means, including statements made by or in support of him/her, in a case where documentary evidence proving pre-conflict residence cannot be provided.*
- 7. does not allow a DP to prove his/her previous place of temporary residence by other means, including statements made by or in support of the DP, in a case where documentary evidence proving pre-conflict residence cannot be provided.*

Article 31

A citizen, or a legal guardian/tutorial authority shall be fined between 10 KM and 100 KM for the following minor offenses if s/he:

- 1. fails to register his/her permanent residence if required pursuant to this Law.*
- 2. registers more than one place of permanent residence within the territory of BiH;*
- 3. provides incorrect and/or false data when registering and de-registering permanent and temporary residence;*
- 4. fails to register or de-register the permanent residence of his/her minor child in accordance with this Law;*

Chapter VI- TRANSITIONAL AND FINAL PROVISIONS

Article 32

Supervision over the implementation of this Law shall be carried out by the MCAC by:

- 1. controlling the legality of administrative acts and actions by the competent authorities,*
- 2. proposing or initiating a procedure for assessing the legality of administrative acts issued by the competent authorities,*
- 3. instructing the competent authorities to fulfill the obligations imposed on them by this Law,*
- 4. issuing guidelines and instructions for the uniform actions of the competent authorities.*

The MCAC shall, within 90 days after publishing of this Law issue by-laws regulating:

- 1. a single form for registration and de-registration according to the provisions of this Law;*
- 2. a rule book concerning the exercise of supervision over the enforcement of this Law;*
- 3. all other matters necessary for implementation of this Law.*

Article 33

Citizens, including DPs and returnees, who hold permanent or temporary residence according to previous legislation that is not in violation of Article 4(4) of this Law shall not be required to reregister and/or de-register their permanent or temporary residence, unless specifically required by this Law.

Article 34

A person whose registered permanent or temporary residence is in violation of Article 4(4) of this Law, shall be bound to (re)register i.e. de-register his/her permanent or temporary residence in accordance with the procedure stipulated in Chapter II or Chapter IV of this Law no later than 60 days after this Law comes into force.

Article 35

An individual who has not obtained a JMB by the deadline established in this Law for registration of permanent/temporary residence shall register his/her permanent/temporary residence within 60 days after s/he has obtained a JMB in accordance with the Law on Personal Identification Numbers.

Article 36

No provision of this Law shall be interpreted in such a manner as to grant or revoke legal entitlement to any private or socially-owned property.

Article 37

Upon the entry into force of this Law, all laws and regulations on the basis of which the permanent and temporary residence of citizens, including returnees and DPs, have been regulated

hitherto shall cease to be valid.

Article 38

This Law shall enter into force 30 days after the date on which it is published in the "BiH Official Gazette" and it shall be published in the official gazettes of the entities and Brcko District

PS BiH no. 67/01 25 th October 2001

Sarajevo

Speaker Speaker

of the House of Peoples of the House of Representatives

of the BiH parliamentary Assembly of the BH Parliamentarian Assembly

Sejfudin Tokic Zeljko Mirjanic