

Pursuant to Articles 16 and 61 (2) of the *Administration Act* (BiH Official Gazette, number 32/02), Article 4 of the *BiH Travel Documents Act* (BiH Official Gazette, numbers 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 56/08), and after obtaining the opinions from the Ministry of Security, number 06-50-1360/09, dated 26 August 2009, and from the Service for Foreigners' Affairs, number 19.5-50-3584-14/09 dated 27 August 2009, the Ministry of Civil Affairs of Bosnia and Herzegovina is issuing the

B Y L A W
ON
TRAVEL DOCUMENTS FOR REFUGEES

Article 1
(Subject-matter)

The Bylaw on Travel Documents for Refugees (hereinafter: the Bylaw) prescribes the shape, layout, and content of a travel document for refugees, documents that should be attached to the application, costs, grounds for rejecting the application for travel document, grounds for withholding and canceling a travel document and other technical issues relating to a travel document for refugees (hereinafter: travel document).

Article 2
(Shape and layout of a travel document)

The shape and the layout of a travel document are as follows:

- (a) Rectangular shape;
- (b) Light-blue cover pages;
- (c) The front cover page contains the words inscribed in the following order:
 - 1) "TRAVEL DOCUMENT";
 - 2) "(Convention of 28 July 1951)";
 - 3) "BOSNIA AND HERZEGOVINA";

(c) The words under item b) sub-item 1), 2) and 3) are printed in Bosnian, Croatian and English language in Latin alphabet, and in Serbian language in Cyrillic script.

(d) The text inscribed on the first inside page of a travel document is identical to the one inscribed on the front cover page.

Article 3
(Content of a travel document)

A travel document contains:

(a) 32 pages. Pages 3 through 32 contain a perforated serial number;

(b) Lamellated second data page with the information printed in Bosnian, Croatian, Serbian and English language. The data contained on that page will be printed in Latin alphabet;

- 1) Type;
- 2) The symbol of the country;
- 3) Surname;
- 4) Given name(s);
- 5) Date of birth;
- 6) Place of birth (the city and the country of birth; the country is listed with its code as determined by international standards);
- 7) Personal identification number;
- 8) Sex;
- 9) Serial passport number;
- 10) Date of issue;
- 11) Date of expiry;
- 12) Issuing authority;
- 13) Photo of the passport holder;
- 14) Signature of the passport holder.

(c) The third page of a travel document contains the following text in Bosnian, Croatian, and English language printed in Latin alphabet, and in Serbian language printed in Cyrillic script:

1) "This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality."

2) "The holder is authorized to return to Bosnia and Herzegovina during the validity period of his/her travel document."

3) "Should the holder take up residence in a country other than that which issued the travel document, he/she must, if he/she wishes to travel again, apply to the competent authorities of his/her country of residence for a new document."

(d) The fourth page of a travel document contains the following text in Bosnian and Croatian and English language, printed in Latin alphabet, and in Serbian language printed in Cyrillic script:

1) "The present document is valid in all countries except in the country of origin of the refugee or in the country of his/her habitual residence."

(e) The 32nd page of a travel document contains the following text in Bosnian, Croatian and English language printed in Latin alphabet, and in Serbian language printed in Cyrillic script:

1) This document contains 32 numbered pages.

Article 4 (Machine readable data)

(1) The form of a travel document for refugees contains on its second page a machine readable zone with clear alphanumeric document data.

(2) The form of a travel document for refugees also contains a contactless chip, which serves for machine reading of data in accordance with the ICAO 9303 standard, where data mentioned in paragraph (1) above are entered; as well as biometric features/fingerprints that provide extended level of protection under the ICAO 9303 standard by applying the ECA (Extended Access Control defining the protection mechanism of biometric features).

(3) The form of a travel document for refugees contains some protection elements as specified in the Annex to the present Bylaw. The Annex is protected with the degree of confidentiality as determined by the BiH Minister for Civil Affairs, in

accordance with the *BiH Law on Protection of Confidential Data* (BiH Official Gazette, number 54/05 and 12/09) and shall not be published in the BiH Official Gazette.

(4) The forms of travel documents for refugees are purchased by the Ministry of Civil Affairs of Bosnia and Herzegovina in accordance with the *Bylaw on the Competence and Procedure for Purchase of the Forms of Travel Documents* (BiH Official Gazette, number 55/0)

Article 5

(Submission of the application)

(1) The application for travel document is submitted by a recognized refugee in Bosnia and Herzegovina to the Ministry of Security in person (hereinafter: the Ministry) the latest three months before the expiry date of his/her refugee card.

(2) Persons suffering from serious diseases and immobile persons submit their applications for travel documents through a mobile workstation.

(3) The application for travel document for a minor or a legally incapacitated person is submitted by one of his/her parents as authorized by the other parent or by his/her guardian or a legal representative.

(4) By derogation from paragraph (3) above, the document shall be issued without the authorization from the other parent in the cases as follows:

(a) If one of the parents has been declared missing;

(b) If residence of one of the parents is not known;

(c) If one of the parents is unavailable to the authority competent for issuance of a travel document;

(d) If one of the parents has custody over the child as decided by the court, unless the court has decided that issuance of a travel document and the child's traveling abroad is not subject to parental consent of both parents.

(e) If one of the parents is dead;

(f) If the minor has only one parent.

(5) The Ministry shall *ex officio* determine if requirements laid down in paragraph (4) are met.

(6) The application for travel document is submitted on the form as prescribed by the Ministry.

(7) The Ministry shall decide upon the application for travel document within 30 days from the filing date of the application.

Article 6
(Required documentation)

(1) The following documentation is submitted with the application for travel document:

(a) Certified photocopy of the refugee card;

(b) Proof of payment for the travel document.

(2) When filing the application for travel document, the applicant shall also provide his/her personal and biometric features (photo, fingerprints, signature).

Article 7
(Rejecting the application for travel document)

(1) The application for travel document shall be rejected in the cases as follows:

(a) If the applicant fails to provide a duly completed application with the information and material as prescribed in the present Bylaw,

(b) If so requested by the grounds for the protection of the legal system, national security or public health;

(c) If the applicant stands charged with misdemeanor or offence, unless in agreement with the procedural authority;

(d) If the applicant 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.

(e) If the competent authority has initiated the procedure for the cessation and revocation of the applicant's refugee status;

(f) If the applicant has filed the application for travel document three months before the expiry date of his/her refugee card;

(g) In case of a reasonable doubt that the applicant will avoid his/her past-due material/legal obligations stemming from his/her marital status or parental and child-related status, his/her tax obligations or other material/legal obligations for which there exist an enforcement title, at the request by the competent court.

(2) The application for travel document may be rejected in case of a reasonable doubt that the applicant will act contrary to regulations on prohibition or restriction of import or export, transport or dissemination of narcotics or contrary to customs and/or foreign policy regulations.

(3) The authorities in the possession of the information mentioned in paragraphs (1) and (2) above, except for the information provided in paragraph (1) (a) above, shall share that information on a regular basis with the bodies competent for issuance of travel documents. The bodies competent for issuance of travel documents shall keep special records of the information which constitutes an obstacle for issuing the travel document in terms of the present Article, and shall record it electronically in the central records of travel documents.

Article 8 (Appeal)

(1) Rejection of the application for travel documents and the grounds for that rejection shall be clarified in writing only when so explicitly requested by the applicant for travel document.

(2) A refugee whose application for travel document is rejected or whose travel document is confiscated or cancelled on the grounds as prescribed by the present Bylaw may file an appeal with the Appeal Panel of the Council of Ministers of Bosnia and Herzegovina within 15 days from the receipt date of the decision. The appeal is filed through the Ministry and it does not stay the execution of the decision.

Article 9 (Issuance of a travel document before the deadline)

(1) When applying for a travel document, the applicant has the right to request that his/her travel document is issued before the legal deadline.

(2) The Ministry shall issue a travel document within 48 hours from the moment of filing the application the latest in case of a medical treatment abroad, sickness or death of a close family member, for which the applicant shall submit a necessary proof.

(3) During the proceedings upon the application for travel document, the Ministry shall specify on the application that the travel document should be issued the latest within the deadline as set in paragraph (2) above.

(4) At the request by the party, the Ministry may issue a travel document without having established justified grounds for issuance of the travel document under the above mentioned proceedings referred to in paragraph (2) above.

(5) The Agency for Identity Documents, Records and Information Exchange shall promptly take up the issuance of the travel document based on the request by the Ministry.

(6) The cost of a travel document issued in accordance with paragraph (2) above is identical to the cost of a travel document issued in a regular procedure.

(7) The cost of a travel document issued in accordance with paragraph (4) above is KM 200.

(8) Travel documents issued in accordance with the present Article are distributed by the authority that has requested the issuance of the travel document.

Article 10 **(Collection of a travel document)**

(1) A travel document is collected by the applicant in person in the Ministry.

(2) Travel documents for minors younger than 14 years of age are collected by one of their parents, a guardian or another legal representative.

(3) When the travel document is collected by a minor between 14 and 18 years of age, he/she must be accompanied by one of his/her parents, a guardian or another legal representative.

(4) Exceptionally, a travel document may be collected through a proxy, in case when the Ministry has received the application for travel document through a mobile workstation.

(5) Applicants for travel document may authorize a person of a full legal age, in presence of authorized officials receiving the applications through a mobile workstation, to collect their travel documents, which shall be verified by their signature on the application for travel document.

(6) When collecting the travel document, a proxy who has not received an authorization in accordance with paragraph (5) above, shall submit to the Ministry the

authorization signed by the travel document holder and certified by the authority competent for certifying the authorizations.

(7) When collecting the travel document, the holder of the travel document, his/her parent, guardian or another legal representative or his/her proxy shall verify with his/her signature that the travel document has been collected.

Article 11
(Conduct of a refugee holding a travel document)

A refugee shall treat his/her travel document for refugees in accordance with Article 49 of the *Law on Movement and Stay of Aliens and Asylum*.

Article 12
(Request for confiscation of a travel document)

(1) The competent authorities of Bosnia and Herzegovina, the competent authorities in the Entities and the Brčko District of Bosnia and Herzegovina shall submit to the Ministry the request for confiscation of a travel document issued by the Ministry, in the cases as follows:

(a) If a refugee has been issued with a travel document by using false or misleading information;

(b) If he/she has allowed that his/her travel document is used by the other person;

(c) If there exist the grounds mentioned in Article 7 (1) (b), (c), (d), (e) and (g), and Article 7 (2) of the present Bylaw.

(2) The request mentioned in paragraph (1) above shall be decided by the Ministry, which shall record that fact in the central database of travel documents.

(3) The request for confiscation of a travel document should include identity data for the refugee for whom the request is submitted, as follows: his/her personal identification number, surname, given name(s), name of his/her parents, date and place of birth, residence and address, legal grounds for confiscation and cancellation of his/her travel document, title of the authority which has issued the travel document, and the travel document number.

Article 13
(Confiscation procedure of a travel document)

- (1)** When the Ministry receives the request for confiscation of a travel document, it shall immediately verify in the central database of the issued travel documents if the refugee for whom the request is submitted has a valid travel document.
- (2)** If the Ministry determines that a refugee, whose travel document is the subject of the request for confiscation or cancellation, has a valid travel document and that there exist legal grounds for confiscating or canceling his/her travel document, it shall issue the decision to confiscate or cancel his/her travel document.
- (3)** The Ministry shall invite the holder of a travel document to submit his/her travel document to the Ministry. In case the holder fails to do so, his/her travel document shall be confiscated by force. An attestation shall be issued of the confiscated travel document.
- (4)** In urgent cases, a travel document may be confiscated temporarily by another authority competent for the issuance of the travel document or the authority competent for monitoring of the border-crossing, while the refugee whose travel document has been confiscated shall be issued with the attestation.
- (5)** If a travel document, which has been temporarily confiscated, is not returned to the refugee within 24 hours from the time of confiscation, it shall be promptly, and at least within 3 days, forwarded to the issuing authority.
- (6)** A person whose travel document has been confiscated shall be notified of the delivery of the temporarily confiscated travel document mentioned in paragraph (5) above.
- (7)** Confiscation of a travel document constitutes a prohibition for issuance of a new travel document to the same person.
- (8)** The procedure mentioned in paragraphs (5) and (6) above is considered as urgent.
- (9)** A travel document, which has been confiscated temporarily, is kept with the competent authority.
- (10)** When reasons for temporary confiscation of a travel document cease to exist, the authority shall return the travel document to its holder.

Article 14
(Cancellation procedure of a travel document)

(1) The Ministry shall cancel a travel document for which it is determined to contain false information, which has expired, which has been replaced and a damaged travel document.

(2) Cancellation of a travel document is carried out by destroying it physically and by imprinting a stamp reading "cancelled" across the information recorded in the travel document and on empty pages of the travel document.

(3) A cancelled travel document may be returned to its holder at his/her request, save for a travel document which contains false information.

Article 15
(Central records)

Central records of travel documents for refugees are kept by the Ministry and the Agency for Identity Documents, Records and Information Exchange.

Article 16
(Entry into force)

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

(2) Application of provisions of the present Bylaw relating to the procedure for issuance of a travel document shall start once technical requirements are met, as to be determined in a separate deed of the Ministry of Civil Affairs of Bosnia and Herzegovina.