

Bylaw on entry and stay of aliens

("Official Gazette of B&H", No: 81/08)

Based on Article 160 Paragraph 1 Item b), c), d), e) and f) related to Article 29 Paragraph 5, Article 30 Paragraph 5, Article 44 Paragraph 1, 2 and 3, Article 76 and Article 54 Paragraph 3 of the Law on Movement and Stay of Aliens and Asylum ("BiH Official Gazette", number 36/08), Article 4 and 14 Paragraph 1 Item 8 of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina ("BiH Official Gazette", numbers: 5/03, 42/03, 26/04, 42/04, 45/06 and 88/07) and Article 16 of the Law on Administration of Bosnia and Herzegovina ("BiH Official Gazette", number 32/02), Ministry of Security has adopted

B Y L A W ON ENTRY AND STAY OF ALIENS

I – GENERAL PROVISIONS

Article 1 (The subject matter of the Bylaw)

The Bylaw on entry and stay of Aliens (hereinafter: Bylaw) stipulates technical issues of conditions and procedures for entry of aliens into Bosnia and Herzegovina (hereinafter: BiH), form and contents of a visa sticker, procedures regarding group entry of aliens from a non-visa regime, procedures on borderline, financial means for support, validity of an airport transit visa and a transit visa, travel documents for aliens, conditions for approval of stay for aliens in BiH, form and contents of an identity certificate for a stateless person, form and contents of residence permit, form, contents and procedure for issuance of an ID card for an alien, Book of Aliens, as well as other technical issues significant for stay and movement of aliens in BiH.

II – ENTRY OF ALIENS TO THE COUNTRY

Article 2 (Entry of aliens)

- (1) An alien may be permitted entry to BiH if he/she fulfills conditions stipulated by the Law on Movement and Stay of Aliens and Asylum (hereinafter: Law) and this Bylaw.
- (2) An alien who is not free from a visa-requirement in accordance with Article 20 or Article 21 of the Law, must obtain a visa for entry into BiH.
- (3) A sticker form contains in the upper left corner the title "Bosnia and Herzegovina", right besides that on the centre the title "VISA", and in the bottom right corner the sticker number. On the left side, below the title "Bosna i Hercegovina", there is an optical changeable element below which there is a photo space. Below the title "VISA" there is space for "Visa issued by" to enter a Diplomatic-Consular Office of BiH which issued a visa, then duration of stay, below the title "Visa issued by" there is space for "Number of entries", and after that the expiration of visa. Below "Number of entries", there is a column for "Type of visa" where a type of a visa is placed, below that a name and family name of an alien. Below the column for the name and family name of an alien there is a column for a passport number, then sex, date of birth and country which issued the passport. The column below these data is machine readable zone where there are electronically readable data.
- (4) The title and names of data on a visa sticker form are written in Bosnian, Croatian, Serbian, French and English. The text in Bosnian and Croatian is written in Latin and Serbian in Cyrillic letters. Specific data written on a visa sticker form are written in Latin letters.
- (5) A visa sticker is pasted into an alien's passport. A signature of an authorized person and a stamp of a Diplomatic-Consular Office of BiH will be pasted by hand on the right side of the sticker so they cover both a part of the visa and a part of the passport, ensuring

free insight into data in the required columns and to avoid the machine readable zone.
(6) A form for a visa request and a form for a visa sticker are a constituent part of this Bylaw, the Form number 1, and the Form number 2.

Article 3 (The entry of juveniles)

(1) An alien younger than 18 (juvenile) who has in his/her possession a personal travel card may cross the BiH borderline when accompanied by one or both parents, legal representative or guardian, or when accompanied by an authorized person to follow him/her with a written and authorized power of attorney from parents, legal representative or guardian. A juvenile who travels unaccompanied must have an authorized agreement from his/her parent, legal representative or guardian.

(2) An agreement or power of attorney contains: personal data on the juvenile person and legal guardian, personal data on the accompanying person if traveling accompanied, the purpose and duration of stay in BiH, period of time of the validity of agreement and signature of the grantor. This document must be in one of the official languages in BiH or in English language and be authorized by the authorized court interpreter if the document is translated.

(3) It is considered that a juvenile has in his/her possession an agreement by the legal representative if:

a) travels by air and has in his/her possession a letter of transmittal for juveniles issued by the air operator,

b) is a part of a school excursion, and placed on the list of the excursion participants authorized by competent school institution,

c) participates in a sport, cultural or similar event and is placed on the list of participants.

(4) In case that a juvenile younger than 18 years of age (juvenile) is not accompanied by one or both parents, legal representative or guardian and does not fulfill some of the above-mentioned preconditions from this Article will be returned and delivered to the border police of the neighboring state from which he/she had attempted to enter BiH.

Article 4 (Group entry of aliens from a non-visa regime)

(1) Aliens who have a shared (collective) travel document may enter, move around and exit from BiH only as a group, and adult persons who are entered into a joint travel document must have a document with a photograph so their identity could be determined. Exceptionally, a member of the group may be permitted to individually exit from the country if he/she has some private issues or if such decision is made by the competent authority. The group leader must have personal travel document and must not leave BiH without the group. A number of people who travel with a collective travel document is limited from five to 50 people.

(2) Aliens who possess other travel documents, except from the passport, which may be used to cross the borderline to BiH, and would like to enter BiH, stay and exit as a part of organized group, may enter, move around and exit BiH only collectively. Exceptionally, a member of the group may be permitted to individually exit from the country if he/she has some private issues or if such decision is made by the competent authority. The group leader must not leave BiH without the group except in extraordinary cases and with approval of the Service for Foreigners' Affairs (hereinafter: Service).

(3) Aliens who collectively enter BiH, besides fulfilling general conditions for entry, must have a proof of organized travel which will be carried by the group leader.

(4) During the exit control from BiH, if the Border Police of Bosnia and Herzegovina (hereinafter: BiH Border Police) establishes that all members of the group have not left BiH, they will immediately inform the Service.

Article 5 (Procedures on the border)

(1) When crossing the BiH border, an alien is obliged to present his/her documentation for approval of the entry into BiH to the police officer who is authorized by the body in charge of the crossing the border (hereinafter: police officer of the BiH Border Police).

(2) An alien who fulfills the entry conditions will be allowed to enter by the police officer of the BiH Border Police and an entry stamp will be placed into his/her travel document.

(3) Imprint of the entry stamp will not be applicable in case when crossing the border is done with an ID card or other document whose possessor, in accordance with the concluded international agreement to which BiH is a contracting party or based on the decision of the BiH Council of Ministers, may enter into BiH without a travel document, as well as to chiefs of states and other officials whose arrival had been announced via diplomatic channels.

Article 6 (Conditions for entry approval)

(1) An alien may enter BiH if he/she fulfills general entry conditions, or he/she must have a valid travel document, valid visa for entry, stay or crossing the territory of BiH, if he/she does not enter in accordance with the non-visa regime of entry or stay as stipulated by the Law.

(2) Besides fulfilling basic general conditions it is necessary to fulfill the remaining general conditions which are related to possession of sufficient means of subsistence during the planned stay of the alien in BiH and for the exit from the country, including the means for health protection, as well as possession of documents or evidence or providing information based on which it can be reasonably established the purpose and conditions of the intended stay, if possible and necessary, as well as to have a certificate on vaccination if he/she comes from the region with epidemic disease.

(3) Fulfillment of the remaining general conditions from Article 19 paragraph 3 Item e), f) and g) of the Law will be verified by the BiH Border Police by official duty.

(4) An alien may enter BiH if he/she does not fulfill general entry conditions in case it is foreseen by the international agreement to which BiH is a contracting party or by decision of the BiH Council of Ministers.

Article 7 (Means of Subsistence)

Evidence of possession of means of subsistence are:

- a) cash in local or foreign convertible currency,
- b) forms of non-cash payment or means or guaranties of a bank,
- c) a letter of invitation,
- d) presentation of evidence of organized travel or paid accommodation,
- e) possession of other means,
- f) a work permit.

Article 8 (Possession of financial means)

(1) An alien is obliged, upon a request by a police officer of the BiH Border Police on the border crossing, to present evidence on possession of financial means in the amount of 150 KM for each day of stay in BiH.

(2) Financial means from paragraph 1 of this Article may be in cash or forms of non-cash payments accepted by the BiH banking system which unambiguously indicate that they may serve as a base of subsistence for the alien in BiH, which must be presented by the alien, upon the request of the police officer of the BiH Border Police, on the occasion of border crossing.

(3) Paragraph 1 of this Article shall be applicable until the decision made by the BiH Council of Ministers on the required least amount of means of subsistence, in the sense of Article 158 paragraph 2 of the Law.

Article 9
(Letter of invitation)

(1) Possession of means of subsistence of the alien who enters BiH with a visa or who is a citizen of a non-visa regime country, as well as the purpose of entry and stay of the alien in BiH may be proved by a letter of invitation.

(2) If a letter of invitation is issued by an alien with a granted temporary residence in BiH on grounds of a family reunification, under reasonable grounds from Article 57 Paragraph 1 of the Law it may be considered that the alien with whom the family reunification is requested is a legal resident on the BiH territory in the period of three years before joining the family member.

Article 10
(Request and attestation for verifying a letter of invitation)

(1) Request for verifying a letter of invitation shall be submitted on a prescribed form.

(2) For the purpose of verifying a letter of invitation, the person who grants the invitation letter must submit evidence to demonstrate that he/she may fulfill obligations from Article 34 Paragraph 4 of the Law.

(3) If a person who grants the letter of invitation is a physical entity, he/she is obliged to submit the following, along with the request for verifying the letter of invitation:

- a) signed and filled in form of the letter of invitation,
- b) evidence on the prescribed fee payment,
- c) A copy of an ID card or travel document of the issuer of the invitation letter,
- d) Evidence on possession of means of subsistence to demonstrate the capacity to fulfill obligations within the letter of invitation:
 - certificate on regular monthly income or possession of cash in the local or foreign currency, or possession of financial means,
 - evidence of provided accommodation for the alien,
 - other evidence which may verify that the issuer of the invitation letter has in his/her possession means of subsistence,
- e) a copy of travel document of the invited alien.

(4) If the issuer of a letter of invitation is a physical entity, the Service may request that the physical entity gives an agreement on confiscation of 1/3 of his/her personal financial income from the employer, or his/her pension to the account of budget of BiH Institutions, which would serve as a guarantee on providing expenses from Paragraph 2 of this Article.

(5) If an issuer of the letter of invitation is a legal entity, it is obliged to submit the following, along with the request for verifying the letter of invitation:

- a) filled in form of the letter of invitation, signed and verified by an authorized person in a legal entity,
- b) evidence on the prescribed fee payment,
- c) Verified copy of the decision on entry in the court register of the legal entity who issued the letter of invitation with the visible attachment about the person who is authorized for representation,
- d) evidence on solvency of the legal entity which has issued the letter of invitation,
- e) certificate from the tax administration on paid tax duties and contributions of the legal entity who has issued the letter of invitation (no older than 30 days),
- f) a copy of certificate from the tax administration on the unique identification number of a tax payer,
- g) a copy of a travel document of the invited alien.

(6) If a person who grants an invitation letter is a legal entity, the Service may request that the legal entity submits a blank bill of exchange to the benefit of the budget of the BiH Institutions, which would guarantee covering of the expenses from paragraph 2 of this Article. Until the alien who is the subject of the letter of invitation leaves the BiH territories, the blank bill of exchange will be kept in the safety vault of the Service. If there is no need for activating the bill of exchange for the purpose of covering the costs of alien's residence in BiH, the bill of exchange would be annulled and placed in the file.

(7) In case that the letter of invitation is attested for the purpose of issuance of Visa D, besides the evidence from paragraph 2, 3 and 4 of this Article, the person who grants the letter of invitation will submit additional evidence on reasoning the purpose of entry and

stay of the alien in BiH.

(8) In case the letter of invitation is attested for the purpose of issuance of Visa D, the alien intending to submit an application for residence in BiH on grounds of the work permit, needs to submit a copy of his/her work permit in addition to the application for authorizing the letter of invitation.

(9) The application form for attestation of the letter of invitation is a constituent part to this Bylaw. The form number 3.

Article 11 **(Form of the letter of invitation)**

(1) A form of the letter of invitation is a rectangle shape, printed on both sides, form A4.

(2) A form of the letter of invitation issued by a local legal entity or foreign legal entity registered in BiH, besides the statement as stipulated in Article 34 Paragraph 4 of the Law, contains:

- a) space for entry of data about the issuer: title of the legal entity, address of seat of office, name of the responsible person, contact telephone number,
- b) space for entry of data about the invited alien: surname, name, former surnames and names, sex, name of parents, date, place and country of birth, number and validity of travel document, citizenship, other citizenships, professional qualification, current employment and information about the employer, the purpose of the business trip to BiH, period of time and duration of visit, data on the previous business contacts with the invited alien, information on the intention of the alien to apply for a temporary residence permit in BiH, information about where does the alien intend to go after the visit to BiH, other data and address of the accommodation of the alien in BiH,
- c) statement of the issuer of the letter of invitation given under the moral, material and legal responsibility by which the issuer of the letter of invitation has stated that he/she will undertake to provide lodging, costs of medical treatment and to ensure support and other expanses related to stay of the concerned alien which may occur during the stay in BiH, costs of placing the alien under surveillance, and that the issuer is aware that a false statement may lead to refusal of authorization of the letter of invitation as well as criminal prosecution in accordance to the regulation of BiH,
- d) space for signature and stamp of the issuer of the letter of invitation /director –person in charge,
- e) space for authorization by the organizational unit of the Service.

(3) A form the letter of invitation issued by a BiH citizen, an alien with granted permanent residence or an alien with granted temporary residence in BiH, besides the statement regulated by Article 34, paragraph 4 of the Law, contains the following:

- a) Space for entry of data about the issuer: surname, name of parents, name, date, place and country of birth, home address, town, contact telephone, number, date and place of the issuance of the ID card or travel document for the alien with granted temporary residence in BiH, data on current employment, other sources of income, monthly income, the amount of other sources of income, data on accommodation and data on the status in BiH (for aliens),
- b) Space for entry of data about the invited alien: surname, previous surnames and names, sex, name of parents, date, place and country of birth, number and validity of travel document, citizenship, other citizenships, marital status, occupation, current employment and information about his/her employer and the address of alien's residence in BiH,
- c) data on visit: the purpose of visit, data on time of entry of the alien into BiH and duration of stay in BiH, information if the alien will apply for a temporary residence in BiH, information if the person who is inviting alien is related to his/her and in what way, information on how long do they know each other, family situation of the invited alien, information if another person is travelling with the invited alien, information about where does the alien intend to do after the visit to BiH, other data,
- d) a statement of a person who granted the letter of invitation under moral, material and legal liability by which the person who granted the letter of invitation has stated that during the stay of the invited alien he/she will assume the responsibility to provide accommodation, cover the cost of medical treatment, provide support and cover the remaining costs which may occur during his/her stay in BiH, the costs of placing the alien under surveillance, his/her voluntary return or forced removal, as well as all other costs of the alien's leave from BiH, and that he/she is aware that a false statement may lead to

refusal to attest the letter of the invitation as well as the criminal liability in accordance with legal regulations of BiH,
e) space for signature of the person who grants the letter of invitation,
f) space for attestation by the administrative body or a notary,
g) space for attestation by the organizational unit of the Service.
(4) The Form from paragraph 2 and the Form from paragraph 3 are integral parts of the Bylaw: the Form 4 and the Form 5.

Article 12
(Attestation of the letter of invitation)

(1) Attestation of the letter of invitation is carried out by the organizational unit of the Service depending on the place of residence/stay, or the seat of the entity who issued the letter of invitation.
(2) During the procedure upon the request for attestation of the letter of invitation, the inspector for aliens of the organizational unit of the Service, ex officio, performs operational field check-ups in order to determine accuracy of the statement given by the applicant and check-ups in operational and official registries of the law implementation agencies in BiH on which the inspector will make an official note in the file.
(3) If the conditions are met, the organizational unit of the Service will attest the letter of invitation by imprinting the stamp that reads: "THE LETTER OF INVITATION ATTESTED".
(4) If the conditions for attestation of the letter of invitation are not met a note will be filed, and the reasons for refusal of attestation will be verbally stated to the person who has granted the letter of invitation.
(5) The organizational unit of the Service performs the operational check-ups and coordination with BiH Border Police concerning the control the entry, stay and exit of the alien for whom the letter of invitation has been granted.

Article 13
(The proof on organized travel or paid accommodation)

An alien who enters BiH using the services of a tourists agency is responsible, upon a request of police officer of the BiH Border Police, to present a voucher of the tourist agency or other evidence to prove that during his/her stay he/she provided accommodation and food, as well as evidence that he/she has covered other costs including health care and costs of the return to the country of his/her starting destination.

Article 14
(Possession of other means)

An alien has in his/her position the means of subsistence if he/she has obtained income through real estates in BiH or other means obtained through direct foreign investments, business technical cooperation, as well as other ways of obtaining income, in order to insure his/her subsistence in BiH.

Article 15
(Work permit)

An alien possessing a personal work permit will meet the conditions related to possession of the means of subsistence.

Article 16
(Guaranty for the exit from the country)

(1) Existence of means needed for the alien to leave the country may be proved by presenting a transport return ticket for the country of the starting destination or the ticket for continuation of travel if the alien possesses a visa for his/her travel to the territory of another country in the case the visa is required.

(2) Existence of the guaranty for exit from the country may also be proved by legal possession of an adequate transport vehicle in case the vehicle is used by the alien for his/her travel.

Article 17 (Refusal of entry)

- (1) An alien who does not fulfill conditions for entry to BiH as regulated by the Law and this Bylaw, the BiH Border Police will refuse the entry to BiH.
- (2) If the alien is the person from Article 26, paragraph 2 of the Law, the BiH Border Police will refuse the alien's entry to BiH, but would not issue a decision on refusal of entry, unless the alien refuses to immediately leave the border crossing.
- (3) An alien who has been refused to enter BiH on the grounds regulated by Article 26, paragraph 3 of the Law, the BiH Border Police will issue a decision on refusal of entry in BiH, in which they will list the reasons for refusal of entry. The stamp that reads: "ENTRY REFUSED" will be imprinted into the travel document of the alien. The delivery of decision on refusal of entry to the alien will be performed as regulated by Article 26, paragraph 3 and 4 of the Law. If the delivery cannot be performed in such manner, the decision will be delivered in accordance to the regulations of the Law on Administrative Procedures.
- (4) An appeal may be filed against the decision on the refusal of entry to BiH in the manner regulated by Article 26, paragraph 6, of the Law.
- (5) The Form of the Decision on refusal of entry is integral part of this Bylaw, Form number 6.

III - VISAS

Article 18 (Airport transit visa)

- (1) Airport transit visa (Visa - A) is issued to an alien for a single, double or multiple transits over the international airport area in the period of transit.
- (2) Airport transit visa (Visa - A) is issued with a validity period of up to three months.

Article 19 (Transit visa)

- (1) Transit visa (Visa - B) is issued to an alien for a single, double or, in exceptional cases, multiple entries for transit across BiH territory.
- (2) The length of stay on BiH territory during a single transit travel shall not exceed five days.
- (3) Transit visa (Visa - B) is issued up to six months of validity.

Article 20 (Visa on the border)

- (1) In exceptional cases, an alien may be issued a visa on the border being a visa for short-term stay (Visa - C) for a single entry up to 15 days, or a transit visa (Visa - B) for a single entry up to five days or airport transit visa (Visa - A) for a single entry with one day validity, as provided by Article 36, paragraph 5 of the Law.
- (2) The BiH Border Police issues a visa on the border if so required by BiH security reasons, by humanitarian, serious professional or personal reasons, where:
 - a) issuance of visa for BiH security reasons is performed upon a written request of the Service which will be delivered to the BiH Border Police,
 - b) issuance of visa on humanitarian grounds covers the necessity to perform urgent medical treatments and medical evacuations, participation of specialized teams in humanitarian actions of searching and saving victims of natural and other catastrophes, etc.
 - c) issuance of visa for serious professional grounds covers the members and security of

foreign delegations who are invited by local institutions to attend official meetings, foreign businessmen, and representatives of companies invited by local institutions or companies to attend official meetings, members of sport clubs, societies and representations which participate at international sport events upon invitation by sports associations, etc.

d) issuance of visa for personal reasons covers the purposes of the alien's presence at the burial ceremony of a close family member, care of a minor child, etc.

(3) A visa from paragraph 1 and 3 of this Article may be issued at the border only if the alien fulfills the basic and general conditions for entry into BiH as regulated by the law, as well as the alien proves that he/she had not been able to submit a visa application in advance in BiH Diplomatic and Consular Office, presents one or several documents to prove urgent reasons for entry to BiH, and guarantees his/her return to the country of origin or the country of habitual residence.

(4) Evaluation of reasons for visa issuance, evidence on inability for early submission of visa application at the competent BiH Diplomatic Consular Office, reasons for urgent entry to BiH and guarantees his/her return to the country of origin or the country of habitual residence, will be carried out by the competent organizational unit of the BiH Border Police.

(5) An application for visa issuance on the border will be submitted in person, to the local competent organizational unit of the BiH Border Police. The BiH Council of Ministers will bring the decision on the border-crossings which may issue visas on the border.

(6) Along with the application for visa issuance on the border, an alien will give a written statement about the reasons of the urgent entry into BiH and the reasons for not being able to early submit his/her visa application to the BiH Diplomatic and Consular Office. A BiH border police officer checks the veracity of the statements and creates the official note on the subject to be filed.

(7) No appeal is allowed in case of a refusal of visa issuance on the border.

Article 21 (Shortening the length of a visa)

(1) If the Service or the BiH Border Police establish that an alien lack sufficient means of subsistence, they may shorten the duration of visa validity.

(2) The duration of visa validity is shortened in the way that they imprint the stamp "SHORTENED", and on a visa sticker place a new deadline and /or new number of days of the visa validity by hand, a stamp and the signature of the authorized person, so the signature and the stamp cover the part of the visa sticker and the part of the passport page.

Article 22 (Visa annulment)

(1) An alien who has entered and stayed in BiH based on a visa, the visa will be annulled based on reasons regulated in Article 42, paragraph 1 of the Law by decision of the Service, and the procedure will be carried out by the organizational unit of the Service, on which territory the alien had been reported or found. The decision will be made ex officio or upon reasonable proposal of the other body.

(2) An alien whose visa has been annulled, but who has not been a subject of an expulsion measure, will be given a deadline to leave the BiH territory which cannot exceed eight days, and he/she will be placed under surveillance if there are reasons from Article 99 of the Law.

(3) An alien whose visa has been annulled for reason regulated by Article 42, paragraph 1, item a), b), c), d), f), h), i) and j), and who has not been apprehended, may be a subject of the expulsion measure and until his departure from the territory of BiH he/she may be placed under surveillance if there are the reasons from the Article 99 of the Law.

(4) A visa will be annulled by imprinting the stamp "ANNULLED". Below a visa sticker there will be written a date and the reason of annulment, along with the stamp and the signature of the authorized person, so the signature and the stamp cover the part of the visa sticker and the part of the passport page.

(5) No appeal is allowed against the decision on visa annulment if an expulsion measure has not been made.

(6) Against the decision for a visa annulment along with the pronounced expulsion

measure it is possible to appeal within deadlines regulated by Article 87 of the Law, in the part that refers to the expulsion measure. The appeal does stay the execution of the decision.

Article 23
(Notification on shortening or annulment of visa)

(1) The body that has annulled a visa, or shortened the duration of visa validity, will immediately inform the competent superior authority in a written form, and such authority will inform the Ministry, the Service and the Ministry of Foreign Affairs (hereinafter MFA) about the stated facts.

(2) Notification from paragraph 1 of this Article contains the following data: name and surname of the alien, date of birth, place and country of birth, type, number and validity of travel document, type, number and validity of visa, reasons and the date of shortening or annulment with determined deadline for leaving BiH territory.

IV – TRAVEL DOCUMENTS FOR ALIENS

Article 24
(Types of travel documents for aliens)

(1) A travel document which may be used by an alien to enter BiH is a valid passport or other travel identification document issued by a foreign competent body recognized by BiH, a valid ID card or other personal identification document with a photograph which may be used to cross the state border, and which is recognized by the international agreement to which BiH is a contractual party, as well as the travel document issued to the alien in BiH in accordance with the Law.

(2) An alien who wishes to achieve the right to a temporary residence, must enter BiH with a passport which is valid at least three months longer than the period for which he/she intends to apply for a temporary residence and in which there is an imprint of an entry stamp of the BiH Border Police.

(3) Travel documents for aliens issued in BiH are as follows:

- a) travel documents for refugees,
- b) travel document for a stateless person,
- c) travel document for aliens.

V – RESIDENCE OF ALIENS

Article 25
(Forms of residence)

The residence of aliens, in the sense of Article 51 will be considered:

- a) visa stay – the right of an alien to stay in BiH in the period of time stated in the visa,
- b) non-visa stay – the right of an alien to stay in BiH coming from a non-visa regime country, in accordance with Article 21 of the Law,
- c) temporary residence – the right of an alien to reside on the territory of BiH granted upon his/her request by decision from the Service up to one year, if not otherwise determined by granting residence,
- d) permanent residence – the right of an alien to reside on the territory of BiH granted upon his/her request by decision of the Service for the unlimited period of time.

Article 26
(Application for a residence permit)

(1) An alien may submit an application for a residence permit in BiH from abroad through BiH Diplomatic Consular Offices and directly in BiH in one of the organizational units of the Service.

(2) An application for residence permit will be submitted in person, while a legal

representative will submit a request for a professionally incapable alien.

(3) The application for granting a first temporary residence by rule is to be submitted abroad, through BiH Diplomatic Consular Offices. Exceptionally, the application for granting a first temporary residence will be submitted to the competent organizational unit of the Service in BiH only if the alien:

a) has entered BiH with a long-term stay visa (Visa - D)
b) is a citizen of non-visa regime country.

(4) The application for granting the first temporary residence will be submitted no later than 15 days after the long-term visa has expired (Visa - D), or a non-visa stay.

(5) When an application is submitted to the BiH Diplomatic and Consular Office, an alien will be issued a certificate as an evidence on the submitted application, which will not be considered a residence permit and may not be used to enter BiH. The application with all additional documents will be delivered to the Service via the Ministry of Foreign Affairs. The form of certificate is an integral part of this Bylaw, Form number 7. (6)

An application for extension of temporary residence will be submitted in BiH in the competent organizational unit of the Service, or outside BiH, through BiH Diplomatic Consular Office no later than 15 days before expiration of the valid period of residence.

(7) Along with application for granting/extension of a temporary stay, the alien is obliged to submit a photograph size 30X35 mm, attested photocopy of his/her passport with imprinted entry stamp or a stamped visa D or a sticker of a previously granted temporary residence, certificate on registered accommodation, evidence on provided means of subsistence, evidence on provided accommodation, health care certificate, evidence on non-criminal record or no criminal procedure against him/her in the state of origin, and based on residence to provide evidence on reasonable grounds for residence application.

(8) An application for granting a permanent residence will be submitted during the temporary residence, and no later than 15 days upon the expiry of the valid temporary residence.

(9) If an application for granting a residence is submitted in BiH, the alien will be issued a certificate considered to be a granted residence, until the final decision is made upon the application. The form of the certificate is an integral part of the Bylaw, Form number 8.

(10) The Certificate from Paragraph 9 of this Article will be valid for up to 30 days and it may be extended on reasonable grounds until the final and binding decision upon the application.

(11) The application for granting/ extension of a temporary residence and the application for granting a permanent residence are subject to tax payment.

(12) Extension of a temporary residence may be granted upon the application of the alien but only on the same grounds on which the temporary residence had been approved.

(13) Exceptionally from Paragraph 12 of this Article, an adult alien who has resided in BiH for three years without interruptions on the grounds of temporary residence granted for the purpose of a family reunification will acquire the right to submit a separate application for a temporary residence based on other grounds, if he/she fulfills the conditions regulated by this Law for granting temporary residence based on other grounds.

(14) In case that an alien applies for a temporary residence based on other grounds, upon the expiry of the temporary residence, he/she is obliged to leave BiH, and the application for granting residence must be submitted in accordance with the Paragraph 3 of this Article.

Article 27

(Forms of application for a residence permit)

(1) Application for granting/extension of a temporary residence in BiH will be submitted on the form "Application for granting/extension of a temporary residence in BiH" which is an integral part of this Bylaw, Form number 9.

(2) Application for granting a permanent residence in BiH will be submitted on the form "Application for granting a permanent residence in BiH " which is an integral part of this Bylaw, Form number 10.

VI – TEMPORARY RESIDENCE

Article 28
(General conditions for granting a temporary residence)

- (1) Temporary residence shall be granted to an alien on the condition that:
- a) he/she has evidence justifying the existence of the grounds required for granting temporary residence,
 - b) he/she has funds to support himself/herself,
 - c) he/she has a medical certificate issued not more than three months before the date of submitting the application, showing that he/she does not suffer from a disease which represent a threat to the public health in BiH, excluding the cases when the illness took place after the first approved temporary residence in BiH,
 - d) he/she has provided an adequate accommodation in BiH, which means living space with infrastructure (water supplies, sewage, electricity etc.) and fulfills the hygienic-technical conditions for healthy living,
 - e) he/she possesses guaranteed health insurance which may be used in BiH,
 - f) there are no reasons which exclude granting the residence as stipulated in the Law,
 - g) he/she possesses a passport which is valid at least three months after the date of expiration of the deadline requested for a temporary residence, and
 - h) that the alien is not subject of criminal proceedings and that he/she has not been prosecuted for a criminal act, which can be proved by a certificate issued by the competent state authority in which he/she has a habitual place of residence. This evidence is not to be submitted for juveniles up to 14 years of age.
- (2) In the procedure of deciding upon the application, the inspector for aliens of one of the organizational units of the Service, ex officio, performs operational check ups in the field to determine the accuracy of statements given by the applicant, and also performs check ups in operational and official registries of the law enforcement agencies in BiH on which an official note is made and filed. Check ups in operational and official registries of the law enforcements agencies in BiH are not to be performed for juveniles up to 14 years of age.

Article 29
(Grounds for granting a temporary residence permit)

- (1) Ground for granting a temporary residence permit are:
- a) marriage with BiH citizen (PB/1),
 - b) extra-marital union between an alien and BiH citizen (PB/2),
 - c) family reunification (PB/3),
 - d) employment as specified in the work permit granted (PB/4),
 - e) private entrepreneurship (PB/5),
 - f) work of key employees in a legal entity (PB/6),
 - g) scientific-research work (PB/7),
 - h) artistic work (PB/8),
 - i) sport work (PB/9),
 - j) consulting work (PB/10),
 - k) education (PB/11),
 - l) medical treatment (PB/12),
 - m) volunteer work (PB/13),
 - n) engagement in religious organizations and communities (PB/14),
 - o) ownership of fixed property (PB/15),
 - p) realization of the project significant for BiH (PB/16),
 - r) realization of the international agreement to which BiH is a contracting party (PB/17),
 - s) humanitarian grounds (PB/18),
 - t) other justified grounds (PB/19).
- (2) Granting of a temporary stay may be issued no longer than up to one year, depending on the type of stay, under condition that the alien fulfills the general condition for residence permit, regulated by this Law and the Bylaw, and under condition that he/she has entered legally to BiH.
- (3) Categories of aliens which do not have to have a work permit in BiH in accordance with Article 84 of the Law, in BiH may reside on the grounds of:
- a) visa, or non-visa stay or
 - b) granted temporary residence.

Article 30
(Marriage to BiH Citizen – PB/1)

(1) Temporary residence on the basis of marriage to BiH citizen may be approved to an alien BiH if BiH citizen resides in and if the marriage is valid in BiH, provided that the general rules for approval of temporary residence, stipulated by Article 53 of the Law and Article of 28 of this Rulebook.

(2) In addition to request for approval/extension of temporary residence, and proofs on meeting the general requirements for approval of temporary residence, an alien shall submit the following proofs adducing plausible grounds for the residence based on this:

- a) certificate of register of marriages issued by the relevant register office in BiH, or equivalent document issued by the relevant authority of other country, issued in international form, which evidently indicates the fact that one entered into a marriage with BiH citizen, or certified copy of marriage certificate with official certified translation,
- b) certificate of citizenship for BiH citizen,
- c) the copy of identification card for BiH citizen,
- d) the proof of certificate of registration which evidently indicates that BiH citizen permanently resides in BiH,
- e) the proof of joint household,
- f) the proof that BiH citizen has steady income or is in possession of sufficient means for self-support and supporting one's spouse (the proof of employment and monthly incomes, bank statement, proof that the person is an owner of immovable property in BiH on the basis of which one can provide means for support, etc),
- g) the statement verified by municipal administrative authority or notary, by which the BiH citizen commits oneself to bear the costs of accommodation, medical costs, to ensure supporting and defray the expenses that may incur as a result of alien's residence in BiH, and the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that may result from alien leaving BiH.

(3) Temporary residence permit shall be issued for the time period indicated in the request, up to a maximum of one year, provided that the validity of travel document of an alien exceeds the period of residence for three months.

(4) Should the marriage end, an alien is entitled to extension of residence permit only if one meets the requirements set out in Article 58 of the Law.

Article 31
(Common-Law Marriage of an Alien to BiH citizen - PB/2)

(1) Temporary residence on the basis of common-law marriage to BiH citizen may be approved to an alien if BiH citizen resides in BiH.

(2) In addition to the application for approval/extension of temporary residence and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following proofs adducing plausible grounds for the stay on this basis:

- a) the proof of free marital status for both extramarital partners,
- b) the proof that cohabitation of an alien and BiH citizen has existed at least three years before the submission of request for temporary residence permit in BiH, or this period can shorter if cohabitation resulted in giving a birth to the child of these two extramarital partners (proof of registration of common-law marriage, statements of witnesses etc, and birth certificate for children),
- c) certificate of citizenship for BiH citizen,
- d) the copy of identification card for BiH citizen,
- e) the proof of certificate of registration which evidently indicates that BiH citizen permanently resides in BiH,
- f) the proof of joint household,
- g) the proof that BiH citizen has steady income or is in possession of sufficient means to support one self and one's spouse (the proof of employment and monthly incomes, bank statement, proof that the person is an owner of immovable property in BiH on the basis of which one can provide means for support, etc),
- h) the statement verified by municipal administrative authority or notary, by which the BiH citizen commits oneself to bear the costs of accommodation, medical costs, to ensure supporting and defray the expenses that may incur as a result of alien's residence in BiH,

and the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that may result from alien leaving BiH.

(3) For the purpose of establishing the existence of common-law marriage, in the course of processing the request, the operational verifications, the test procedure and examination shall be conducted, both extramarital partners shall be interviewed (separately and/or being confronted with the partner), and the witnesses shall also be interviewed as required.

(4) Temporary residence permit shall be issued for the time period indicated in the request, up to a maximum of one year, provided that the validity of travel document of an alien exceeds the period of residence for three months.

(5) Should the common-law marriage end, an alien is entitled to extension of residence permit only if one meets the requirements set out in Article 58 of the Law.

Article 32 (Family Reunification PB/3)

(1) Family reunion shall implicitly include an entry and stay of aliens in BiH, who are the members of immediate family of a person who resides legally in BiH, for the purpose of preserving the family.

(2) Temporary residence on the basis of family reunion may be approved to an alien who is a member of immediate family of BiH citizen residing in BiH, or an alien who was granted a permanent residence in BiH.

(3) Temporary residence permit on the basis of family reunification may be approved to a member of an immediate family of an alien who was granted a temporary residence in BiH up to a one year period, if there are reasonable grounds that one might be granted a permanent residence in BiH. The following may be considered the reasonable grounds, referred to in Article 57, paragraph 1 of the Law – an alien, with whom a family reunion is sought, legally resides within the territory of BiH in the period of three years before reunification with immediate family member.

(4) In addition to application for approval/extension of temporary residence permit, an alien shall submit the following evidences, which justify the stay on these grounds:

a) the evidence that one is a member of immediate family of BiH citizen residing in BiH, meaning the one is a member of an immediate family of an alien who is granted temporary or permanent residence in BiH:

- for minor children – birth certificate or other evidence conforming that a child is a member of immediate family, while for major dependent children one shall present a proof that the child is being supported (the proof that a child is included in regular education or the proof that a child is not able to perform business activity),

- for dependent parents – proof of consanguinity and proof that the parent is non-self supporting,

- for an alien spouse who is granted a permanent residence in BiH – marriage certificate,

- for common-law marriage partner - the proofs that the cohabitation has existed at least three years before submission of application for approval of temporary residence in BiH permit, or shorter, if the partners parented the child during cohabitation (proof of registration of common-law marriage or similar, and birth certificate of a child/children),

b) certificate of citizenship for BiH citizen and certificate of registration in BiH for BiH citizen with whom the family is to be reunified,

c) the evidence on approval of stay for an alien with whom the family reunification is sought,

d) the proof that BiH citizen or an alien who is granted the residence in BiH has a steady income or is in possession of sufficient means for self-support and support of the members of immediate family (proof of employment and monthly incomes, bank statement, proof that the person is an owner of immovable property in BiH on the basis of which one can provide means for support, etc),

e) the statement verified by municipal administrative authority or notary, by which the BiH citizen commits oneself to bear the costs of accommodation, medical costs, to ensure supporting and defray the expenses that may incur as a result of alien's stay in BiH, and the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that may result from alien leaving BiH.

(5) In addition to the requirements provided for in this Article, an alien with temporary or permanent residence in BiH, with whom the family is reunified, shall have an adequate accommodation ensured in BiH. An adequate accommodation shall implicitly include

residential accommodation furnished by infrastructure (water, sewage system, electricity, etc) and complies with the sanitary requirements for healthy dwelling.

(6) Temporary residence permit on the basis of reunification of the family with BiH citizen or an alien who is granted a temporary residence in BiH, shall be issued for a period up to one year, and with regard to an alien who is granted a temporary residence in BiH, the permit shall be issued for the same period of stay of an alien with whom the family is to be reunified, provided that the requirements regarding the validity of passport, set out in Article 53, paragraph 1, item f) of the Law, are met.

(7) Should the marriage or common-law marriage, on the basis of which the alien is granted a temporary residence ends, an alien – spouse or common-law marriage partners shall be granted a an extension of stay only if one meets the requirements referred to in Article 58 of the Law.

Article 33 (Newborn Child)

(1) The newborn child, parented by the aliens who are granted the stay in BiH, shall acquire the right to stay in BiH for the same period of time as its parents who are granted a residence in BiH. If one of the parents is granted a temporary residence in BiH, the permit shall be issued for the period of validity of parent's temporary residence permit.

(2) The parents shall submit an application for residence permit, referred to in paragraph 1 of this Article, within 30 days as of the day of the child's birth.

(3) In addition to application for temporary residence permit, the following evidences shall be presented:

- a) child's birth certificate,
- b) proof of residence permit in BiH for the parents,
- c) verified copy of child's travel document or travel document of a parent in whose travel document the child is registered,
- d) the proof that required tax was paid.

(4) If the procedure of issuing the travel document is not completed within 30 days since the day of child's birth, the proof which shall be submitted is the request for issuing travel document, and the procedure is terminated by conclusion until the previous matter is resolved.

Article 34 (Work on the Basis of Issued Work Permit – PB/4)

(1) The work permit is a permit issued for remunerated work of an alien on specific job or for the specific type of jobs, in a specific time period, up to a maximum of one year, which, at the request of an employer (legal or physical entity intending to employ an alien) is issued by the authority, which is a relevant organ for employment affairs in BiH.

(2) An alien entering BiH by no-visa principle, and having intention to submit application for temporary residence permit in BiH on the basis of issued work permit shall hold a work permit at the time of entry into BiH, meaning that the work permit shall be issued prior to the date on which an alien entered BiH, meaning the date of entry stamp entered in the travel document of an alien.

(3) An alien wishing to enter BiH with Visa – D, shall obtain a work permit prior to submitting the visa application.

(4) In addition to application for approval/extension of temporary residence permit, and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the work permit issued by the relevant employment service in BiH, which justifies alien's the stay on this ground.

(5) Following the issuance of temporary residence permit on this basis, employer and alien enter into a work contract or other adequate form of contract, which an employer is obliged to submit to the Service, not later than three days as of the day of receipt of temporary residence permit.

(6) An alien may work in BiH only at the job or at the type of jobs for which the work permit was issued, meaning an alien may work only for an employer with whom one entered into a work contract, on the basis of work permit.

(7) Temporary residence permit shall be issued for the period which exceeds the period of

work permit validity for 15 days, provided that the validity of alien's travel document exceeds the validity of temporary stay for three months – it may exceed the temporary residence period up to a maximum of one year.

Article 35
(Private Entrepreneurship– PB/5)

(1) The temporary residence for the purpose of pursuing private entrepreneurship may be approved to an alien who is a founder of legal or physical entity, provided that the activity will result in economic benefit for BiH, in terms of creation of new jobs, technology transfer, innovations or financial investments.

(2) The founder may be granted a temporary residence on the basis of private entrepreneurship if one resides in BiH for the purpose of control or management of one's capital.

(3) In addition to application to approve/extend temporary residence permit, and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on these grounds:

a) decision of the Ministry of Foreign Trade and Economic Relations of BiH on registration of foreign investment,

b) certificate issued by the Ministry of Foreign Trade and Economic Relations of BiH that the activity pursued by the legal entity has an economic benefit for BiH, with regard to creating new jobs, technology transfer, innovations or investments,

c) decision on registration of legal entity into the register of companies or decision of relevant authority allowing the physical entity to pursue a given business activity,

d) the proof of business solvency of the company, issued by the relevant bank,

e) certificate issued by Employment Bureau, indicating what personnel is available and how many BiH citizens are employed, and the certificate of relevant Health and Retirement Fund (hereinafter: HRF Fund), which indicates the number of employees for which the contributions are paid on the basis of employment,

f) the proof of discharged tax obligations in BiH,

g) certificate of specific and unique identification number of taxpayer, issued by Tax Authority.

(4) The temporary residence permit, issued on this basis, shall be approved for the time period that totals three months per year.

Article 36
(Legal Entity Key staff Work– PB/6)

(1) Temporary residence for work purposes may be granted to an alien who is a member of key staff in a legal entity. The following persons shall be deemed key staff:

a) persons appointed members of supervisory board of a legal entity registered in BiH which is established as a stock company in majority ownership of a legal entity or a physical entity,

b) persons in senior management positions or in executive positions in a legal entity, persons managing business operations, persons supervised by or chiefly receiving instructions from the managing board or the stockholders, or a person who performs a similar duty including managing a department or a sub-department within a legal entity, monitoring and supervision of other employees, performing managing and supervising duties, a person authorized to employ or to terminate employment of workers, i.e. to provide recommendations regarding employment, to terminate employment, or to perform other human resources related activities,

c) persons employed in a legal entity, in a branch office or in a representative office, having specific professional knowledge or authorization necessary to provide services, to operate research equipment, to apply techniques or to manage business operations of a legal entity, a department or a representative office.

(2) In addition to the application to approve/extend temporary residence and proof of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on these grounds:

a) decision of Ministry of Foreign Trade and Economic Relations on registration of foreign investment,

- b) a document certifying the key staff status,
 - c) certificate issues by Ministry of Foreign Trade and Economic Relations stating that the activity pursued by the legal entity has an economic benefit for Bosnia and Herzegovina, with regards to creating new jobs, technology transfer,
 - d) decision on registration of legal entity into the register of companies or decision of relevant authority allowing the physical entity to pursue a given business activity,
 - e) proof of business solvency of the company issues by the relevant bank,
 - f) proof of discharged tax obligations in BiH,
 - g) certificate of specific and unique identification number issued by tax authority,
 - h) certificate of need to engage an alien in BiH issued by employer verified by the stamp and the signature of the responsible person, stating the time period in which it is necessary to engage an alien, which proves that employer shall carry the costs of accommodation, medical costs, ensure the support and carry all the other costs that one may incur as result of alien's stay in BiH, as well as cost of placing under surveillance, voluntary abandonment of the country or coercive removal, as well as all other costs that result from an alien leaving BiH.
- (3) temporary residence permit issued on this basis shall be approved for the time period that totals three months per year.

Article 37 (Scientific-Research Work–PB/7)

- (1) Temporary residence on basis of scientific-research work may be granted to an alien participating in scientific-research projects of importance for BiH, scientists in the capacity of representatives of international organizations or in the capacity of members of international scientific missions, conducting research in BiH approved by Council of Ministers of BiH, university professors invited by universities in BiH to conduct lecturing activities, scientists attending professional or scientific training, experts, teaching staff and lecturers performing their professional activities within the framework of cultural and educational cooperation programs.
- (2) Temporary residence on this basis may be granted to aliens engaged in the field of protection of cultural heritage, library science and archival science.
- (3) With the application to approve/extend temporary residence and the proof of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying the residence on these grounds:
- a) evidence which substantiates that an alien is engaged in a scientific-research project,
 - b) certificate of an existing, ongoing project of importance for BiH in which an alien is engaged in capacity of expert who is necessary for implementation of the project issued by relevant authority in BiH,
 - c) cooperation contract or agreement entered into by relevant authority in BiH or institutions and an alien stating the information regarding the time period of alien's engagement, rights and obligations of contractual parties, as well as relevant authority's guarantee that the alien shall be provided resources for support, accommodation, medical costs and other costs that the other costs that may incur as result of alien's stay in BiH and that the alien shall leave BiH upon completion of the engagement.
- (4) Temporary residence referred to in paragraph 1. of this Article shall be approved for the time period stated in the Contract of Engagement, not exceeding one year, provided that validity of alien's travel document exceeded the period of temporary residence by three months, and the temporary residence referred to in the paragraph 2 of this article shall be approved to an alien provided that the alien's continuous stay in BiH shall not exceed 30 days and provided that alien's stay shall not exceed three months per year including breaks.

Article 38 (Arts and Arts-Related Work–PB/8)

- (1) Temporary residence on basis of arts and art-related work may be granted to artists and technical staff, namely to authors and performers of opera, ballet, drama and various other theatre performances or concert, visual arts and various other cultural events or to authors or performers in the field of music, music and stage, dance and ballet arts, as well

as to other reporting, organizational and technical staff participating in cultural workshops, events and art colonies, provided their continuous stay in BiH on these grounds does not exceed 30 days or provided their stay does not exceed three months per year including breaks.

(2) Temporary residence on said basis may be granted to aliens employed in circuses or amusement parks, provided their stay in BiH does not exceed three months per year.

(3) With the application to approve/extend temporary residence and the proof of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying the residence on these grounds:

- a) proof of engagement of alien,
- b) contract entered into with a physical or legal entity in BiH registered for performing the activity the alien is engaged in,
- c) certificate of need to engage an alien in BiH issued by employer verified by the stamp and the signature of the responsible person, stating the time period in which it is necessary to engage an alien, which proves that employer shall carry the costs of accommodation, medical costs, ensure the support and carry all the other costs that one may incur as result of alien's stay in BiH, as well as cost of placing under surveillance, voluntary abandonment of the country or coercive removal, as well as all other costs that result from an alien leaving BiH,
- d) proof of business solvency of the company issues by the relevant bank,
- e) proof of discharged tax obligations in BiH,
- f) certificate of specific and unique identification number issued by tax authority.

(4) With the application to approve temporary residence to an alien engaged as an entertainment artist and the proof referred to in paragraph 3 of this Article, one shall submit the contract with the organizer or the intermediary registered to pursue such activity.

Article 39 (Sports Jobs– PB/9)

(1) Temporary residence on the basis of sports activities may be approved to the aliens coming to BiH for the purpose of participating in sports events and chess tournaments.

(2) In addition to application for approval/extension of temporary residence permit, and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on these grounds:

- a) an invitation from the organiser of sports event,
- b) the proof of registration of organiser,
- c) the proof of business solvency of an organiser, issued by the relevant bank,
- d) the proof of discharged tax obligations in BiH,
- e) certificate on specific and unique identification number of taxpayer, issued by Tax Authority,
- f) certificate issued by sports event organiser and verified by the stamp and signature of responsible person, by which organiser pledges oneself to bear the accommodation costs, medical costs, ensure the support and bear all other costs that one may incur as a result of alien's stay in BiH, as well as the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that result from an alien leaving BiH.

(3) Temporary residence shall be approved for the time period indicated in the invitation from sports event organiser, up to the maximum of one year, provided that the validity of alien's travel exceeds the period of stay for three months.

Article 40 (Consultancy Work– PB/10)

(1) The temporary residence permit on the basis of consultancy work may be issued to an alien possessing extraordinary expertise in the field of using the research equipment and technologies or other areas of significance for the work of authorities in BiH or legal entity.

(2) In addition to application for approval/extension of temporary residence permit of an alien being hired in the capacity of a consultant in the fields of importance for the work of BiH authorities and proofs of meeting the general requirements for approval of temporary

residence, an alien shall submit the following evidence justifying one's residence on this basis:

- a) certificate issued by the relevant authority indicating that an alien is recruited as a consultant in the areas of significance for the work of BiH authorities,
- b) contract or agreement on cooperation between the BiH authorities, including the data on time period for which an alien is hired, rules and obligations of contractual parties,
- c) the guarantee issued by BiH authorities that they will ensure the means for support, accommodation, cover medical costs and other costs that they may incur due to alien's stay in BiH, and that an alien will leave BiH upon the completion of the project.

(3) In addition to application for approval/extension of temporary residence permit of an alien being hired in the capacity of a consultant in the fields of importance for the work of legal entity and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on this basis:

- a) decision on registration of legal entity into the register of companies,
- b) document proving the status of consultant in the legal entity from which one comes or a diploma – certificate that one has required qualifications to perform expert jobs, and which justifies hiring an alien,
- c) contract or agreement on cooperation between the legal entity and an alien including the data on time period for which an alien is hired, rules and obligations of contractual parties,
- d) guarantee, issued by the legal entity, stating that it will ensure the means for support, accommodation, and cover the medical costs and other costs that one may incur as a result of alien's stay in BiH and that an alien will leave BiH upon the completion of the project.

(4) Temporary residence permit shall be issued for the period indicated in the contract or agreement on cooperation, up to the maximum of one year, provided that the validity of alien's travel exceeds the period of stay for three months.

(5) Temporary residence permit on the basis of consultancy work may be issued to an alien performing jobs and duties related to delivery, assembling and servicing of machines or equipment, provided that their engagement shall not exceed 30 days of alien's continuous stay, nor exceed the total period of three months per year, with breaks.

(6) In addition to application for temporary residence permit, and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on these grounds:

- a) contract or agreement on cooperation between the legal entity recruiting an alien and the legal entity referring an alien to BiH,
- b) the proof that an alien is engaged in delivery, assembling or servicing of machines or equipment,
- c) decision on registration of legal entity into the register of companies,
- d) the proof of business solvency of the legal entity, issued by the relevant bank,
- e) the proof that legal entity discharged its tax obligations in BiH,
- f) certificate of specific and unique identification number of taxpayer, issued by Tax Authority,
- g) certificate issued by the legal entity and verified by the stamp and signature of responsible person, by which the legal entity pledges oneself to bear the accommodation costs, medical costs, ensure the support and bear all other costs that one may incur as a result of alien's stay in BiH, as well as the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that result from an alien leaving BiH.

(7) Temporary residence permit on this basis may be issued to a alien who was referred by foreign employer, which enables professional improvement and training for the persons employed in physical or legal entities registered in BiH, provided that their stay in BiH will not exceed three months in total per year.

(8) In addition to application and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on the grounds referred to in paragraph 3 of this Article:

- a) document proving that an alien is referred to provide professional training of persons employed in legal or physical entity registered in BiH,
- b) decision on registration of legal entity into the register of companies, or decision on registration of physical entity from which an alien comes,
- c) the proof of business solvency of the legal entity, issued by the relevant bank,
- d) the proof that legal/physical entity discharged its tax obligations in BiH,

- e) certificate of specific and unique identification number of taxpayer, issued by Tax Authority,
- f) certificate issued by the legal/physical entity to which an alien is referred and verified by the stamp and signature of responsible person, by which the legal/physical entity pledges oneself to bear the accommodation costs, medical costs, ensure the support and bear all other costs that one may incur as a result of alien's stay in BiH, as well as the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that result from an alien leaving BiH.

Article 41
(Education– PB/11)

- (1) Temporary residence permit may be issued to an alien for the purpose of receiving education in primary, secondary school or higher education institution, as well as for the purpose of learning foreign language in the institutions authorised to pursue this activity in BiH, in order to take preparations for enrolment as full time student, as well as for the purpose of expert specialisations.
- (2) In addition to application and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit the following evidence justifying one's residence on these grounds:
 - a) certificate on enrolment in educational institution in current academic year,
 - b) the proof on payment of tuition fee or other costs related to educational or some other institution in BiH,
 - c) the proof on secured means to support oneself during the academic year, to the amount of BAM 800,00 KM per month,
 - d) the written statement of an alien stating that one is able to take the classes in the language in which the teaching and lectures are delivered.
- (3) If the application for approval/extension of temporary residence permit on the basis of education relate to minor alien, the application shall be submitted by one of the parents or legal guardian of minor alien.
- (4) In addition to the proofs set out in paragraph 2 of this Article, in order to approve a temporary residence for a minor on this basis, the written consent of both parents or legal guardian shall be submitted, stating that the minor is to receive education in BiH and the consent of both parents or legal guardian for minor alien to be placed in a boarding school or in the home of BiH citizen or in the home of an alien having permanent residence permit in BiH, who will bear the costs of accommodation, medical costs, costs of supporting and who will bear all other costs that may arise from alien's stay in BiH, as well as all costs resulting from alien leaving BiH.
- (5) Temporary residence shall be approved for the period of one academic year, up to the maximum of one year, provided that the validity of travel document of an alien exceeds the period of stay for three months.
- (6) Temporary residence permit on this basis may be extended up to a maximum of two years following the elapse of period stipulated for full time education, and upon submission of proof on repeated registration for the same year of study.
- (7) Temporary residence permit on this basis may be issued to an alien coming for the purpose of professional training or improvement in BiH, provided that their training shall not exceed the period of three months in BiH, in total.
- (8) In addition to application and proofs of meeting the general requirements for approval of temporary residence, an alien shall submit following evidence justifying one's residence on the grounds referred to in paragraph 7 of this Article:
 - a) document indicating that an alien is sent to BiH to receive professional improvement or training,
 - b) document indicating that an alien is accepted for professional improvement or training in BiH,
 - c) proof of payment for the purpose of professional development or training,
 - d) proof of being in possession of means of subsistence needed for support and return,
 - e) certificate issued by the legal/physical entity to which an alien is referred and verified by the stamp and signature of responsible person, by which the legal/physical entity pledges oneself to bear the accommodation costs, medical costs, ensure the support and bear all other costs that one may incur as a result of alien's stay in BiH, as well as the costs of placing under surveillance, voluntary abandonment of country or coercive removal, as well as all other costs that result from an alien leaving BiH.

Article 42
(Medical treatment – PB/12)

(1) Temporary residence permit may be granted to an alien for the purpose of his/her medical treatment in medical facilities, therapy communes – therapeutic communities and spa facilities registered in BiH for providing those services.

(2) With the application, the alien is obligated to submit, together with the evidence of meeting the general requirements for a temporary residence permit, the following evidence which justifies the stay on this grounds:

a) confirmation from the medical facility, therapy commune – therapeutic community, spa facility in BiH, that they would provide medical treatment to the alien, stating the period of the treatment,

b) evidence of advance payment, minimum 50% of the costs of the treatment.

(3) Temporary residence is granted for the duration of the medical treatment, for the maximum of one year, provided the validity period of the passport of the alien is three months longer than the period of stay.

Article 43
(Voluntary work– PB/13)

(1) Temporary residence may be granted to an alien for the purpose of voluntary work in humanitarian organizations, citizens' associations or foundations.

(2) With the application, the alien is obligated to submit, together with the evidence of meeting the general requirements for the temporary residence permit, the following evidence justifying the stay on this grounds:

a) proof of registration of the humanitarian organization, citizens' associations or foundation,

b) the project of the humanitarian organization, citizens' association or foundation for the realization of which the alien has been hired and the permit for the realization of the project issued by the competent authority in BiH for humanitarian organizations, should such permit be required,

c) evidence of solvency of the humanitarian organization, citizens' association or foundation where the alien does voluntary work,

d) confirmation from the project owner regarding the hiring of the alien for the realization of the project, stating the job assignments and the period for which the alien has been hired to perform voluntary work,

e) confirmation from the humanitarian organization, citizens' association or foundation with the stamp and signature of the person responsible, undertaking to pay for the accommodation, medical treatment, to provide for living and to cover all other costs that may be incurred in connection with the alien's stay in BiH, the expenses of placing under supervision, voluntary departure or forcible expulsion, as well as all other costs in connection with the alien's departure from BiH.

(3) Temporary residence shall be granted for the period required for the realization of the project, for the maximum of one year, provided the validity period of the travel document of the alien is three months longer than the period of stay.

Article 44
(Engagement in religious organizations and communities – PB/14)

(1) Temporary residence may be granted to an alien for the purpose of engaging in religious organizations and communities for jobs exclusively in connection with religious service.

(2) With the application for temporary residence permit/extension, the alien is obligated, together with the evidence of meeting the general requirements for the temporary residence permit, submit the following evidence justifying the stay on this grounds:

a) confirmation from the competent authority with regards to the registration of the religious organization or community,

b) confirmation from the religious organization or community, with the stamp and signature of the person responsible with regards to the hiring of the alien for the

realization of job assignments in connection with religious service, stating the job assignments and the period for which his/her hiring is necessary,
c) proof of solvency,
d) confirmation from the religious organization or community, with the stamp and signature of the person responsible, undertaking to cover the expenses of accommodation, medical treatment, living expenses and other expenses that may be incurred in connection with the alien's stay in BiH, the expenses of placing under supervision, voluntary departure or forcible expulsion, as well as all other expenses of the alien's departure from BiH.
(3) Temporary residence is granted for the period required for the realization of job assignments in connection with the religious service, for the maximum of one year, provided the validity period of the passport of the alien is three months longer than the period of stay.

Article 45 **(Possession of real estate in BiH – PB/15)**

(1) Temporary residence may be granted to an alien on the grounds of his/her possession of real estate in BiH where he/she has appropriate accommodation and if there is an effective connection of the alien with BiH.
(2) With the application, the alien is obligated to submit, with the evidence of meeting the general requirements for temporary residence permit, the following evidence which justifies the stay on this grounds:
a) evidence of possession of real estate in BiH (land registry excerpt or excerpt from the contracts registry),
b) evidence of the effective connection with BiH, which can be proved in one of the following ways:
- he/she is of BiH origin (birth certificate),
- immediate family roots in BiH (birth certificate),
- using real estate for living,
- education of children in BiH,
- receiving pension in BiH,
- investing in BiH,
- proof that his/her immediate family members live in BiH etc.,
c) alien's statement verified by municipal authorities or a notary that he/she has an adequate living space for his/her stay in BiH.
(3) An alien who cannot provide the evidence from Paragraph 2, Item a) of this Article due to the absence of land registry or contracts registry, with the application may submit properly verified agreement for sale, gift contract, certificate of inheritance or any other evidence of entitlement to real estate granted in an administrative procedure and a certificate from the relevant court with regards to the reasons for which it is not possible to register the real estate.
(4) During the procedure inspector for aliens conducts operational assessment in order to establish the truthfulness of claims and the existence of an effective connection of the alien with BiH.
(5) Temporary residence is granted for the period indicated in the application, for the maximum of one year, provided the validity period of the travel document of the alien is three months longer than the period of stay.

Article 46 **(Realization of a project of importance for BiH– PB/16)**

(1) Temporary residence may be granted to an alien on the grounds of the realization of a project of importance for BiH.
(2) With the application, the alien is obligated to submit, with the evidence of meeting the general requirements for temporary residence permit, a confirmation from the relevant state authority that the project is of importance for BiH, that the alien is required for the realization of the project, information about his/her role in the project and the period for which the alien is hired.
(3) Temporary residence is granted for the period within which there is the need for hiring

the alien for the realization of the project, for the maximum of one year, provided the validity period of the alien's travel document is three months longer than the period of stay.

Article 47
(Implementation of an international treaty to which BiH is a Contractual Party – PB/17)

- (1) Temporary residence may be granted to an alien on the grounds of the realization of an international treaty to which BiH is a Contractual Party.
- (2) With the application, the alien is obligated to submit, together with the evidence of meeting the general requirements for temporary residence permit, the evidence from the relevant state authority that the alien is needed for the realization of a specific international treaty to which BiH is a Contractual Party, information about his/her role in the realization of the project and the period for which the alien is hired.
- (3) Temporary residence is granted for the period within which there is the need for hiring the alien for the realization of the international treaty, for the maximum of one year, provided the validity period of the alien's travel document is three months longer than the period of stay.

Article 48
(Humanitarian reasons – PB/18)

- (1) Temporary residence on the grounds of humanitarian reasons may be granted to an alien who does not meet the general requirements for the temporary residence permit prescribed by Article 53 of the Law and Article 28 of this Bylaw.
- (2) In the procedure for granting temporary residence to a minor for humanitarian reasons the organizational unit of the Service conducting the procedure is obligated to ensure that the minor is represented by an attorney throughout the whole procedure.
- (3) A stateless person who does not hold a valid travel document, and who is granted temporary residence for humanitarian reasons is issued a certificate of identity with the residence permit sticker. Certificate of identity is numbered, white, size (125+0,75) mm x (88+0,75) mm, consisting of 8 pages.
- (4) Certificate from Paragraph 3 of this Article serves as an identification document on the territory of BiH and may not be used for crossing state borders. Identification certificate form is part of this Bylaw, Form number 11.
- (5) If the alien's request for international protection is denied by an absolute decree or overruled or the proceedings has been adjourned by the final decision, but during the proceedings following the request for international protection it has been established that in spite of that the alien cannot be expelled from BiH due to the principle of prohibited return, the alien is granted temporary residence for humanitarian reasons by the decision of the Service in accordance with Article 54 Paragraph 1 Item d) of the Law. Temporary residence permit on this grounds is granted, upon the applicant's request, on the grounds of a final decree from Article 116 Item c) or the final decision from Article 116 Item d) or e) of the Law in which in the proceedings following the request for international protection the Ministry (Sector for Asylum) has established that the alien may not be expelled from BiH due to the reasons provided for under Article 91 of the Law (the principle „Prohibited return “). Extension of the temporary residence permit on this grounds is granted upon the request of the applicant with opinion obtained from the Ministry (Sector for Asylum).

Article 49
(Other justified reasons – PB/19)

- (1) Temporary residence may be granted to an alien for other justified reasons: stay for family members of persons enjoying privileges and immunity, stay for foreign correspondents accredited in BiH or foreign media reporters as well as for other justified reasons.
- (2) Temporary residence may be granted to an alien if he/she is a member of the immediate family of a foreigner who enjoys privileges and immunity on the grounds of

international law, and he/she him/herself does not enjoy the same privileges and immunity.

(3) With the application, the alien is obligated to submit, together with the evidence of meeting the general requirements for temporary residence permit the following evidence which justifies the stay on this grounds:

- a) proof that the alien with whom the family reunification is requested enjoys the privileges and immunity according to international law,
- b) proof for the alien is a member of the immediate family of the foreigner with whom the family reunification is requested.

(4) Authority conducting the procedure is obligated ex officio to provide evidence issued by the relevant authority or the Ministry of Foreign Affairs that the foreigner who is being reunited with the family enjoys the privileges and immunity, and the approval from the Ministry of Foreign Affairs to apply the provisions of the Law to the members of the family of the person enjoying the privileges and immunity.

(5) Temporary residence is granted for the period within which the foreigner who is being reunited with the family enjoys the privileges and immunity in BiH, for the maximum of one year, provided the validity period of the alien's travel document is three months longer than the period of stay

(6) Temporary residence may be granted to an alien if he/she is a foreign correspondent accredited in BiH or a foreign media reporter.

(7) With the application, the alien is obligated to submit, together with the evidence of meeting the general requirements for temporary residence permit the following evidence which justifies the stay on the basis of Paragraph 6 of this Article:

- a) proof that the alien is a foreign correspondent accredited in BiH or that he/she is a foreign media reporter,
- b) evidence of job assignment in BiH.

(8) Temporary residence is granted for the duration of the job assignment, for the maximum of one year, provided the validity period of the travel document of the alien is three months longer than the period of stay.

(9) Temporary residence in BiH granted to an alien on the grounds of Paragraph 2 of this Article shall not be taken into consideration as the grounds for permanent residence.

VII - PERMANENT RESIDENCE

Article 50 (Permanent residence)

(1) Permanent residence may be granted to an alien under conditions provided for under the Law.

(2) Application for permanent residence permit must be submitted within the period of temporary residence, at latest 15 days before the expiry of the residence permit. With the application for permanent residence the alien is obligated to submit a photograph size 30X35 mm, verified photocopy of the passport and the evidence that he/she meets the requirements for acquiring permanent residence.

(3) Alien's stay outside BiH for the period of up to 90 days during the year of granted temporary residence shall not be considered as an interruption of residence.

(4) Permanent residence is granted for indefinite period, and the sticker of residence is issued for the period of the validity of the passport. When inserting the sticker of permanent residence into the alien's passport, the sticker of temporary residence is annulled by affixing the stamp «annulled» over the sticker and the date of annulment. If the alien extends the validity of the passport, replaces the passport due to expiry, destruction or any other reason, he/she is obligated to apply for the amendment of the decision for the purpose of issuing a new sticker of permanent residence.

(5) Organizational unit of the Service, ex officio, submits the request to the Ministry of Civil Affairs for determining and assigning an identification number to the alien.

(6) Upon receiving the notification of assigned identification number the alien is obligated to submit an application for the issuance of a personal identity card for the alien within eight days to the relevant authority in accordance with the place of residence from Article 58 Paragraph 1 of this Bylaw.

(7) The alien is obligated to submit a photocopy of the personal ID card for aliens to the organizational unit of the Service in accordance with his/her place of residence, which

keeps official records of issued personal documents to aliens, in accordance with Article 144 of the Law.

VIII-PROCEDURE OF DECIDING UPON APPLICATION FOR RESIDENCE PERMIT-EXTENSION

Article 51 (Procedure)

- (1) With the application for residence permit in BiH the alien is obligated to submit evidence prescribed by the provisions of the Law and this Bylaw.
- (2) During the procedure of deciding upon application, the inspector for aliens, ex officio, conducts operational assessment in loco, as well as assessment of official and operational records of the bodies responsible for implementing the law in BiH.
- (3) If during the procedure it is established that the application needs to be supplemented by additional evidence, relevant organizational unit of the Service shall call upon the alien to complete the application, for which he/she will be given appropriate deadline. If the alien does not complete the application within the given deadline the relevant organizational unit of the Service will deny the application in accordance with Article 128 of the Law on legal procedure.
- (4) If the alien's request is justified and if all the requirements prescribed by Law are met, the Service makes the decision to grant/extend temporary/permanent residence permit and issues a sticker indicating residence permit which is affixed in the alien's passport.
- (5) Decision is delivered to the alien in person in official premises of the organizational unit of the Service, that is DKP BiH. If the requirements are not met for personal delivery of the decision, delivery is done in accordance with the provisions of the Law on administrative procedure.

Article 52 (Amendments to the decision)

- (1) When an alien within the period of residence permit applies for the issuance of a new sticker in connection with the issuance of a new passport or the extension of the validity of the passport, the Service, with the alien's approval, decides to amend the decision on the residence permit, which refers to the altered information in the passport, and the decision concerning the amendment of the decision is part of the original decision.
- (2) On the grounds of the amended decision a new sticker is issued, and the previously issued sticker, which is available, is annulled, and if it is not available it is declared null and void. Announcement in the Official gazette is the responsibility of the alien.
- (3) In the event of an error in the sticker, a new is issued ex officio or at the alien's request, with the explanation of reasons for which the issuance of a new sticker is requested. A sticker with a technical error is annulled, and if it has not been affixed in the travel document it is returned to the Service.

Article 53 (Denial of the application for residence permit)

- (1) Application for residence permit is refused as unfounded if the alien does not have the evidence to justify the grounds of his/her request, if he/she does not meet the general requirements for the residence permit or if he/she does not meet the requirements for the extension of temporary residence permit from Article 52 Paragraph 6 of the Law.
- (2) Application for temporary or permanent residence permit shall be denied to an alien who does not meet the requirements for residence permit prescribed by the Law and this Bylaw, by the decision if one or more requirements prescribed by Article 62 of the Law are met.
- (3) In accordance with the provisions in Article 62 Paragraph 1 Item e) of the Law, in the procedure of deciding upon the application for temporary or permanent residence permit in BiH, organizational unit of the Service shall assess all the facts from operational and official

records of the bodies responsible for the implementation of law in BiH.

On the same grounds, the application for temporary or permanent residence permit in BH shall be denied to an alien who has been registered with the relevant authorities, the Office of the Ministry of Security for cooperation with Interpol, as an international offender.

(4) In accordance with the provisions of Article 62 Paragraph 1 Item i) of the Law, the application for temporary or permanent residence permit in BiH shall be denied to an alien who is found to have entered into marriage or formed an extra-marital union or has adopted a child exclusively in order to enter and/or stay in BiH. Circumstances which may indicate that the marriage or the extra-marital union or child adoption are done for personal gain are the following:

- a) marital/extra-marital partners do not maintain the marital/extra-marital union,
- b) marital/extra-marital partners did not meet before entering the marital /extra-marital union,
- c) marital/extra-marital partners do not give consistent personal information,
- d) marital/ extra-marital partners do not speak the language they both understand,
- e) material means have been given for entering into marital / extra-marital union
- f) there is evidence of earlier marriages or extra-marital unions for personal gain concerning either of the marital / extra-marital partners,
- g) unfulfilled obligations between the foster parent and the foster child,
- h) evidence of negligence of the child and
- i) other evidence.

(5) If there are reasonable grounds to believe that there are facts from Paragraph 4 of this Article, the organizational unit of the Service shall in each individual case conduct operational assessments in loco, conduct special interrogation procedure in which the parties in the procedure will be heard, as well as witnesses if so required, conduct evidence procedure in order to establish cohabitation of marital / extra-marital partners or fulfillment of obligations between the foster parent and the foster child, and provide material evidence.

Article 54 (Refusal of the application)

(1) The application for residence permit may be dismissed on the following grounds:

- a) If the application for temporary residence permit/extension of temporary residence permit or the application for permanent residence permit has been submitted untimely and delay reasons are not justified with objective circumstances,
- b) If the application has been submitted by an unauthorized person and/or if the application has not been submitted by an alien himself/herself or by the legal proxy in the case when the alien has not been able to do so,
- c) If the application has some formal omissions in regards with the Article 60 of the Law on Administrative Proceedings.

(2) The alien can give reasons for missing the deadline for the timely submission of application for residence permit or extension of residence permit based on objective circumstances such as natural disasters and other catastrophes and by circumstances such as grave illness and death of a family member presenting the appropriate proofs.

(3) Decision on refusal of the application determines a deadline within which an alien must leave BiH whilst it can not be longer than 15 days from the day of receipt of final decision. The party has the right to appeal within 15 days of receiving the decision.

Article 55 (Residence permit sticker)

(1) Residence permit sticker is pasted into an alien's passport. Residence permit sticker is issued by the Service based on the decision on residence permit.

(2) Residence permit sticker form contains headlines as follows: "Bosnia and Herzegovina" in the top left corner, right next to it in the middle part "Residence permit" and the sticker number in the top right corner. On the left, below the "Bosnia and Herzegovina" headline, there is an optically changeable element below which there is a photo slot. Below the "Residence permit" headline there is a section "Permit issued by" where the name of organizational unit of the Service issuing a permit is filled in, right next the valid-from part,

then below the "Permit issued by" headline there is a "Number of entries" section and right next the valid-until section. Below the "Number of entries" section, there is a "Type of permit" section where type and grounds for stay are filled in; section where alien's family name and first name are filled in is below this section. Below the section containing alien's family name and first name there is a passport number then right next sex, date of birth and country that issued the passport. The space below these sections is reserved for electronically readable data.

(3) Both headline and section titles on the residence permit sticker form are written in Bosnian, Croatian, Serbian, English and French language. The text in Bosnian and Croatian is written in Latin whereas the one in Serbian language is written in Cyrillic alphabet. Particular data that are filled in the residence permit sticker form are written in Latin alphabet.

(4) An abbreviated mark for temporary residence is filled in "Type of permit" pursuant to the Article 29 Paragraph 1 of this bylaw whereas for permanent residence "permanent residence" is filled in.

(5) Residence permit sticker is pasted in the alien's passport and is an integral part of the decision on residence permit. A duly authorized officer's signature and stamp of the organizational unit of the Service are manually added on the right part of the sticker so that they cover both a part of the residence permit sticker and the alien's passport whilst ensuring clear insight into data filled in the given sections and avoiding the electronically readable section.

(6) "Residence permit" sticker form is an integral part of this bylaw, Form number 12.

IX - IDENTIFICATION CARD FOR ALIENS

Article 56 (Identification Card for Aliens)

(1) Identification Card for aliens is a public document which is an evidence of the alien's identity, place and date of birth.

(2) Identification Card for aliens is a card-shaped document, 8,5 cm x 5,4 cm, 0,81 mm thick, designed in multi-layer technology from white and transparent polycarbonate material with tones of ochre-yellow and light grey hues.

(3) Identification Card for aliens form contains sections on both front and back sides of the form where particular data is added.

(4) Both headline and section titles on the Identification Card for aliens form are written in Bosnian, Croatian, Serbian, French and English language.

(5) The text in Bosnian and Croatian is written in Latin whereas the one in Serbian language is written in Cyrillic alphabet. Particular data that are filled in the Identification Card for aliens form are written in Latin alphabet by the duly authorized officer.

Article 57 (The content of the Identification Card for aliens form)

(1) The front side of the ID for aliens form contains a "Bosnia and Herzegovina" headline in the top left corner, right next to this in the middle part there is an "Identification Card for aliens" headline and in the right corner there is a BiH coat-of-arms. There is a photograph slot and a slot for signature of ID for aliens' holder on the left side of the main part of the form below the "Bosnia and Herzegovina" headline. Apart from the aforementioned, on the front side of ID for aliens form and below the „Identification Card for aliens" headline there are sections where family name, first name, sex, citizenship, date of birth, place of birth, valid-until and serial number are added whereas the holder of ID for aliens is to sign at the bottom left corner.

(2) On the back side of Identification Card for aliens form there is a slot for one-dimension bar code 39 containing data on unique identification number of the alien placed in the top left corner whereas a slot for two-dimension bar code PDF-417 containing data on fingerprints and other holder's data is placed in the top right corner.

(3) On the left part in the middle of the back side of Identification Card for aliens there is an imprint of BiH's coat-of-arms and next to it vertically-positioned name „BiH" in gold print.

(4) In the middle part of the back side of ID for aliens form following data shall be added: unique identification number of an alien, date of issuing, municipality of permanent residence, the issuing authority and section „Remarks“ whereas the remaining part of the back side is an area where electronically readable data shall be added represented by letters, numbers and symbols.

(5) Identification Card for aliens form as stipulated by this bylaw shall be provided by the Ministry of Civilian Affairs of Bosnia and Herzegovina. Identification Card for aliens form is an integral part of this bylaw, Form number 13.

Article 58 (Issuing, replacing and annulling ID for aliens)

(1) Issuing, replacing and annulling ID for aliens is done by cantonal ministries of interior in FBiH, Ministry of Interior of RS in Republic of Srpska and the competent body in Brcko District of BiH that acts as a state institution (hereinafter: competent body) according to the place of aliens' permanent residence.

(2) An alien is obliged to replace the ID for aliens in the case of change of permanent residence or any other data whatsoever contained in the ID for aliens form, damage of ID for aliens as well as in the case of substantial change of appearance arising as a consequence of physical or chemical effects, disease or biological process within 30 days from the date when the said damage occurred.

(3) The replaced and returned ID for aliens is annulled by piercing the form. Annulled cards are disposed of by commissions. Minutes are to be made on the disposed ID for aliens.

(4) ID for aliens photograph must truthfully depict the holder of ID for aliens' features (en face) without a hat, cap or scarf.

(5) Excluding the Paragraph 4 provisions of this Article, aliens who in line with the customs of the country they come from wear hat, cap or scarf can be photographed wearing hat, cap or a scarf providing that their forehead must not be covered.

(6) Substantial changes of facial features due to which ID for aliens must be replaced are those that occurred because of physical or chemical effects, disease or natural biological process due to which identification based on ID for aliens photograph is evidently either hindered or not possible.

(7) Substantial change of appearance in terms of previous paragraph refers to differences between the face on the photograph and the real facial features that result from considerable changes of style, length and color of hair, mustache and beard due to which identification based on ID for aliens photograph is evidently either hindered or not possible.

Article 59 (Application for issuing of ID for aliens)

(1) The application for issuing and replacing ID for aliens is submitted to the competent body pursuant to the Article 58 of this bylaw in accordance with the alien's permanent residence.

(2) The application for issuing and replacing ID for aliens is submitted on LK-OI-S1 form, which is an integral part of this bylaw, Form number 14.

(3) Along with the application for issuing and replacing ID for aliens, one is to enclose a certificate on permanent residence permit, proof of identity (passport) and a receipt on paid tax for issuing the ID for aliens.

(4) In the process of replacing the ID for aliens, identity is proved by the previously issued ID for aliens or, when one has not yet been issued, by a valid passport.

(5) Along with the application for issuing of ID for aliens instead of lost ID for aliens, an alien is obliged to enclose a certificate on report of lost ID, issued by the competent body and a certificate proving that ID for aliens has been declared invalid in „The Official Gazette of BiH“.

Article 60 (Process of issuing ID for aliens)

- (1) Upon receipt of the application, the competent body from Article 58 Paragraph 1 of this bylaw shall determine whether an alien has been granted a Unique Identification Number.
- (2) After the completion of the proceedings pertaining to the previous article, certificates on receipt of application and collecting an ID for aliens, on LK – OI – S2 form, which is an integral part of this bylaw, Form number 15 shall be issued to an alien.
- (3) ID for aliens shall be issued to an alien of 18 years of age and shall be valid for 5 years from the issuing date.
- (4) Collection of ID for aliens shall be verified by filling in the date, by the administration officer's and applicant's signature on a certificate from Paragraph 2 of this Article.
- (5) The application for issuing and replacing ID for aliens form LK- OI-S1 and a certificate on receipt of application and collecting an ID for aliens form LK – OI – S2 are provided by the Ministry of Civilian Affairs printed in the languages of constitutive peoples and written in Latin and Cyrillic alphabet as well as in French and English language.

Article 61 (Registries on ID for aliens)

- (1) The competent body that is to receive applications for issuing or replacing ID for aliens shall keep a special registry of received applications "Registry on received applications for issuing – replacing ID for aliens".
- (2) Registry is kept in an A4 format- LK-OI-S3 form book which contains the following sections: registry ordinal number, date of application reception, family and first name of the applicant and parent's name, day, month and year of birth, serial number of ID for aliens, first and last name of duly authorised officer and „Remark“ section.
- (3) If data have been incorrectly added to the registry, the authorized officer shall mark them as incorrect and write the correct data above the incorrect ones. Registry is to be closed at the end of the calendar year, bound and saved permanently.
- (4) The applications along with enclosures are stored according to ordinal numbers, kept for five years and then disposed of by a commission.
- (5) Registry on issued, annulled and disposed of ID for aliens is electronically maintained. The competent bodies for issuing ID for aliens run, maintain and use registry on ID for aliens through electronic data processing within the scope of their competence.

X – CANCELLATION OF RESIDENCE

Article 62 (Cancellation of residence)

- (1) Right of residence shall be cancelled to an alien pursuant to the reasons stipulated by the Article 68 and the Article 69 of the Law.
- (2) Pursuant to the provision of Article 68 Paragraph 1 Item d) of the Law residence shall be cancelled to an alien if it be ascertained that he/she entered into a marriage or extra-marital relationship or adopted a child explicitly to stay in BiH. Circumstances which may indicate that the marriage or extra-marital relationship or adoption was based on interest are as follows:
 - a) Marriage/extramarital partners do not maintain the marriage/extramarital relationship,
 - b) Marriage/extramarital partners have not met before entering marriage/extramarital relationship,
 - c) Marriage/extramarital partners do not provide personal data consistently,
 - d) Marriage/extramarital partners do not speak the language they both understand,
 - e) Money was given to ensure marriage/extramarital relationship,
 - f) There are proofs of previous marriages or extra-marital relationships out of interest on behalf of any of marriage/extramarital partners,
 - g) Not meeting obligations between adopters and an adoptee,
 - h) Proofs of child negligence and
 - i) Other proofs.
- (3) A decision on cancellation of residence shall be executed after the decision becomes final. The decision on cancellation of residence defines the deadline until when an alien must leave BiH. The deadline for leaving BiH is counted from the end of appeal deadline if an alien has not appealed. If an alien has appealed, the deadline starts from the day when

decision on appeal has been received.

(4) After the decision on cancellation of residence becomes final, residence permit sticker in an alien's passports is stamped with "ANNULLED" whereas a date until which an alien is obligated to leave BiH, seal and a signature of a duly authorized officer are manually written on the page where residence permit sticker was pasted.

(5) A copy of the decision on cancellation of residence must be enclosed within the case file that refers to the alien's application for residence permit.

(6) If an alien does not have a passport, the Service compiles official records on cancellation of residence in two copies signed by an alien and an alien inspector, one copy is enclosed within the case file and the other is given to an alien and serves as a proof at the border crossing when exiting BiH.

(7) If an alien does not leave BiH within the deadline determined by the decision on cancellation of residence, the Service shall, pursuant to the Article 71 Paragraph 3 of the Law, make a decision on the approval to execute decision and execute it by means of force.

XI – REPORT OF ALIEN'S RESIDENCE

Article 63 (Temporary and permanent residence)

(1) A temporary residence is a place in BiH where an alien with a temporary residence permit is staying as well as a place where foreigner with or without visa is staying.

(2) A permanent residence refers to the place in BiH where an alien who has been granted permanent residence has taken up residence with intention to live there permanently.

Article 64 (Obligation to register temporary and permanent residence)

(1) Registration of alien's residence in BiH is done through submitting a form referred to as "Residence registration and de-registration or change of residence address" with the organizational unit of the Service or police which is an integral part of this bylaw, Form number 16.

(2) An alien with a temporary residence permit and/or an alien with a permanent residence permit are obliged to report any change of residence address within the deadlines stipulated by the Law.

(3) If an alien is to register himself/herself within the area of another organizational unit of the Service that unit is to notify in written form the organizational unit of the Service where an alien has previously registered his/her residence in order to provide necessary documentation and if needed the copies of the temporary or permanent residence permit file. After receiving notification the organizational unit of the Service shall officially de-register an alien.

(4) Organizational units of the Service continuously conduct operational checks on the ground in terms of movement and stay of aliens and in case of detection of a breach they undertake measures stipulated by the Law.

Article 65 (Entities obligated to register temporary residence)

(1) Natural persons and legal entities that provide accommodation services to aliens are obliged to report any stay no later than 12 hours after providing accommodation. An alien who is not using accommodation services provided by natural persons and legal entities or physical entity whom an alien is visiting is obliged to register temporary residence within 12 hours after providing accommodation if an alien is staying for more than three days in BiH.

(2) Apart from legal entities registered to provide accommodation (hotels, etc.), entities obligated to register temporary residence also include health institutions and spas which

take in foreigners for medical treatments, homes for old people, institutions specialized for people with special needs, students' dormitories if aliens are staying with or without visas.

XII – THE BOOK OF ALIENS

Article 66 (The Book of Aliens)

(1) Natural persons and legal entities that provide accommodation services to aliens are obliged to keep the registry on aliens (hereinafter referred to as: the book of aliens). These include accommodation facilities, bed & breakfast, mountain homes, spas, homes for old people, institutions specialized for people with special needs, students' dormitories and others alike.

(2) The book of aliens is kept as a hard-back book of horizontal A-3 format with numbered pages.

(3) The book of aliens has sections for entering the following data:

- Ordinal number,
- Family and first name of an alien,
- Sex,
- Date and place of birth,
- Citizenship,
- Type, number, validity of passport and issuer,
- Type, number and validity deadline of visa,
- Date and place of entry to BiH,
- Date and time of alien's registration in accommodation unit,
- Date and time of alien's de-registration from accommodation unit,
- "Remark" section

4) Data in the book of aliens must be regularly updated and easily readable, and in the case an error is made it should be marked incorrect, but both an error and a correction must be readable.

(5) The book of aliens shall be closed by an authorized person at the end of the calendar year. A new calendar year starts with an ordinal number 1 (one). It should be kept for three years at least after it is closed and finalized.

(6) The book of aliens form is an integral part of this bylaw, Form number 17.

Article 67 (Registry on books of aliens)

(1) The book of aliens shall be certified by the competent organizational unit of the Service in the place of permanent residence and/or business seat of the provider of accommodation services to aliens. The verification is done by the organizational unit of the Service in such a way that on the first page of the book of aliens the following text is entered, "The verification of the book of aliens has been done", date and verification number are entered, number of pages, the name of the organizational unit of the Service including the stamp and signature of the authorized person in the Service.

(2) The organizational unit of the Service keeps registry on verified books of aliens that contains the following data: ordinal number, a name and a seat of legal entity and a name of the authorized person within the legal entity that is a first name, last name and address of a natural person, contact telephone number, date and number of book of aliens verification, number of pages.

Article 68 (Obligations of accommodation provider and registry control)

(1) Natural and legal entities that provide accommodation services are obliged to present the books of aliens to the authorized organizational unit of the Service based on the place of permanent residence and/or business seat of the provider of accommodation services to aliens.

(2) Apart from the registry on aliens that is done by means of book of aliens, natural

persons and legal entities can keep registry on aliens they provide accommodation to by means of electronic data processing with the approval of the Service. The registry kept by means of electronic data processing must contain all necessary data that book of aliens contains. Data kept in the electronic data processing systems are printed out on daily basis, chronologically filed and closed, tied and verified at the authorized organizational unit of the Service at the end of the calendar year.

(3) Natural and legal entities that provide accommodation services are obliged to present the books of aliens to the authorized organizational unit of the Service or police. When conducting a check, alien inspector shall enter a short official record on the inspection date and signature on the right page of the book. The inspector shall compile minutes on completed control and forward it to the natural person or authorized person within legal entity which provides accommodation services.

(4) Apart from persons and entities from Article 66 Paragraph 1 of this bylaw, health institutions, spas, homes for old people, institutions specialized for people with special needs, students' dormitories are to keep books of aliens too.

XIII – TRANSITIONAL AND FINAL PROVISIONS

Article 69 (Forms)

Forms which are integral part of this bylaw are printed in Latin and Cyrillic alphabet, in the official languages of BiH and English language unless it has been stipulated otherwise by this bylaw.

Article 70 (Documentation)

(1) Documentation which is to be attached to applications pursuant to the provisions of the Law and this bylaw is to be forwarded as originals or as certified copies.

(2) Documentation referred to in Paragraph 1 of this article written in a foreign language is to be forwarded along with its translation in one of the official languages in BiH.

Article 71 (Cessation of validity of regulations)

On the day this Bylaw enters into force the following Bylaws shall no longer apply: Bylaw on conditions and procedures regarding alien's entering and stay ("The Official Gazette of BiH", no. 4/05 and 61/07), Bylaw on ID for aliens form and data contained in ID for aliens ("The Official Gazette of BiH", no. 17/03), Bylaw on application form for issuing and replacing ID for aliens, procedures for issuing and the mode of keeping registry on applications for issuing and replacing ID for aliens ("The Official Gazette of BiH", no. 17/03).

Article 72 (Entry into force)

This Bylaw shall enter into force on the eighth day after its publication in "The Official Gazette of BiH".

Number: /08
Sarajevo, 2008