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**LAW ON FOREIGNERS  
OF BOSNIA AND HERZEGOVINA**

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**CHAPTER I. GENERAL PROVISIONS**

**Article 1  
(Scope of the Law)**

(1) This Law shall regulate: conditions and procedures for entry of foreigners in Bosnia and Herzegovina (hereinafter: BiH), including: the visa and non-visa regime; travel documents for foreigners; stay of foreigners in BiH; removal of foreigners from BiH; admission of foreigners and placement of foreigners under surveillance; competency of authorities relevant for the implementation of this Law; and the other issues related to the stay of foreigners in BiH.

(2) This Law shall also regulate the violations and penalties for breaching the provisions of this Law.

**Article 2  
(Use of gender)**

All terms used in this Law are provided in a single grammatical gender and shall apply without discrimination to both men and women.

**Article 3  
(Competent authorities)**

(1) In accordance with this Law and its subsequent by-laws, the procedure shall be conducted and decisions taken by:

- a) the Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers),
- b) the Ministry of Security of Bosnia and Herzegovina (hereinafter: the Ministry),
- c) the Ministry of Foreign Affairs of Bosnia and Herzegovina (hereinafter: the MoFA),
- d) the Ministry of Civil Affairs of Bosnia and Herzegovina (hereinafter: the MCA),
- e) the Service for Foreigners' Affairs (hereinafter referred to as: the Service)
- f) the Border Police of Bosnia and Herzegovina (hereinafter: the Border Police),
- g) the other police authorities in Bosnia and Herzegovina (hereinafter: the Police)
- h) the Agency for Labour and Employment of Bosnia and Herzegovina (hereinafter: the BiH Agency for Labour and Employment), and
- i) the other competent authorities.

(2) If the request or another submission under this Law is sent to the materially non-competent authority in BiH, the competent officer of that authority shall warn the applicant thereof and refer the submission to the competent authority.

(3) If the request or another submission under this Law is sent to the materially non-competent organizational unit of an authority, the competent officer of that organizational unit shall notify the applicant thereof and refer the submission to the competent organizational unit within the same authority.

(4) If the request or another submission under this Law is sent to the territorially non-competent organizational unit of the Service or another authority, the organizational unit shall refer it *ex officio* to the territorially competent organizational unit of the Service or to another relevant authority.

(5) When regulated that it is the Service to enforce a decision issued under this or another law settling its competencies, the Service would be provided, upon request, with assistance of the other organizational units of the Ministry and the Police.

#### **Article 4 (Administrative proceedings)**

(1) Administrative proceedings pending before the competent authorities pursuant to this law shall follow the provisions of the law settling the area of the BiH administrative proceedings, unless otherwise provided under this Law.

(2) In case that an foreigner does not notify the competent body on his/her change of address or is unreachable at the given address, the delivery of decisions issued pursuant to this Law shall be displayed on the competent body's notice board.

(3) The delivery is considered as completed upon expiry of 15 days upon the day of displaying such decision on the notice board of the authority that conducted the proceeding.

#### **Article 5 (Administrative disputes)**

(1) Administrative disputes may be initiated against final administrative documents issued under this Law.

(2) Administrative dispute shall be initiated by virtue of a lawsuit brought before the Court of Bosnia and Herzegovina, in accordance with a law settling administrative disputes in BiH, unless otherwise provided under this Law.

(3) Lawsuit shall not stay the execution of the final administrative document.

#### **Article 6 (Definitions)**

For the purpose of this Law, individual terms shall refer to the following:

- a) **foreigner** refers to a person who is not a citizen of BiH;
- b) **stateless person** refers to an foreigner that no country considers as own citizen pursuant to its national legislation;

- c) **country of origin** refers to the country of foreigner's citizenship or a country of a stateless person's habitual residence; if an foreigner possesses more than one citizenship, a country of origin shall refer to each country of his/her citizenship;
- d) **place of habitual residence** refers to a country in which an foreigner holds temporary or permanent residence;
- e) **travel document** refers to a valid passport or another travel identification document issued by a competent foreign authority recognized by BiH and a valid ID Card or another personal identification document with a photograph affixed recognized by an international treaty to which BiH is a signatory that may be used for crossing the state border, as well as a travel document issued to an foreigner in BiH in accordance with the present Law or with a law settling asylum in BiH;
- f) **work permit** refers to a permit issued by an authority responsible for employment of foreigners that allows for the paid employment of foreigners in BiH;
- g) **residence permit** refers to a permit issued by an authority competent for foreigner affairs that allows foreigner's legal residence in the territory of BiH within a period designated in the permit;
- h) **blue card** refers to a residence permit issued for the purpose of highly qualified employment enabling foreigner's stay and employment in BiH pursuant to this Law;
- i) **competent authority** refers to a body conducting the procedure in accordance with this or another law;
- minor** refers to an foreigner under 18 years of age;
- j) **unaccompanied minor** refers to an foreigner under 18 years of age, who arrived to BiH territory unaccompanied by an adult over 18 having responsibility for the minor *ex lege* or by power-of-attorney until he/she is provided with such a guardianship or to a minor left unaccompanied since entering the BiH territory;
- k) )
- l) **marriage** refers to a legally regulated matrimonial partnership between a male and a female;
- m) **common law marriage** refers to a domestic partnership between unmarried female and male who are not in a partnership with any third person. The relationship must have subsisted for at least three years or for a shorter period of time if a child was born in such a partnership;
- n) **marriage of convenience or common law marriage of convenience** refers to a marriage or common law marriage concluded solely for the purpose of enabling foreigner's entry and/or stay in BiH;
- o) **adoption of convenience** refers to an adoption with sole aim of enabling foreigner's entry and/or stay in BiH;
- p) **family reunification** refers to entry or stay in BiH of foreigners being close family members of a person legally residing in BiH with an aim to preserve the union of their family, regardless of the fact whether the family relations were established prior or after entering the country;
- r) **carrier** refers to any physical or legal entity providing services of international traffic transportation of persons by using any means of transportation;

- s) **threat to public health** refers to any disease with potential epidemiological characteristics, as defined under the international health care regulations of the World Health Organization (WHO), as well as other contaminative or parasitic diseases, if these are the subject of safety regulations applying to BiH citizens;
- t) **employer** refers to a legal or physical entity that establishes an employment relationship or uses the services of a foreigner;
- u) **daily migrant** refers to a citizen of a neighbouring country who daily arrives to BiH for the purpose of employment or education and returns to his/her home country in which he/she retains the residence;
- v) **seasonal worker** refers to an foreigner who retains his/her principal place of residence in another country but is temporary found in BiH to legally conduct activities dependant on the passing of seasons under one or several service contracts concluded directly between the foreigner and an employer from BiH;
- z) **higher education qualification** refers to a completed program of higher education covering at least three years of education upon finalized secondary school;
- aa) **student** refers to an foreigner admitted to a higher education institution in BiH and granted temporary residence to conduct his/her major activity of regular studying for the title of a graduate, including the diplomas, certificates, and PhD's from relevant higher education institutions, which may also include the preparation courses that proceed such education.

#### **Article 7**

##### **(Multiple citizenship of an foreigner or BiH national on the BiH territory)**

- (1) Foreigner with multiple citizenship is considered to be a citizen of the country that issued him/her a travel document used for crossing the BiH state border, unless otherwise provided under this Law.
- (2) BiH citizen possessing additional citizenship of another country shall not be treated as an foreigner within the territory of BiH.
- (3) While being in the country, an foreigner with multiple citizenships shall use and leave BiH with the travel document he/she used for entering BiH.

#### **Article 8**

##### **(Freedom of movement)**

- (1) Foreigner may enter BiH and stay on its territory with a valid travel document to which a visa or residence permit is affixed, unless otherwise provided under this Law or an international agreement to which BiH is a signatory. The entry, stay, movement and exit of foreigners may be restricted under the terms provided under this or another law.
- (2) Under the terms stipulated by this Law, foreigners with legal residence in BiH shall enjoy the right to free movement within BiH and free choice of place of residence, unless otherwise regulated by this or another law settling the special areas of public interest in a democratic society.
- (3) The rights referred to in paragraph (2) herein may be partially or fully restricted in accordance with the law and to the extent necessary for a democratic society and the benefit

of state or public security, preservation of legal order, prevention of crime, protection of health or morality, or for the protection of the rights and freedoms of others.

(4) Security check of an foreigner for the purpose of establishing the security of BiH shall be conducted by the Intelligence and Security Agency of Bosnia and Herzegovina (hereinafter referred to as: Intelligence and Security Agency).

(5) Provisions of a law settling protection of confidential data shall be applied in the proceedings of rendering decisions resting on information contained in a document marked as confidential by the body referred to in paragraph (4) herein or another competent body.

(6) Service may, based on an elaborated proposition of a competent body, temporarily deny the exit of an foreigner from BiH in case of a justified suspicion that such doing would result in his/her avoidance of prosecution for a crime or an offence, carrying out of a sentence, carrying out of a court order, deprivation of freedom or carrying out of the delivered obligation on property, which is to be recorded in the Central Database on Foreigners or notified to the Border Police in a different manner.

(7) In case of reasons referred to in paragraph (6) herein, the Service shall temporarily confiscate the travel and other documents that the foreigner can use for the state border crossing, but not longer than 30 days.

(8) Upon expiry of the deadline referred to in paragraph (7) herein or upon termination of reasons referred to in paragraph (6) herein, an foreigner shall receive back his/her travel and other documents and be permitted to exit BiH.

(9) In the proceedings of rendering the legality of an foreigner's stay in BiH as well as in the proceedings of pronouncing a measure due to his/her disrespect of BiH regulations, the Service may, with issued attestation, temporarily confiscate the foreigner's travel document until issuance of the decision and no longer than seven days.

#### **Article 9 (Prohibition of discrimination)**

No discrimination shall be allowed against foreigners on any grounds whatsoever, including their gender or sex, race, colour of skin, language, religion, political and other opinion, ethnic and social origin, affiliation to a national minority, property status, status acquired by birth, or any other status.

#### **Article 10 (Obligation to comply with public order of BiH)**

Foreigners shall comply with the legal order of BiH while entering, moving and staying in the country, as well as comply with laws, regulations and decisions of the official authorities of BiH.

#### **Article 11 (Association of foreigners, carrying weapons and wearing uniforms in BiH)**

(1) No foreigner shall be allowed to establish political parties.

(2) Foreigner may establish associations under separate regulations on establishment, registration, cessation of work, and the other matters relevant for establishment and work of associations in BiH.

(3) Foreigner may bring in, possess, carry and procure weapons and ammunition in BiH in accordance with a law settling the border control of BiH and regulations governing the procurement, possession and carrying of weapons.

(4) Foreigner may enter and move in BiH wearing a foreign military, police or customs officers' uniform under the terms provided by a law settling the border control of BiH and Article 126 (Movement while wearing a foreign uniform) of this Law.

## **Article 12**

### **(Obligations of the competent authorities in the proceedings)**

(1) At all stages of the proceedings, an foreigner shall be informed of the rights and obligations arising from this Law.

(2) The authority conducting the proceedings shall make possible for an foreigner not understanding the language of conducted proceedings to follow the course of the proceedings through an interpreter or translator, whereas the requests for exercising the rights under this Law and evidence substantiating the request, as well as summons, rulings and other writs and documents shall be served in one of the official languages of BiH.

(3) In the event of an foreigner being assigned to custody, detention or surveillance, the authority ordering such measure shall provide the foreigner, at his/her request, with an opportunity to contact Diplomatic-Consular Representation of the state providing him/her with protection.

(4) In the case of death of an foreigner, the police authorities of BiH shall inform the Service thereof immediately upon acquiring such information. The Service shall urgently inform the MoFA on the subject so the information could be passed to the Diplomatic-Consular Representation of the state providing him/her with protection.

## **Article 13**

### **(Obligation to carry and present a proof of identity)**

(1) During the stay on the territory of BiH, an foreigner shall be in possession of a travel document used for entering BiH or of another identification document or appropriate certificate issued in BiH for the purpose of proving or certifying his/her identity and legality of his/her entry and stay in BiH. The foreigner shall present the identification document at the request of an authorized officer of the Service, the police or another competent authority having such authorizations.

(2) Legal and physical entities providing services of transportation, accommodation or travel arrangements may request from foreigners to show their travel or the other identification documents, but shall not be allowed to keep them.

(3) Immediately upon becoming aware of the loss, destruction or theft of a travel document an foreigner is obliged to report it to a competent police station which shall report such information without delay to the Service.

**Article 14**  
**(Establishing identity)**

- (1) Under this Law, the Service is competent for initiating and conducting the procedures for establishing identity of foreigners.
- (2) In case the procedure for establishment of foreigner's identity was initiated by Border Police or Police with a conclusion that it is impossible to immediately verify his/her identity or there are grounds to suspect the veracity of his/her identity statements that cannot be clarified within six hours, the Border Police/Police shall notify the Service thereof as soon as possible.
- (3) Procedure for establishing an foreigner's identity shall be conducted in accordance with provisions of laws settling competencies of the Service and laws settling competencies of police officers of BiH.
- (4) Procedure for establishing an foreigner's identity may also include the establishment of legality of foreigner's stay in BiH or establishment of his/her place of temporary or permanent residence in BiH.
- (5) Foreigner having no evidence on his/her identity shall provide the Service with a statement on his/her identity and biometric data.
- (6) Service shall treat the foreigner who had given a statement on his/her identity in accordance with the provided data until other information is obtained or the person's real identity is established.
- (7) Foreigner, whose identity is impossible to immediately verify or there are grounds to suspect the veracity of his/her statements of identity or the identity of whom cannot be verified with certainty even within six hours after being taken to the official premises, shall be placed under surveillance and may be subjected to the measure of expulsion from BiH.
- (8) Surveillance referred to in paragraph (7) herein shall be imposed in accordance with the provisions of Articles 105 (Expulsion measure) and 106 (Reasons for imposing the expulsion measure) of this Law.

**CHAPTER II. ENTRY OF FOREIGNERS INTO BIH**

**Section A. Entry into BiH**

**Article 15**  
**(Crossing the state border)**

- (1) Foreigner shall be considered to have entered the country once he/she has crossed the state border of BiH or passed the post where the border control is performed.
- (2) Foreigner may cross the state border of BiH only at the border crossings open to international traffic, during the border crossings' working hours, unless otherwise provided by the Law on Border Control or by an international agreement to which BiH is signatory.
- (3) Foreigner wishing to enter or leave BiH shall be bound to stop at the border crossing post, provide his/her documents required for crossing the border, and is obliged to subject himself/herself, his/her luggage and vehicle to the border control, in accordance with law regulating the border control, and explain to the official of competent authority all

circumstances related to the fulfilment of requirements pertaining to the crossing of the state border, and comply with warnings and commands issued by the border police officer.

(4) At the BiH border control, a foreigner shall be subject to verification of the general entry requirements referred to in Article 19 (General entry requirements) of this Law.

(5) Border police officer shall affix to the foreigner travel document the entry or exit stamp, unless the affixation is not possible for some types of travel documents, or if otherwise prescribed under this Law or an international agreement to which BiH is signatory.

(5) Date of entry shall be considered the first day of foreigner's stay on the BiH territories, and the date of exit shall be the last day of his/her stay on the BiH territories.

(6) Staying of a foreigner in the transit area of an international airport, port anchorage, dockage or quay shall not be considered as entry into BiH.

#### **Article 16 (Illegal crossing of BiH state border)**

Illegal crossing of BiH state border shall mean that an foreigner has:

- a) crossed or attempted to cross the state border outside a border crossing post open for international traffic, or outside a border crossing post designated for the traffic between BiH and neighbouring countries provided that the foreigner is a national of the neighbouring country and unless otherwise provided for by a law settling the area of BiH border control or an international agreement to which BiH is signatory, or outside the working hours of the border crossing point or prior to the expiry of the time during which the foreigner's entry into BiH is restricted;
- b) averted or attempted to avert the border control;
- c) used invalid, false, counterfeit or falsified travel document for crossing the state border;
- d) stated fraudulent information to the border police officer;
- e) entered the country while being imposed with an expulsion measure;
- f) entered the country without a visa necessary for entry to BiH or permission for temporary or permanent stay, provided that he/she is arriving from a country having a visa-regime with BiH.

#### **Article 17 (Collective travel documents and special care for minors)**

(1) Foreigner entered into a travel document of another person may enter and leave BiH only if accompanied by the person to whose travel document he/she is entered.

(2) Foreigners holding collective travel documents may enter, move and leave BiH only collectively, whereas the adult persons entered into the collective travel document must possess a document with a photo affixed based on which his/her identity can be established. Exceptionally, a member of the group may be allowed to leave the country individually, where necessary for his/her private reasons or if so required by the competent authority. The group leader must have a personal travel document and may not leave BiH without the group. Collective travel document can be used for travel of five up to 50 persons.



(3) Foreigner under 14 years of age holding a personal travel document may cross the BiH border only if accompanied by his/her parents, legal representative, guardian or the person authorized to accompany the minor by an authorization signed and certified by the parents, legal representative or guardian; or must have the parental or legal representative's consent if travelling unaccompanied.

(4) Border police officer shall exercise special caution while controlling an foreigner under 18 years of age who intends to cross the BiH state border, as well as the persons accompanying the minor.

### **Article 18**

#### **(Obligations of carriers and organizers of tourist or similar travels)**

(1) Carrier may bring an foreigner to a border crossing post only if the foreigner has met the general requirements for entry into BiH referred to in Article 19 (General entry requirements) paragraphs (1) and (2) of this Law.

(2) The carrier shall:

a) transport an foreigner who is denied entry to BiH due to failure to meet the requirements for entry to BiH referred to in Article 19 of this Law back from the border crossing and return the foreigner to his/her home country or to a country which issued the travel documents used for travelling or to any other country for which he or she is assured of acceptance, or organize a different way of his/her transport, without delay and at its own expense, and

b) bear the costs of stay in BiH of foreigner referred to in indent a) herein.

(3) Obligations of the carrier referred to in paragraphs (1) and (2) herein shall not apply to an foreigner arriving to the territory of BiH directly from the territory on which his/her life or freedom is endangered and who sought international protection in BiH.

(4) Obligations referred to in paragraph (2) herein shall also apply to the carrier who transported the foreigner in transit:

a) if the carrier, who was supposed to transport the foreigner to the destination country, refused to do so, or

b) if he/she is refused to enter the country of destination.

(5) Obligations referred to in paragraph (2) herein shall also apply to an organiser of a tourist or similar travel to BiH involved into the organisation of the transport.

### **Article 19**

#### **(General entry requirements)**

(1) Foreigner may enter BiH if he/she possess a valid passport or other identification document that may be used for entering BiH, provided that it is valid at least three months longer then the period of intended stay in BiH and that it is issued during the past ten years or that is of permanent validity. In case of justified urgent cases or if so required by BiH security, humanitarian, serious professional or personal reasons, the validity of a travel document may even be shorter.

(2) In addition to general requirements for entering BiH under paragraph (1) herein, an foreigner shall also meet the following:

a) be in possession of a valid visa for entry, stay or transit through the territories of BiH, the validity of which does not expire on the day of entry into BiH, unless he/she enters BiH with a travel document issued by a country whose nationals are exempted from the obligation of obtaining visas pursuant to Article 21 (Exemption from the obligation of obtaining visas) of this Law; or

b) be in possession of a residence permit provided under this Law.

(3) In addition to the general requirements prescribed by paragraphs (1) and (2) herein, an foreigner shall also meet the following:

a) be in possession of sufficient means of subsistence during the intended stay and exit from BiH, including the means for health care or an evidence on being able to obtain it legally in a manner stipulated by Article 23 (Evidence of the existence of means of subsistence) of this Law;

b) be in possession of documents or information on the basis of which one can reasonably conclude the purpose and conditions of his/her intended stay in BiH, if possible and necessary;

c) be in possession of an entry visa of a neighbouring country to which he/she is travelling or transiting to continue the travel, if so required;

d) be in possession of a vaccination certificate, if arriving from the territory on which there is epidemics of a contagious disease;

e) has no imposed measures on expulsion, cancellation or prohibition of entry into BiH territory, provided that the period of the imposed measure or the prohibition is still in force;

f) was not registered in the competent authorities' records as a person breaching the BiH or foreign regulations and in particular as an international offender;

g) no reasons other than those referred to in indents e) and f) of this paragraph, indicating that his/her presence in the territory of BiH would constitute a threat to national security of BiH, legal order, public order and peace, public health in BiH or international relations of BiH.

(4) Foreigner exempt from an obligation to obtain a BiH visa under Article 21 (Exemption from obligation to obtain a visa) of this Law does not need, as such, to meet requirements prescribed in paragraph (2) herein, but shall meet the other general BiH entry requirements under paragraph (3) herein.

(5) Foreigner requiring a visa for entry into BiH shall meet the other general entry requirements under paragraph (3) herein when applying for issuance of a visa.

(6) In addition to the entry requirements prescribed by paragraphs (1), (2) and (3) herein, the Council of Ministers may prescribe additional requirements for entry into BiH when so required by reasons of protecting security of BiH, its legal order, public peace and health or the other reasons arising from the international obligations of BiH.

**Article 20**  
**(Entry on special conditions)**

Entry and stay in BiH may be allowed to an foreigner failing to meet the conditions stipulated in this Law, if so provided by an international treaty to which BiH is a signatory or by a decision of the Council of Ministers, Courts or Persecutor's Office of BiH

**Article 21**  
**(Exemption from visa requirement)**

(1) Upon proposal of the MoFA, the BiH Council of Ministers shall specify the countries whose citizens are not required to possess a visa for entering BiH (hereinafter referred to as: non-visa regime countries), as well as the countries whose citizens may enter BiH with a travel document other than a passport. The BiH Council of Ministers is also authorised to exempt from visa requirements, upon a proposal of the MoFA, the persons holding special types of travel documents.

(2) Foreigners exempt under this Law from requirement to obtain a visa for entering the BiH territory shall be entitled to enter and stay in the country (hereinafter referred to as: non-visa residence) for a total period not exceeding ninety (90) days during any period within 180 days, where the 180 day period shall refer to the period preceding each day of stay, unless otherwise determined by an international treaty to which BiH is a signatory.

**Article 22**  
**(Exceptions from visa possession requirement)**

(1) Foreigners with permanent or temporary residence permit in BiH are exempt from visa requirement for as long as their permit is valid.

(2) Foreigners – aircraft flight crew members and cabin crew members in civil aviation traffic who are in possession of a valid crew member certificate, who intend to remain at an airport or within the boundaries of a nearby residential area, may enter BiH without visas and reside in the territory until the first next regular flight.

(3) Where, due to his/her commitments, a crew member is required to travel to another country as a passenger by any means of transportation in order to join the aircraft crew, his/her crew certificate shall be recognized as a substitute for the passport or visa, and he/she shall be granted the required freedom of movement within the boundaries of BiH territory.

(4) Valid crew member certificate shall also be recognized as a valid document for establishing identity in case where its holder is not a national of the aircraft registration country.

(5) Upon proposal by the MoFA and under condition of reciprocity, the Council of Ministers may exempt from visa requirement the nationals of certain countries who are:

- a) civilian flight crew members, provided that there is an appropriate certificate and notes in a general declaration and in a flight plan,
- b) civilian flight crew members or flight attendants, who take place in disaster rescue flights, provided that there is an appropriate certificate and notes in a general declaration and in a flight plan, or
- c) civilian ship crew members, provided that they are registered on the crew and personnel list.

**Article 23**  
**(Evidence on means of subsistence)**

- (1) Evidence on foreigner's means of subsistence referred to in Article 19 (General entry requirements) paragraph (3) indent a) shall be brought through either:
- a. possession of cash in the national or a foreign convertible currency;
  - b. possession of any forms of non-cash payment means recognized by the banking system of BiH or means enabling withdrawal of money in BiH, or a guarantee of a bank from BiH which accepts the non-cash payment means possessed by the foreigner;
  - c. invitation letter referred to in Article 32 (Letter of invitation) of this Law;
  - d. possession of evidence on paid accommodation or organized travel; or
  - e. possession of other assets, such as: immovable property in BiH based on which it is possible to secure the means of subsistence during his/her stay in BiH; funds arising from direct foreign investments; manufacturing technical coordination or cooperation, etc.
- (2) If an foreigner possess evidence of paid individual or collective travel health care insurance, he/she is considered to be in possession of the resources provided for health care in the sense of Article 19 (General entry requirements), paragraph (3) indent a) of this Law.
- (3) Foreigner holding a work permit in BiH is considered to have met the requirements regarding the possession of means of subsistence.
- (4) Evidence of the existing means required for exit of an foreigner from the country may be produced through possession of a valid travel ticket for continuation of the travel or for return, as well as by the fact that the foreigner is in legal possession of a transportation vehicle.

**Section B. Refusal of entry into BiH**

**Article 24**  
**(Reasons for refusal of entry)**

- (1) Entry to BiH shall be refused to an foreigner failing to meet the requirements relating to: the entry from Article 19 (General entry requirements); an international treaty to which BiH is a signatory; or a decision referred to in Article 20 (Entry on special conditions) of this Law.
- (2) Apart from the reasons referred to in paragraph (1) herein, an foreigner may also be refused to enter BiH if he/she:
- a) submits a falsified travel document while attempting to enter BiH;

- b) submits a falsified visa or temporary residence permit while attempting to enter BiH;
- c) is a citizen of non-visa regime country who had already spent 90 days on BiH territory during any period within 180 days, where the 180 day period refers to the period preceding each day of stay, unless he/she is subject to the provision referred to in Article 20 (Entry on special conditions) of this Law;
- d) had already completed the period of residence under an international agreement to which BiH is signatory, unless the entry conditions were otherwise acquired;
- e) is believed to conduct a type of business requiring a work permit, and is not a subject to the provisions of Article 77 (Residence for the purpose of employment without a work permit and certification on registered business) of this Law;
- f) is subject to BiH visa cancellation or annulment.

## **Article 25**

### **(Proceedings and consequences of entry refusal)**

- (1) Border Police shall decide on refusal of entry at the border.
- (2) Foreigner refused to enter BiH due to non-fulfilment of requirements for entering BiH under this Law shall be issued with a decision on refusal of entry.
- (3) Decision on refusal of entry shall indicate the reason for refusal of entry, and is to be issued on the form filled in by an authorised Border Police officer. The foreigner shall confirm the receipt of such decision by signing the decision form, and shall keep one copy. If the foreigner has refused to sign the decision, the fact shall be indicated as a remark in the decision form and considered that the decision is served to him/her.
- (4) At the border crossing point, an authorised Border Police officer shall inform the foreigner who is refused entry to BiH to immediately leave the area of border crossing on the account of his/her forbidden entry into BiH.
- (5) Decision on refusal of entry shall contain the reason(s) for refusal of entry issued on the form to be delivered to the foreigner. If the foreigner has refused to receive the decision, the fact shall be indicated as a remark and considered that the decision is served to him/her.
- (6) Decision on refusal of entry shall be enforced immediately, by affixing the stamp imprint »ENTRY DENIED« or another appropriate mark to the foreigner's travel document. If the foreigner is not in possession of a travel document where the stamp imprint or other appropriate mark could be affixed, this fact shall be indicated as a remark in the decision form.
- (7) Decision on refusal of entry may be appealed to the Ministry within 15 days following the day of delivery or service of the decision. The appeal shall not stay the enforcement of the decision.
- (8) Foreigner refused to enter BiH may enter BiH once he/she had corrected the reasons for refusal of entry.
- (9) If the appellate proceedings reveal that there were no grounds for refusing the foreigner's entry into BiH, such fact shall be recorded in the Central Database on Foreigners,

and followed by annulling the stamp on denied entry during the foreigner's subsequent entry to BiH by affixing the stamp imprint "ANNULLED".

## **Section C. Visas**

### **Article 26 (General provisions on visas)**

- (1) Visa is an approval for transit through the international transit area of airports or BiH territory or an approval for intended stay on BiH territory within the timeframe determined by the visa.
- (2) In general, an foreigner shall obtain a visa prior to his/her arrival to the BiH border crossing post.
- (3) Visa can be issued only to the foreigner possessing a valid passport that will not expire for at least three months after the last day of intended stay in BiH or if repeated visits are in case – after the date of the last day of his/her intended stay in BiH; the passport must contain at least two blank pages and need to be issued in the past 10 years. In justified emergent cases, or if so required by BiH security, humanitarian, serious professional or personal reasons, validity of the travel document may be shorter than three months.
- (4) Possession of a visa does not constitute an unconditional right of an foreigner to enter BiH.
- (5) Visa does not provide an foreigner with a right to employment in BiH, unless otherwise provided under this Law.

### **Article 27 (Types of visas)**

Competent authorities of BiH may issue the following visas:

- a) airport transit visas (Visa A),
- b) short-term stay visas (Visa C),
- c) long-term stay visas (Visa D).

### **Article 28 (Airport transit visa – Visa A)**

- (1) Airport transit visa (Visa A) enables an foreigner to pass through an international transit area of an airport without an actual entry into the country, during the discontinuation or continuation of an international flight.
- (2) In general, foreigners who do not leave the international transit area of an airport or an airplane situated at an airport in BiH do not require visas during a continued journey.

(3) Exceptionally, the BiH Council of Ministers may decide to introduce the requirement of airport transit visa for the citizens of certain countries.

(4) Upon request, an foreigner may be issued an airport transit visa for a certain number of crossings through the international area of the airport during the transit.

### **Article 29** **(Short-term stay visa - Visa C)**

(1) Short-term stay visa (Visa C) enables foreigner's transit or one or multiple entries or stays in the country. Uninterrupted stays or the total duration of consecutive stays in BiH may not exceed 90 days during any period within 180 days, referring to the period of 180 days preceding each day of stay.

(2) Short-term stay visa shall be issued for a validity period not exceeding one year.

(3) Notwithstanding paragraph (2) herein, and with prior consent of the Service, a short-term stay visa may also be issued for a validity period of up to five years if an foreigner:

- a. evidences a need or justifies an intention of frequent or regular travel, especially due to business or family matters, such as the case with: businessmen, state officials having regular official contacts with BiH institutions, representatives of civil society organisations travelling for the purpose of educational seminars or conferences, family members of BiH citizens, family members of foreign nationals with permanent residence in BiH, seamen; and
- b. evidences his/her integrity and liability in legal use of previously issued visas for entering BiH, his/her economic situation in the country of origin, and an honest intent to leave BiH territory prior to expiry of validity of visa he/she is applying for.

(4) Short-term stay visa shall be issued for business, education, training and similar purposes; tourist or other private travels; political, scientific, cultural, sports, religious or other travels; as well as other travels requiring only a short-term stay.

(5) In the procedure of visa issuance referred to in paragraph (1) herein, the Service shall follow the request of MoFA or Border Police and check its official registries. The results of such checks shall be submitted to the authority competent for visa issuance.

### **Article 30** **(Long-term stay visa – Visa D)**

(1) Long-term stay visa (Visa D) shall enable an foreigner to enter and stay in BiH within the period of up to 180 days within a year, and enables the foreigner to submit his/her request for being granted temporary residence in BiH.

(2) Exceptionally, a long-term stay visa shall be issued for situations requiring the stay in BiH longer than 90 days within the period of 180 days.

(3) Long-term stay visa shall be issued for a validity period not exceeding one year, and is issued for a single or multiple entries into BiH.

(4) Notwithstanding paragraph (3) herein, a long-term stay visa may be issued for a period exceeding one year if so is in the interest of BiH.

- (5) Issuance of a long-term visa shall require the prior consent of the Service.
- (6) Upon received request for issuance of a long-term visa, a Diplomatic and Consular Representation of BiH (hereinafter referred to as: BiH DCR) shall collect all of the required documentation and forward it to the Service to obtain a consent referred to in paragraph (5) herein.

**Article 31**  
**(Conditions for visa issuance)**

- (1) For issuance of a visa, an applicant shall provide his/her particulars including biometric data as requested, as well as the other necessary information and the purpose of entry into BiH. The visa application shall be filed three months prior to the planned visit at the earliest, on a prescribed form to be filled with accurate and complete information.
- (2) For issuance of a short-stay visa (Visa C), and in addition to the evidence on travel health insurance to cover the costs that may occur during his/her return to the country of origin due to health reasons, urgent medical assistance or urgent medical treatment or death during his/her stay in BiH, the applicant shall also enclose an evidence to justify the purpose and conditions of intended stay in BiH, as follows:
- a) letter of invitation referred to in Article 32 (Letter of invitation) of this Law;
  - c) copy of court summons or other official invitation by which the applicant is summoned to respond in legal proceedings maintained in BiH;
  - d) copy of evidence of the paid tourist travel, including his/her accommodation and transportation, or evidence of an arranged travel or paid accommodation;
  - e) certificate confirming his/her admission to an institution providing education or training; or
  - f) another document based on which a reasonably conclusion may be drawn about the purpose and conditions of the intended stay in BiH, where possible and necessary.
- (3) Notwithstanding paragraph (2) herein, the obligation of submitting evidences on travel health insurance shall not apply to the holders of diplomatic passports, and may also include certain professional groups, such as seamen that already possess their travel health insurance due to their professional activities.
- (4) Should any suspicion arise as to the indicated purpose of entry into BiH, a BiH DCR officer may request the foreigner to provide certificates confirming: possession of real property, or the permanent sources of income in the country of origin, or the country of initial destination, or enrolment of studies or the like, or evidence for a reasonable conclusion that the foreigner would leave the country after expiry of his/her legal stay.
- (5) Competent officer may also request evidence, explanation of data or information from the visa application, as well as to conduct an interview with the applicant.



(6) Condition for issuance of a short-term visa (Visa C) prescribed by paragraph (2) herein shall accordingly apply to the cases of issuance of long-term visas (Visa D).

### **Article 32 (Letter of invitation)**

(1) Letter of invitation is a letter whereby an foreigner is invited to come to BiH for a specific purpose within a designated period of time.

(2) Letter of invitation for entry into BiH may be issued by a BiH citizen or an foreigner with the approved permanent stay in BiH, or by a national or international legal person registered in BiH.

(3) Notwithstanding paragraph (2) herein, a letter of invitation for the purpose of family reunification or visit may be issued by: an foreigner with approved temporary residence in BiH on grounds of the Blue Card; or by an foreigner with approved temporary residence staying in BiH for at least a year or longer and has reasonable chances for being granted a permanent residence in BiH; or by an foreigner with recognised refugee status. An foreigner with an approved temporary residence for up to one year may issue a letter of invitation solely for the purpose of a visit.

(4) Letter of invitation shall be issued on a prescribed form and is to contain the inviter's statement of assuming the obligation to provide the foreigner with accommodation, to cover expenses of medical treatment(s), to provide the subsistence and cover other costs that may arise during the foreigner's stay in BiH, such are the costs of placing him/her under surveillance, the costs of his/her voluntary return or forceful removal, as well as all other costs pertaining to the foreigner's departure from BiH, unless the foreigner is able to cover these costs on his/her own.

(5) Letter of invitation shall be certified by the Service in the place of permanent residence or the seat of the inviter dependant of the evidences supporting the application and conducted operational checks. The letter of invitation shall be valid for 180 days from the day of certification.

(6) In the event referred to in paragraph (3) herein, the Service shall also certify the letter of invitation on grounds of evidenced veracity of the family reunification purposes.

(6) The Service may certify a letter of invitation for a group consisting of at least five and not over 50 persons who travel with a collective passport.

(7) In the sense of this Law, for a letter of invitation shall be considered an official document of the authority at the level of state, entity, cantonal and/or Brcko District as well as

of diplomatic-consular representation of a foreign country or an international organization holding a diplomatic status in BiH.

### **Article 33**

#### **(Visa issuance for a collective passport)**

- (1) Visas for collective passports shall either concern an airport transit visa (Visa A) or as a short-term stay visa (Visa C) for foreigners in a group at least five and not over 50 persons led by a person holding his/her own personal passport and, where necessary, an individual visa.
- (2) Short-term stay visa (Visa C) may be issued for a collective passport with a validity period not exceeding 30 days, provided that the members of the group collectively enter, stay in and leave the BiH territory.
- (3) Each person enlisted in the collective passport shall be issued with an individual visa.

### **Article 34**

#### **(Issuing authority and place of visa issuance)**

- (1) Visa shall be issued by BiH DCR, and may also be issued by a DCR of another country which concluded such agreement with BiH.
- (2) Foreigner is obliged to obtain a visa prior to his/her entry to BiH. When summoned by the authority referred to in paragraph (1), the foreigner shall file his/her visa application in person.
- (3) Prior to issuance of a visa, a BiH DCR shall require the Service's consent for the cases provided under this Law.
- (4) Appeal to the decision on refused application for visa issuance may be lodged with the MoFA through BiH DCR, within 15 days of the receipt of the decision.
- (5) Notwithstanding paragraphs (1) and (2) herein, and when so required by the reasons of national security or humanitarian, serious professional and personal reasons, Border Police may issue a short-term stay visa (Visa C) for a single entry of 15 days or an airport transit visa (Visa A at the border post.)
- (6) Visas referred to in paragraph (5) herein may be issued only on condition that an foreigner has:
  - a) met the general requirements for entry into BiH referred to in Article 19 (General entry requirements) paragraphs (1) and (3) of this Law,
  - b) evidenced that he/she was unable to file a visa application in advance, and
  - c) provided one or more documents evidencing unpredictable and imperative reasons for entry into BiH along with the guarantees on his/her return to the country of origin or the county of habitual residence.
- (7) Appeal to the decision on refused application for visa renewal may be lodged with the Ministry within 15 days of the receipt of the decision. The appeal shall not stay the execution of the decision.

### **Article 35**

### **(Time limit for obtaining a consent)**

- (1) When provided that the BiH DCR is to require the consent from the Service prior to issuance of a visa, the Service is expected to respond to such request at its earliest convenience, but not later than within seven (7) days following the receipt of such a request, and inform the MoFA of its response.
- (2) In case of no response from the Service within the time limit provided in paragraph (1) herein, BiH DCR shall consider the consent was granted.

### **Article 36 (Visa extension)**

- (1) Short-term stay visa (Visa C) may be extended due to *force majeure*, humanitarian, serious professional or personal reasons, in accordance with the rules applicable to visa issuance.
- (2) Application for visa extension shall be filed with the Service not later than 5 days prior to expiry of validity of his/her visa and residence permit approved on the grounds of such visa. The Service renders a decision on visa extension within seven days upon the receipt of application.
- (3) Appeal to the decision refusing or rejecting the application for visa extension may be lodged with the Ministry within three days of the receipt of the decision. The appeal shall not stay the execution of the decision.

### **Article 37 (Refusal of visa issuance and exceptional visa issuance on humanitarian grounds)**

- (1) Visa application shall be refused where an foreigner:
  - a) has failed to meet the visa requirements referred to in Article 31 (Conditions for visa issuance) of this Law;
  - b) has failed to meet general BiH entry requirements referred to in Article 19 (General entry requirements) paragraphs (1), (3), (5) and (6) of this Law, and is a subject to application of the international agreement to which BiH is signatory or decision referred to in Article 20 (Entry on special conditions) of this Law;
  - c) has failed to respond to the summons of the BiH DCR to file the visa application in person;
  - d) has already resided in BiH for 90 days during the period of 180 days from the day preceding each day of residence;
  - e) foreigner's passport for the visa affixation would expire in less than three months from the last day of intended stay in BiH; or does not have at least two blank pages; or was

not issued in the past 10 years, with acknowledgement of exceptions provided in Article 26 paragraph (3) of this Law;

- f) refuses to provide biometric data when filing his/her application, or
  - g) has failed to evidence in his application for visa issuance at the border the unpredictable and immediate reasons for his/her entry.
- (2) Visa application may be refused to an foreigner failing to cover the costs incurred during his/her surveillance and/or removal from BiH.
- (3) Notwithstanding paragraph (1) herein, a visa may be issued for humanitarian reasons or if so in the interest of BiH or in accordance with the recognized international obligations.

**Article 38**  
**(Visa cancellation and annulment)**

- (1) Visa shall be annulled if subsequently established that the conditions for its issuance were not met or in case of serious reasons for suspicion that it was fraudulently acquired.
- (2) Visa shall be cancelled if determined that that the grounds for its issuance no longer exist.
- (3) Visa may be annulled or cancelled by the BiH DCR, the Border Police or the Service.
- (4) Decision on visa annulment or cancellation shall be provided to an foreigner on a prescribed form.
- (5) Foreigner may appeal to the decision from paragraph (4) herein within 15 days from the day of being served with the decision via competent BiH DCR.
- (6) In case the decision referred to in paragraph (4) herein was issued by the BiH DCR, the appeal to the decision shall be considered by MoFA, and in case the decision was issued by either Border Police or the Service, it is the Ministry to decide upon the appeal. The appeal shall not stay the execution of the decision.
- (7) Visa may also be cancelled upon a request of an foreigner granted a visa, and in such case no appeal is foreseen.
- (8) In case a visa is annulled or cancelled, over a visa sticker shall be affixed a stamp imprint stating "ANNULLED" or "CANCELLED" or shall have another appropriate mark.
- (9) Authority annulling or cancelling the visa shall inform on the fact the Ministry and the visa issuing authority.

**Article 39**  
**(Reasons for visa annulment or cancellation)**

- (1) Foreigner's visa shall be annulled or cancelled in case he/she:
- a) possesses a false or a fraudulent travel document;
  - b) resides adversely to the purpose of intended entry and residence;
  - c) does not possess and is not in position to legally acquire means for subsistence during the intended stay or return to the country of origin or habitual residence or for the transit to a third country;
  - d) resides in BiH longer than 90 days during any period within 180 days, where the 180 day period refers to the period preceding each day of stay;
  - e) is rendered a measure of prohibition of entry to BiH that is still in force;
  - e) is a threat to public order, security or international relations of BiH;
  - f) does not respect the legal order in BiH or has undertaken an activity undermining the security of BiH or is a member of an organisation intending or undertaking such activities or is organising or is related to organising illegal entry, stay or exit of individual or groups to/from BiH, or is organising or in any way participates in a criminal activities; or is a subject to an international arrest warrant;
  - g) violates or attempts to violate the regulations governing the BiH state border crossing, regardless of the fact if the violation has occurred while entering or leaving BiH;
  - h) provides false information or conceals the circumstances of relevance to the issuance of the visa;
  - i) performs an activity requiring a work permit, although not in possession of the work permit in BiH;
  - j) is convicted by a final and binding court decision for violations punishable by law with one (1) year of imprisonment or by a more serious punishment;
  - k) does not have a valid travel health insurance;
  - l) does not intend to leave BiH territory prior to expiry of visa;
  - m) submits a request for visa cancellation.
- (2) Grounds for determining the reasons for visa cancellation or annulment from paragraph ( 1) herein may be: evidence or information available to Border Police, the Service or BiH DCR depending of their authorities; the existence of an international arrest warrant; final and binding court decisions or notifications from the competent authorities and security agencies in BiH.
- (3) Foreigner whose visa is annulled or cancelled on BiH territory due to the reasons provided in paragraph (1) indents a), e), f), g), h), i), j) and k) of this Law may also be a subject to expulsion measures.
- (4) Foreigner whose visa is annulled or cancelled, without being issued an expulsion measure, shall be given a time frame of a maximum of 8 days to voluntarily leave BiH.
- (5) Authority annulling or cancelling a visa shall inform on the fact the authority which issued the visa.

#### **Article 40**

##### **(Bylaws regulating the technical matters for the foreigner entry)**

- (1) Council of Ministers shall adopt a bylaw, upon the Ministry's proposal, and following the acquired opinion of Ministry of Communications and Transport of Bosnia and Herzegovina (hereinafter referred to as: Ministry of Communications and Transport), to regulate the obligations of carriers transporting foreigners to border crossing of BiH.
- (2) Council of Ministers shall adopt a bylaw, upon the Ministry's proposal, and following the acquired opinion of the MoFA, to regulate the least amount of means needed for subsistence of an foreigner in BiH.
- (3) MoFA shall adopt a bylaw, following the acquired opinion of the Ministry, to regulate the format and layout of the visa application form and accompanying visa stickers, the procedure for issuing a transit visa at the airport (Visa A) and short-term stay visa (Visa C) in BiH DCR, validity period of airport transit visa (Visa A), and other particularities relating to issuance of these visas.
- (4) MoFA shall adopt a bylaw, upon acquired consent of the Ministry and the Service, to regulate the procedure for issuing long-term stay visas (Visa D), and other particularities on conditions for issuance of such visas.
- (5) Council of Ministers shall adopt a bylaw, upon the Ministry's proposal, and following the acquired opinion of the Border Police, on the border crossings designated for visa issuance.
- (6) Ministry shall adopt a bylaw, following the acquired opinion of the MoFA, Service and Border Police, to regulate procedures for: entry of foreigners into BiH; visa issuance at the border; format and layout of letter of invitation; as well as to settle: the procedure for verifying a letter of invitation; form of the decision denying the entry into BiH and its subsequent procedures, as well as other particularities on entry requirements for BiH.

### **CHAPTER III. TRAVEL DOCUMENTS FOR FOREIGNERS**

#### **Article 41**

##### **(Types of travel documents for foreigners)**

Travel documents for foreigners in the sense of this Law are as follows:

- a) travel documents for stateless persons, and
- b) *laissez-passer* for foreigners.

#### **Article 42**

##### **(Issuance of travel documents for foreigners)**

- (1) Travel documents for stateless persons shall be issued under conditions set by the relevant international conventions, while the *laissez-passer* for foreigners shall be issued in accordance with this Law.

(2) Travel documents for stateless persons and *laissez-passer* for foreigners shall be issued by the Service territorially competent for the foreigner's place of temporary or permanent residence.

(3) Validity of travel documents for stateless persons shall not exceed two years. Validity of *laissez-passer* for foreigners shall not exceed 30 days and is to be used for a single journey.

(4) Holders of the foreigner travel document under age of 14 may travel to foreign countries only if accompanied by a parent or legal representative or guardian or an attorney with a power-of-attorney of both parents or legal representative or guardian; or with parental or legal representative or guardian's consent if travelling unaccompanied.

### **Article 43** **(*Laissez-passer* for foreigners)**

(1) *Laissez-passer* for foreigners is a travel document valid for a single journey to be issued to an foreigner:

- a) whose valid travel document has been lost or destroyed and cannot be replaced, or to an foreigner who has otherwise remained without it, if BiH neither has a DCR of the country of his/her nationality nor the foreigner's interests are represented by another state, in order to give to that foreigner an opportunity to return to the country of his/her habitual place of residence or to a country to admit the foreigner concerned;
- b) who is or has been granted international protection or temporary protection or is in the procedure of acquiring such status, in order to give him/her an opportunity to voluntary return to his/her country of origin or to the country of his/her habitual residence or to the country to admit him/her;
- c) who has been released from BiH citizenship for the purpose of travelling abroad;
- d) who had lost in a foreign country his/her refugee passport or travel document for stateless persons issued by competent authority in BiH for the purpose of his/her return to BiH; or
- e) pending forceful expulsion from BiH to his/her country of origin or to the country of habitual residence or to the third country admitting him.

(2) In addition to the cases referred to in paragraph (1) herein, *laissez-passer* for foreigners may also be issued in other cases justifying such an action.

(3) *Laissez-passer* for foreigners referred to in paragraph (1) indent a), b), c) and e) herein shall be issued by the competent organizational unit of the Service to which the loss, destruction or other form of disappearance of the travel document has been reported or to the Service's unit of his/her place of residence.

(4) *Laissez-passer* for foreigners referred to in paragraph (1) indent d) herein shall be issued by the BiH DCP upon obtained consent of the Ministry when dealing with a refugee, and by the Service when dealing with a stateless person.

(5) In case referred to in paragraph (1) indent b) herein, the Service shall issue a *laissez-passer* for foreigner upon obtained consent of the asylum authority.



**Article 44**  
**(Non-issuance of travel documents for foreigners)**

- (1) Travel document for foreigner shall not be issued to an foreigner:
- a) subject to criminal or misdemeanour proceedings, except in case of the granted consent by the responsible authority;
  - b) convicted to an imprisonment sentence or a fine; or imposed a measure of the forfeiture of property gain; or liable to compensate for damage until the foreigner serves his/her sentence or pays the fine or returns the property gain or compensates damage; or
  - c) if required by the reasons of protection of public legal order, security or public health of BiH.
- (2) If the Service has established the existence of any reasons referred to in paragraph (1) herein, it shall withdraw the already issued travel document for foreigner for as long as such reasons exist and shall notify the Ministry thereof.
- (3) In the event referred to in paragraph (2) herein, the Service shall issue a certificate confirming the withdrawal of the foreigner's travel document.
- (4) Notwithstanding paragraph (1) indent b) herein, a *laissez-passer* for foreigners may be issued to an foreigner pending forceful removal from BiH to the country of his/her origin or habitual place of residence or a third country to admit him/her.

**Article 45**  
**(Obligations of an foreigner in connection with the travel documents for foreigners)**

- (1) Foreigner shall not transfer his/her travel document for foreigners to another person, nor use another person's travel document as own. Otherwise, an authorized officer shall, immediately after becoming aware of such facts, report the criminal offense in accordance with the Criminal Procedure Code.
- (2) Foreigner whose temporary residence has been cancelled as provided under this Law or who has acquired the BiH citizenship, shall immediately, but no later than three days after the said circumstance arise, return the travel document for foreigners to the territorially competent organizational unit of the Service that issued the travel document.
- (3) Foreigner shall report any loss, destruction or other form of disappearance of his/her foreigner travel document, immediately after becoming aware of such facts, to the territorially competent organizational unit of the Service or to the Police in his/her place of residence, or to the nearest BiH DCR if it happened outside BiH.
- (4) Authority shall issue a certificate confirming the reported loss, destruction or other form of disappearance of the foreigner's travel document upon the reported event referred to in paragraph
- (3) herein. Where the foreigner has reported such facts to the Police or BiH DCR, the Police/BiH DCR shall immediately, but not later than the same day, inform of the fact to the organizational unit of the Service territorially competent for the foreigner's place of residence.

(5) Lost, destroyed or otherwise disappeared foreigner's travel document shall be declared as invalid in "BiH Official Gazette" at the expense of the foreigner.

#### **Article 46**

##### **(Bylaws governing the technical matters for the foreigner travel documents)**

- 1) Ministry shall adopt a bylaw, upon acquired opinions of the MCA, MoFA and Service, on the format and content of applications for issuance of travel documents for stateless persons and *laissez-passer* for foreigners.
- 2) MCA shall adopt a bylaw, upon acquired opinions of the Ministry, MoFA and Service, on the form, layout and content of travel document for stateless persons and the *laissez-passer* for foreigner, as well as the necessary documentation to attach to applications, its issuance procedures and other technical matters pertaining to travel documents for stateless persons and *laissez-passer* for foreigners.

### **CHAPTER IV. RESIDENCE OF FOREIGNERS IN BIH**

#### **Section A. Types of foreigner residence in BiH**

##### **Article 47**

##### **(Types of residence)**

- (1) For the purpose of the present Law, the residence of foreigners shall refer to:
  - a) visa,
  - b) non-visa,
  - c) temporary, and
  - d) permanent residence.
- (2) Visa residence refers to a stay of an foreigner in BiH during the period stated in the visa.
- (3) Non-visa residence refers to a stay in BiH of foreigners arriving from non-visa regime countries during the period referred to in Article 21 (Exemption from visa requirement) paragraph (2) of this Law.
- (4) Temporary residence refers to a stay of an foreigner on BiH territory for a period not exceeding one year, unless otherwise specified in his/her residence permit.
- (5) Permanent residence refers to a stay of an foreigner in BiH for an indefinite period of time.

## **Section B. Temporary residence**

### **Article 48**

#### **(Grounds for issuance of temporary residence permit)**

- (1) Temporary residence permit may be granted to an foreigner who intends to stay or is already staying in BiH for the following reasons:
  - a) family reunification,
  - b) education,
  - c) humanitarian reasons,
  - d) employment with a work permit,
  - e) employment without a work permit, or
  - f) other justified reasons.
- (2) Temporary residence permit may exceptionally be issued on grounds of real-estate ownership provided that the foreigner's effective connection to BiH has been established.
- (3) Temporary residence permit may be granted for a period not exceeding one year, unless otherwise stipulated under this Law.
- (4) Temporary residence on humanitarian grounds provided by Article 58 (Temporary residence on humanitarian grounds) paragraph (2) indent a) herein shall be granted for a period not exceeding six months.
- (5) Extension of the temporary residence may be granted upon the foreigner's request, but solely on the grounds applied for approval of that temporary residence the renewal of which is now requested.

### **Article 49**

#### **(General requirements for granting temporary residence)**

- (1) Temporary residence may be granted to an foreigner on condition that he/she provides:
  - a) evidence substantiating the existence of grounds for granting temporary residence,
  - b) passport having validity of a minimum three months longer than the period of requested temporary residence,
  - c) evidence on possession of sufficient means of subsistence so he/she would not become a social welfare beneficiary during his/her stay in BiH,
  - d) evidence on adequate accommodation in BiH,
  - e) evidence on health insurance in BiH,
  - f) medical attestation issued no later than three months prior to the date of submitted application indicating that the foreigner does not suffer from a disease presenting a

threat to public health in BiH, excluding circumstances where a disease occurred after initially approved temporary residence in BiH,

g) attestation of the competent authority in the foreigner's country of origin confirming that no criminal proceedings and penalty for criminal acts have been imposed against him/her. Such certificated shall not be issued later than six months prior the date of submitted residence application.

(2) Foreigner possessing a work permit for employment in BiH is considered to meet the requirements relating to possession of means of subsistence and health insurance.

(3) Foreigner applying for renewal of temporary residence is obliged to submit attestation, issued by the BiH competent authority, that no criminal proceedings and penalty for criminal acts have been imposed against him/her. The Service may decide that an foreigner may be exempted from the obligation of submitting attestation from paragraph (1) indent f) and g) herein.

4) Foreign daily migrant applying for approval or renewal of temporary residence on grounds of education or employment with or without a work permit shall be exempted from the obligation to collect evidence on adequate accommodation enlisted in paragraph (1) indent d) herein.

#### **Article 50**

##### **(Temporary residence on the grounds of family reunification)**

(1) Temporary residence for the purpose of family reunification may be granted to close family members of:

a) BiH citizen having residence in BiH;

b) foreigner holding a permanent residence permit in BiH; foreigner with approved temporary residence in BiH on grounds of the Blue Card; foreigner with temporary residence in BiH for one year or longer having reasonably grounded chances for approval of permanent residence in BiH; or foreigner with recognised refugee status.

(2) Temporary residence referred to in paragraph (1) herein may be granted to an foreigner arriving to BiH for the purpose of family reunification upon his/her request and under conditions from Article 49 (General requirements for granting temporary residence) of this Law, if:

a) BiH citizen, an foreigner holding temporary residence permit in BiH or an foreigner with recognised refugee status had secured a place of accommodation for himself/herself and family members for whom he/she is requesting the residence permit on the grounds of family reunification, and has a permanent source of income, or is in the possession of sufficient means of subsistence in order to support the respective applicants in BiH;

b) BiH citizen, an foreigner holding a BiH residence permit or an foreigner with recognised refugee status possesses health insurance for both himself/herself and the family members applying for the residence permit on the grounds of family reunification,

(3) For the purpose of this Law, close family members shall refer to:

a) spouse or common law partner of a BiH citizen or an foreigner holding a residence permit in BiH or an foreigner with recognized refugee status, provided that the

marriage or common law marriage is legally valid in BiH pursuant to Article 6 (Definitions) indents l) and m) herein.

b) children under 18 years of age or dependent adult children attending regular education until the age of 26, or adult children disabled for employment or conducting businesses who reside in the same household, born through marriage or out of marriage, adopted or stepchildren that did not start their own family.

c) dependent parents.

(4) Temporary residence for the purpose of family reunification of close family members of a BiH citizen residing in BiH from paragraph (1) indent a) herein shall be granted for period not exceeding one year, and may be extended under the same conditions applied for initial approval of residence.

(5) Temporary residence for the purpose of family reunification for close family members of an foreigner residing in BiH from paragraph (1) indent b) herein shall be granted for a period equal to the approved residence of the foreigner to be reunified with, but not longer than a year, and may be extended under the same conditions applied for the approval of residence.

(6) Notwithstanding paragraphs (4) and (5) herein, an adult foreigner who has continuously resided in BiH for three years, with temporary residence approved for the purpose of family reunification shall acquire the right for approval of an independent request for temporary residence on some other ground provided that he/she meets the requirements of this Law regulating the approval of temporary residence based on grounds other than family reunification.

(7) In accordance with this Law, a family member granted temporary residence for the purpose of family reunification with an foreigner holding temporary residence on grounds of the Blue Card shall be entitled to employment in BiH.

#### **Article 51**

##### **(Residence in event of cessation of marriage or common law marriage)**

(1) If a marriage or common law marriage has ceased during the period of validity of a temporary residence permit issued for the purpose of family reunification, a former spouse or common law marriage partner who has been granted temporary residence as a close family member under Article 50 (Temporary residence on the grounds of family reunification) may submit a request for temporary residence extension in case:

a) he/she has custody over a minor child holding BiH citizenship,

b) death of the spouse or common law marriage partner for whom the temporary residence for the purpose of family reunification has been granted, if evidenced that the foreigner has acquired the right to work in accordance with provisions of this Law or secured the means for his/her own and family members subsistence and health insurance, or if the foreigner resides in BiH for the purpose of studying and provides evidences on means for his/her own and family members sustenance and the health insurance, or

c) divorce proceeding to decide on the custody over a minor child holding BiH citizenship.

(2) Exceptionally, a temporary residence for the purpose of family reunification may be granted to an foreigner without a temporary residence prior to the death of a spouse or a common law partner of BiH citizenship if, after the death, he/she assumes the custody over a minor child of BiH citizenship residing in BiH.

(3) Such temporary residence shall be granted for a period not exceeding one year and may be extended under the same conditions applied for the approval of the residence.

**Article 52**  
**(Marriage of convenience)**

(1) Temporary residence for the purpose of family reunification shall not be granted in case of a marriage of convenience.

(2) Circumstances which may indicate that the marriage was concluded for personal gain are as follows:

- a) marital partners do not maintain the marital union,
- b) marital partners do not fulfil the obligations arising from marital union,
- c) marital partners did not meet before entering the marital union,
- d) marital partners do not give consistent personal information,
- e) marital partners do not speak the language they both understand,
- f) material means have been given for entering into the marital union, unless the means are given as dowry when the marital partners arrive from the countries considering the dowry as customary,
- g) there is evidence of earlier convenience marriages of either of the marital partners in BiH or abroad,
- h) other evidence which may indicate that the marriage was concluded for personal gain.

(3) Provisions of this Article shall accordingly apply to the common-law marriages as well.

**Article 53**  
**(Temporary residence on grounds of education)**

Temporary residence for the purpose of education may be granted in case of:

- a) primary and secondary education,
- b) higher education;
- c) unpaid internship, and
- d) voluntary work.

**Article 54**  
**(Temporary residence on grounds of primary and secondary education)**

(1) Temporary residence for the purpose of regular primary education may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) herein, also fulfils the following conditions:

- a) he/she is enrolled to an institution providing primary education,
  - b) possesses a consent of a parent or legal representative for intended stay on the grounds of primary education in BiH;
  - c) has a guardian in BiH, and
  - d) provides evidence that the guardian or educational institution or organisation implementing the students exchange program would be responsible for his/her stay in BiH, especially with respect to accommodation, means for subsistence, education, health insurance and return.
- (2) Temporary residence for the purpose of regular secondary education may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting of temporary residence) herein, also fulfils the following conditions:
- a) he/she is enrolled to an institution providing secondary education,
  - b) if minor, the foreigner must possess consent of a parent or legal representative for intended stay on the grounds of secondary education in BiH;
  - c) has a guardian in BiH, and
  - d) provides evidence that the guardian or educational institution or organisation implementing the students exchange program would be responsible for him/her during the stay in BiH especially with respect to accommodation, means for subsistence, education, health insurance and return.
- (3) If an foreigner is enrolling the final year of the secondary education, he/she may not be over 20 years of age.
- (4) Temporary residence for the purpose of acquiring primary and secondary education shall be granted for a period not exceeding one year and may be extended under the same conditions applied for approval of residence.

#### **Article 55**

##### **(Temporary residence on grounds of higher education)**

- (1) Temporary residence for the purpose of regular higher education may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) of this Law, also fulfils the following conditions:
- a) is enrolled to an institution providing higher education, or
  - b) arrives within a program for exchange of students or mobility of youth.
- (2) Temporary residence for the purpose of regular higher education shall be granted for a period not exceeding one year and may be extended under the same conditions applied for approval of residence.
- (3) Upon expiry of time limit provided for duration of a regular higher education, temporary residence on this ground may be extended for the maximum of two years with provided evidence on the retaken academic year.

#### **Article 56**

##### **(Temporary residence of the unpaid interns)**

(1) Temporary residence for the purpose of unpaid internship may be granted to an foreigner who had acquired his/her higher education on BiH territory or to an foreigner arriving for the purpose of acquiring expertise or internship through international agreements to which BiH is signatory.

(2) Temporary residence under paragraph (1) herein may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) of this Law, possesses:

- a) contract on provision of professional training without a compensation concluded with a legal entity to provide him/her with the training or internship;
- b) evidence that he/she is familiar with one of the languages in official usage in BiH, and
- c) evidence that the legal entity to provide him/her with the training or internship shall assume the responsibility of his/her means for subsistence, health insurance and return.

(3) Temporary residence of unpaid interns shall be granted for a period not exceeding one year and may be extended under the same conditions initially applied for granting the residence, but exclusively once and for the period needed to acquire the professional qualifications.

(4) Acquiring the expertise or performing the internship elaborated herein shall not be considered as employment in the sense of this Law.

#### **Article 57**

#### **(Temporary residence of volunteers)**

(1) Temporary residence may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) of this Law, also fulfils the following conditions:

- a) he/she is not under 18 nor over 65 years of age,
- b) he/she possesses a volunteering contract concluded with an agency, institution, humanitarian organisation, association or foundation in BiH in which he/she is volunteering,
- c) encloses a project where he/she is engaged, or a document providing the volunteering work scheme, job description and accompanying duties, number of agents, volunteering period, mentorship and working hours.
- d) organisation in which the foreigner is volunteering has signed a policy of obligatory insurance and assumed the responsibility for the foreigner during the volunteering period, including the costs of subsistence, accommodation, health insurance and return.

(2) Temporary residence of a foreign volunteer shall be granted for a period not exceeding one year and may exceptionally be extended under the same conditions applied for approval of residence if the project of the foreigner's engagement lasts longer than a year.

#### **Article 58**

#### **(Temporary residence on humanitarian grounds)**



(1) Temporary residence on humanitarian grounds for a purpose of a medical treatment, rehabilitation and stay in a nursing home may be granted to an foreigner who meets the requirements of Article 49 (General requirements for granting temporary residence) of this Law, and provides the evidence on being admitted to a BiH institution for medical treatment, rehabilitation or stay in a nursing home.

(2) Temporary residence on humanitarian grounds may also be granted to a person who fails to meet the general requirements for granting temporary residence under Article 49 (General requirements for granting temporary residence) of this Law, in the following cases:

a) foreigner who has been a victim of human trafficking for the purpose of:

1) proving him/her with protection and assistance for rehabilitation and repatriation into the country of his/her origin, habitual residence, or a country to admit him/her;

2) providing him/her with protection and assistance when necessary for the purpose of cooperation with competent authorities in investigating and processing criminal case of trafficking in human beings;

b) minor child of an foreigner, if abandoned or a victim of organized crime or without parental protection or custody or if left unaccompanied for any other reason whatsoever;

c) stateless person;

d) for other justified humanitarian reasons to be stipulated by the Council of Ministers' bylaws issued upon the Ministry's proposal.

(3) Temporary humanitarian residence may also be granted to an foreigner who fails to meet the requirements for granting temporary residence under Article 49 (General requirements for granting temporary residence) of this Law, in cases where the foreigner cooperates with authorities for the purposes of revealing criminal offenses and their offenders, or if he/she has been a victim of organized crime and his/her presence in BiH is essential for conducting of court proceedings.

(5) Foreigner granted temporary residence on humanitarian grounds referred to in paragraph (2), indent a) herein, is entitled to: adequate and safe accommodation, access to emergency medical care, psychological assistance, information on his/her legal status, legal assistance during criminal and other proceedings in which he/she is granted other rights, access to labour market under the same conditions applying to the foreigners, as well as access to professional training and education. A child granted temporary residence for being a victim of trafficking in human beings shall have the access to education

(6) Foreigner granted humanitarian temporary residence under paragraph (2) indent c) herein shall be entitled to work under the same conditions applying to foreigners and shall have the access to primary education under the same conditions applying to BiH citizens.

(7) Temporary residence on humanitarian grounds determined by the Council of Ministers' regulation from paragraph (2) indent d) herein shall not in any case be granted contrary to the requirements of Article 84 (Rejection of applications for approval and extension of residence permits) paragraph (1) indents f) and h) of this Law.

(8) Temporary residence from paragraphs (1) and (2) indents b), c), and d) herein shall be granted for a period not exceeding one year and may be extended under the same conditions applied for approval of residence.

(9) Temporary residence from paragraph (2) indent a) herein shall be granted for a period not exceeding six months and may be extended under the same conditions applied for approval of residence.

(10) Foreigner without a valid travel document who is granted temporary residence pursuant to paragraph (2) herein shall be provided with a certificate of identity.

#### **Article 59**

##### **(Recommendation of a competent authority)**

For the purpose of granting and/or extending temporary residence on humanitarian grounds under Article 58 (Temporary residence on humanitarian grounds) paragraph (2) indents a), b), and d) as well as paragraph (3) of this Law, an assessment of the authority before which the appropriate (administrative, court) proceedings have been conducted or a recommendation of another competent authority or a report of a health specialist from the appropriate health institution evidencing the necessity for his/her treatment and rehabilitation, shall be required in addition to the other evidence relevant for assessing the merits of the application.

#### **Article 60**

##### **(Protection of victims of trafficking in human beings)**

(1) Ministry is responsible for provision of a special protection and assistance to victims of trafficking in human beings during their admission and residence in the shelters for victims of human trafficking.

(2) Foreigner suspected of being a victim of trafficking in human beings shall acquire a status of a protected person from the day of his/her admission to the shelter for victims of trafficking in human beings for 30 days, which is considered as a period of recovery and consideration if he/she would cooperate with the BiH competent authorities for investigation and processing of the crime of trafficking in human beings.

#### **Article 61**

##### **(Temporary residence on the grounds of real-estate ownership)**

(1) Temporary residence may be granted to an foreigner who, along with requirements of Article 49 (General requirements for granting temporary residence) of this Law, also owns a real-estate in BiH with evidence on the property and his/her effective connections with BiH.

(2) Temporary residence resting on the real-estate ownership shall be granted for the period not exceeding one year, and may be extended under the same conditions applied for approval of the residence.

### **Section C. Temporary residence on the grounds of employment with work permit**

#### **Article 62**

##### **(Work permit)**

- (1) Foreigner intending to reside in BiH for the purpose of paid employment shall obtain, before the entry to BiH, a work permit issued by an authority in charge of foreigner employment of the Federation of Bosnia and Herzegovina, Republika Srpska or Brcko District of Bosnia and Herzegovina in accordance with the provisions of this or other laws in BiH regulating the issues of foreigner work, unless this Law or an international agreement to which BiH is signatory provide that no work permit is required for specific types of work.
- (2) Performance of activities required to establish and register a legal entity or a corporate business entity shall not be considered as work in the sense of paragraph (1) herein and shall not be subject to the obligation of obtaining a work permit.
- (3) Authority referred to in paragraph (1) herein shall forward to the Service a copy of the decision reached upon a request for work permit issuance immediately after such decision is served to the foreigner.
- (4) Provisions of this Article shall not apply to the foreigners with recognized refugee or subsidiary protection status in BiH.

**Article 63**  
**(Issuance of work permit)**

- (1) Work permit may be issued to an foreigner upon the request of legal or physical entity offering the employment (hereinafter: employer). Depending on the place of residence or the seat of employer, the work permit shall be issued by authority competent for matters of foreigner employment of the Federation of Bosnia and Herzegovina, Republika Srpska or Brcko District of Bosnia and Herzegovina.
- (2) Work permit shall be issued by the competent authority on the basis of established work permit quota under Article 64 (Work permit quota) or as permit outside the quota under Article 65 (Work permits outside the quota) of this Law, and in accordance with regulations settling the issuance of work permits.
- (3) Work permit shall be issued for a specific post and/or for a specific type of job.
- (4) Work permit shall not be issued for a period exceeding one year.

**Article 64**  
**(Work permit quota)**

- (1) Work permit quota is a number of work permits available in BiH during the course of one year for foreigners of specific professions that require work permits in BiH and is included in the quota, together with the annual number of work permits to be issued in BiH for seasonal workers for defined and differentiated activities, which may vary from 90 to 180 days in a year and are dependant of the passing of seasons
- (2) Council of Ministers is responsible for setting the annual quota of work permits in accordance with the migration policy and by taking into account the state of affairs at the labour market. MCA shall submit to the Council of Ministers a proposal on the annual quota of work permits. The MCA proposal depends of the needs expressed by authorities competent for the employment of foreigners of the Federation of Bosnia and Herzegovina, Republika Srpska or Brcko District of Bosnia and Herzegovina, in terms of the number of necessary work permits for foreigners on the grounds of the degree and type of education, qualification and expertise. These authorities are to

submit their needs assessments to MCA through the Agency for Labour and Employment of Bosnia and Herzegovina.

- (3) Council of Ministers shall, within the framework of annual quota of work permits, determine the business activities and occupations which allow the employment of foreigners as well as decide on the number of work permits for each business activity and establish the territorial distribution of the work permits based on the needs stipulated by paragraph (2) herein.
- (4) Work permits under annual quota shall firstly be issued to those persons requiring the extension of the existing work permits and then to the newly recruited.
- (5) Priority in the issuance of work permits shall be given to foreigners granted temporary residence in BiH for the purpose of family reunification with a foreigner holding temporary residence in BiH.

#### **Article 65** **(Work permits outside the quota)**

Work permit may be issued independently from the established annual quota to an foreigner:

- a) having education equivalent to higher education, post graduate or doctoral study in BiH;
- b) working in BiH under an international agreement;
- c) performing key functions in a business entity, who is not exempt from requirement to hold work permit under an international agreement;
- d) who is a teacher or professor lecturing or assisting in an educational institution on the account of specific knowledge;
- e) who is a professional athlete or sport worker employed in BiH under a valid contract;
- f) renouncing his/her BiH citizenship; or
- g) who is in a marriage or common-law marriage with an foreigner granted permanent residence in BiH or to a child of an foreigner granted permanent residence in BiH.

#### **Article 66** **(Request for issuance of work permit)**

Employer shall enclose the following data with the request for issuance of an foreigner work permit:

- a) Information about foreigner intending to conclude a service contract or another relevant agreement with, and in particular his/her: name and surname including all the former names and surnames, names and surnames of parents, date of birth, gender, place of residence and address in the country of origin, number, date and place of issuance of valid travel documents;
- b) Work description and working conditions;
- c) Excerpt from the relevant court registry on the registration of employer in BiH or a certificate on place of residence if the employer is a physical entity;
- d) Certificate of solvency from the bank in which the employer has an account;

- e) Tax receipt and the certificate of payment of contributions for all the currently employed, including the foreigner himself/herself in case of a work permit extension; and
- f) Arguments justifying employment of an foreigner.

#### **Article 67**

##### **(Link between temporary residence and work permit)**

- (1) Foreigner shall not start working in BiH on the grounds of work permit prior to obtaining a temporary residence permit, unless otherwise provided under this Law.
- (2) Foreigner may work in BiH only on grounds of the work permit used for issuance of his/her temporary residence permit. The work permit enables the foreigner to work in BiH only on the specific post or to perform only such tasks that were subject to issuance of his/her work permit that subsequently served as ground for issuance of his/her permit for temporary stay in BiH.
- (3) Temporary residence on grounds of work permit shall be approved for the period covering validity of the work permit plus 30 additional days, but not longer than a year, and may be extended under the same conditions applied when granting the residence. Temporary residence permit shall cease to be valid thirty days upon expiry of the work permit.
- (4) Foreigner's temporary residence in BiH issued on grounds of work permit shall not cease if, in the course of approved temporary residence in BiH, he/she changes his/her job within the same legal entity and submits to the Service a new work permit within the deadline provided under paragraph (3) herein.
- (5) Foreigner's temporary residence in BiH issued on grounds of work permit shall not cease if, in course of approved temporary residence in BiH, he/she changes the employer and submits a new work permit or an evidence on initiated procedure to the Service for issuance of new work permit within the deadline provided in paragraph (3) herein.
- (6) Foreigner, who entered BiH without having acquired a work permit, shall not be granted temporary residence on grounds of work permit while he/she is staying in BiH.

#### **Article 68**

##### **(Termination of work permit)**

- (1) Work permit of an foreigner shall be terminated:
  - a) by expiry of the period it was issued for, and at any event after one year from the date of its issuance;
  - b) for the reasons settled by regulations on foreigner employment; or
  - c) by non-approval, annulment or cancellation of temporary residence in BiH.
- (2) Authority competent for matters pertaining to employment of foreigners shall immediately inform the Service of any case falling under paragraph (1) indent b) herein.
- (3) Service shall immediately inform the authority competent for matters pertaining to employment of foreigners of any case falling under paragraph (1) indent c) herein.

**Article 69**  
**(Temporary residence of seasonal workers)**

- (1) Temporary residence may be granted to a foreign seasonal worker to conduct activities dependant on the passing of seasons, under a service contract concluded directly between an foreigner and an employer from BiH.
- (2) Temporary residence under paragraph (1) herein shall be approved on grounds of work permit issued by an authority in charge of foreigner employment affairs of the Federation of Bosnia and Herzegovina, Republika Srpska or Brcko District of Bosnia and Herzegovina within the current year quota determined under Article 64 (Work permit quota) of this Law per defined and differentiated activities, which may vary from 90 to 180 days in a year and depending of the passing of seasons.
- (3) Competent services approached by employer with an application on needed seasonal assistance shall immediately refer such application to the BiH Agency for Labour and Employment. The BiH Agency for Labour and Employment shall immediately make the application available to all the authorities competent for the employment matters in BiH during eight days. Upon expiry of eight days, and under condition that no BiH citizen applies for the seasonal work, an foreigner may be engaged for such seasonal works.
- (4) Temporary residence for seasonal workers shall be approved for the period between 90 and 180 days within 12 months. Upon expiry of the stated time limit, the foreigner shall leave BiH.
- (5) Temporary residence on this ground may be extended under the same conditions considered when initial residence was approved, having in mind that the total period of temporary residence with extensions does not exceed six months within the period of 12 months.
- (6) Temporary residence under paragraph (1) herein may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) of this Law, also fulfils the following conditions:
- a) possesses a work permit;
  - b) possesses a service contract or a binding job offer to be employed as a seasonal worker in BiH with specified:
    - 1) place and type of work,
    - 2) duration of employment,
    - 3) salary,
    - 4) working hours (per week or month),
    - 5) amount of paid leave (if any),
    - 6) date of commencement of employment, and

7) other working conditions.

- c) submits evidence that the employer would assume responsibility for the foreigner during his/her stay in BiH, which includes the costs for subsistence, accommodation, food,

health insurance and return, as well as that the accommodation costs would not be automatically deducted from his/her salary.

(7) Prior to issuance of a decision, the Service shall *ex officio* check with the BiH Labour and Employment Agency if all the conditions of paragraph (3) herein are met and whether the job is vacant so the approval for temporary residence on seasonal employment may be issued.

#### **Article 70**

##### **(Obligations of judicial, correctional and educational institutions)**

(1) Courts competent for registration of business entities shall immediately, and not later than 7 days from the registration of a business entity or change of data, provide the Service with full information on the registration or subsequent change of data of the following foreigner categories:

- a) owners of shares in the registered legal entity,
- b) Steering board members or procurators in the registered legal entity, and
- c) Supervising board members in the registered legal entity.

(2) Courts shall provide the Service with their final and binding judgements reached in the proceedings relating to foreigners.

(3) Courts shall provide the Ministry with their judgements relating to criminal offences of trafficking in human beings.

(4) Correctional institutions shall provide the locally authorized organizational unit of the Service with the data on foreigners admitted to serve imprisonment within three days from the day of admission of such foreigner, as well as with the information on his/her release on the day of obtaining knowledge of the date of release.

(5) Educational institutions shall provide the Service with the data on enrolled foreign pupils and/or students within 30 days prior to the start of an academic year.

#### **Section D. Temporary residence granted for employment without a work permit**

##### **Article 71**

##### **(Temporary residence for employment without a work permit)**

Temporary residence on the grounds of employment without a work permit may be issued for:

- a) highly qualified employment,
- b) redeployment within a legal entity,
- c) scientific research, or

d) employment without a work permit with obtained certificate on registered work.

## **Article 72**

### **(Temporary residence for a purpose of highly qualified employment)**

(1) Temporary residence for the purpose of highly qualified employment may be granted to an foreigner if:

- a) his/her residence application filed for the purpose of highly qualified employment was preceded by a vacancy announced by an employer intending to employ an foreigner,
- b) employer has advertised the job in at least three daily newspapers available on the entire territory of BiH with the application deadline of 30 days, and simultaneously submitted it to the BiH Agency for Labour and Employment, which made this vacancy available to all employment institutions in BiH,
- c) no BiH citizen applying for the announced vacancy met the requirements for the post,
- d) the vacant post requires higher education qualification and professional experience of at least five years acquired upon completed formal higher education.

(2) Temporary stay under paragraph (1) herein shall be enabled by means of issued residence permit in BiH called the Blue Card.

(3) Issued Blue Card shall be valid for period of two years. If the service contract or other relevant contract is concluded for a period shorter than two years, the Blue Card would be issued until the contract's termination with additional three months, though its validity may not exceed two years. Blue Card may be extended under the same conditions applied for its initial issuance.

(4) Blue Card enables foreigner's entry and stay in BiH during the period of its validity.

## **Article 73**

### **(Issuance of the Blue Card)**

(1) Temporary residence for the purpose of highly qualified employment may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) of this Law, also possesses:

- a) higher education qualification,
- b) professional experience of at least five years acquired after completing the formal higher education, and
- c) service contract or another relevant contract for performing duties of highly qualified workers during at least one year provided that the contract *inter alia* specifies his/her gross annual income not lesser than 1.5 of the average gross annual income in BiH according to official data published by the authority responsible for statistics in BiH.

(2) Employer is responsible for submitting the requests for issuance of blue cards to the Service. If abroad, the request shall be submitted to the Service through BiH DCR, while



those found in the BiH territory are to be submitted to the territorially competent unit of the Service determined by the employer's seat offices.

(3) Prior to issuance of a decision, the Service shall *ex officio* check with the BiH Labour and Employment Agency if all the requirements of Article 72 (Temporary residence for the purpose of highly qualified employment) are met and if there is a room for issuance of a blue card.

#### **Article 74**

##### **(Blue Card employment and change of employer)**

(1) Foreigner holding the BiH Blue Card may be engaged only on those posts for which the card was issued, and exclusively with the employer with whom he/she had concluded a service contract or the other appropriate contract.

(2) In the event of termination of the service contract or other relevant contract or termination of conditions under which the Blue Card was issued, both employer and the foreigner shall notify the Service thereof within eight days from the occurrence of such circumstances.

(2) Upon expiry of two years, a Blue Card holder may change his/her employer though is obliged to inform the Service thereof within eight days and submit a new employment contract or other appropriate contract signed with a new employer. The new Blue Card shall be issued under the terms referred to in Article 72 (Temporary residence for the purpose of highly qualified employment) and Article 73 (Blue Card issuance) of this Law.

(3) Notwithstanding paragraph (3) herein, an foreigner may change employer under the terms of Article 72 (Temporary residence for the purpose of highly qualified employment) paragraph

(1) herein before the expiration of the Blue Card validity and is required to notify the Service thereof within eight days from the day of such change as well as to submit a new employment contract or other appropriate contract with a new employer.

(5) In the event that the employment contract or other appropriate contract is terminated prior to expiry of the contracted period, the Blue Card shall be valid for three months following the termination of the contract or shorter if the Blue Card is valid for less than three months.

#### **Article 75**

##### **(Temporary residence granted for the redeployment within legal entity)**

(1) Additional to the requirements of Article 49 (General requirements for granting temporary residence) of this Law, temporary residence for the purpose of redeployment within the legal entity may be granted to an foreigner who arrives to BiH as a manager, an expert or an intern, having submitted:

- a) evidence that the host legal entity and a legal entity with business based abroad belong to the same legal entity or group of legal entities,
- b) evidence of employment within the same legal entity or group of legal entities for a uninterrupted period of at least 12 months immediately prior to the date of

redeployment within the legal entity if referred to a manager or an expert, or six months when referring to an intern,

c) contract of employment,

d) employer's attestation providing the following information:

1) duration of the deployment,

2) address of the legal entity,

3) that the foreigner shall assume the position of a manager, expert or intern,

4) salary and other conditions of employment,

5) that the foreigner would be in position to be transferred back to the legal entity that belongs to the same legal entity or group of legal entities in a foreign country upon completion of his/her tasks,

e) evidence of relevant professional qualifications and experience,

f) evidence on solvency of the host legal entity, and

g) evidence that the host legal entity assumes responsibility for the foreigner during his/her stay in BiH, which includes the means of subsistence, accommodation, food, health insurance and return.

(2) Salary of foreign redeployed worker shall not be lesser than the average salary payable in BiH according to official data published by the authority responsible for statistics in BiH.

(3) Temporary residence for the purpose of redeployment within the legal entity shall be granted for a period not exceeding one year and may be extended under the same conditions applied for granting the stay. Temporary residence on this ground may be extended for the period up to three years for managers and experts, and up to one year for interns, after which they are obliged to leave the country.

## **Article 76**

### **(Temporary residence for a purpose of scientific research)**

(1) Temporary residence for the purpose of scientific research may be granted to an foreigner who, along with the requirements of Article 49 (General requirements for granting temporary residence) of this Law, also possesses:

a) higher education enabling access to doctoral degree programs, and certain experience and knowledge related to the research project,

b) contract on guest researcher program with an organization for scientific researchers that was concluded prior to applying for temporary residence,

c) assurance that the scientific and research organization shall assume responsibility for the foreigner during the research, including his/her living expenses, accommodation, food, health insurance and return upon concluded the guest researcher contract.

(2) Temporary residence for the purpose of scientific research shall be granted for a period of duration of the project referred to in paragraph (1) indent b) herein and no longer than one year. In case the project lasts over a year, it may be extended under the same conditions applied for initial granting of residence.

(3) MCA shall create and update the list of scientific and research organizations in BiH, which is available to the public.

#### **Article 77**

##### **(Residence for the purpose of employment without a work permit with a certificate of registration of labour)**

(1) Foreigners residing in BiH on grounds of visa, non-visa or previously approved temporary residence may be employed in BiH without a work permit up to 90 days during a calendar year if employed as:

- a) key persons within a legal entity with higher administrative positions in management; or who manage divisions, monitor and oversee the work of other employees, authorised to hire and release from duty the employees; or experts of exceptional knowledge of importance for the operations of a legal entity, its research equipment, techniques or management and similar, if employed by this legal entity for at least a year or have acted as partners immediately before moving to BiH, in cases when the appointment does not have the characteristics of employment;
- b) university professors invited as lecturers by universities in BiH, scientists attending scientific and specialist courses, scientists representing international organizations and scientists participating in implementation of scientific research projects important for BiH;
- b) artists and technical staff, authors and performers in opera, ballet, drama or other theatrical performances, or concert, visual arts or other cultural performances, or authors and performers in the field of music, music and stage, dance and ballet arts, film artists, as well as accompanying reporting, organization and technical staff taking part in the cultural workshops, gatherings and colonies;
- c) experts in the field of protection of cultural heritage, library science and archivist science;
- d) foreigners sent by international employer, providing education and training for persons employed with natural and legal entities seated in BiH;
- e) foreigners arriving to BiH for their professional training, expertise or internship in the diplomatic missions or consular offices accredited in BiH, institutions in BiH or legal entities situated in BiH;
- f) foreigners performing delivery works, as well as installation and servicing of machinery and equipment;
- g) foreigners taking part as lecturers at organized professional conferences and seminars;
- h) foreigners participating on fairs or exhibits where their employer is presented;
- i) foreigners employed in circuses or amusement parks;

- k) doctors engaged, upon invitation of a health institution in BiH, in performance of specialized examinations and other medical services;
- l) foreigners visiting BiH to participate in sports events and contests;
- m) seasonal workers within service contracts concluded between foreigners and employer from BiH provided they meet the requirements of Article 69 paragraphs (3) and (7) of this Law.

(2) Foreigners residing in BiH on grounds of visa, non-visa, previously approved temporary residence or temporary residence for employment without a work permit may work in BiH without a work permit if employed as:

- a) founders of a company or enterprise with a seat in BiH provided that the company or enterprise: employs minimum of five BiH citizens for each foreigner, including the founders; reimburses minimal gross salary per each employee in the amount not lesser than the average gross salary in BiH; and properly fulfils its taxation obligations;
- b) experts, teachers and lecturers from foreign cultural and educational institutions, performing their expert work in BiH within cultural and educational cooperation programs;
- c) civil, police and military officials of other countries arriving to BiH for employment on the basis of agreements on cooperation with BiH authorities;
- d) members of international scientific missions, conducting research in BiH approved by the Council of Ministers;
- e) representatives of religious communities registered in BiH while performing duties only with regard to religious service;
- e) international correspondents accredited in BiH or reporters for international media;
- f) foreigners performing duties relevant for defence, legal system and state security or attending specializing courses in the mentioned fields on the basis of agreements with the Council of Ministers, BiH Ministry of Defence, BiH Ministry of Justice or the Ministry;
- h) foreigners engaged in projects of significance for BiH if experts or key persons for implementation of the project or if sent to work in BiH for a specific period of time pursuant to an agreement concluded between a foreign employer and beneficiaries in BiH under an international tender;
- i) foreigners residing in BiH due to reasons settled by an international contract to which BiH is signatory.

(3) Foreigners referred to in paragraph (1) herein, with exception of foreigners from paragraph (1) indent 1), may work in BiH without a work permit provided they had previously acquired a certificate on work registration.

(4) Foreigners referred to in paragraph (1) herein intending to work in BiH for a period exceeding 90 days within a calendar year shall acquire a work permit and residence permit grounded on an employment with a work permit.

(5) Foreigners referred to in paragraph (2) herein who reside in BiH on grounds of visa, non-visa or previously granted temporary residence may work in BiH without a work permit provided they had previously acquired a certificate on work registration.

(6) Certificate on work registration is issued by an organizational unit of the Service in its area of jurisdiction at an foreigner's request. A certificate on work registration shall be issued on the form stipulated by a bylaw.

(7) Foreigner may be engaged on a position with issued certificate on work registration, where the employer is obliged to keep a copy of the certificate for the purpose of control of the duration of such work.

(8) Foreigners referred to in paragraph (2) herein who submit a request for approval of temporary residence for the purpose of employment without a work permit from Article 71 (Temporary residence on grounds of employment without work permit) indent d) of this Law shall fulfil the additional conditions stipulated by the Ministry's by-law and the requirements of Article 49 (General requirements for granting temporary residence) of this Law. An foreigner with approved temporary residence on this ground shall not be issued a certificate on registered work.

#### **Article 78**

##### **(Right to employment in BiH without a work permit)**

Right to employment in BiH without a work permit shall be granted to an foreigner with:

- a) permanent residence permit in BiH,
- b) refugee, subsidiary or temporary protection status in BiH,
- c) temporary permit residence on the basis of marriage or common-law marriage with a BiH citizen; or temporary residence on grounds of family reunification of a guardian to a minor holding BiH citizenship, or
- c) temporary residence permit for education of person having status of regular pupil or student when performing works of temporary character via authorized mediators without establishing employment pursuant to provisions regulating such employment.

#### **Section E. Permanent residence**

##### **Article 79**

##### **(Requirements for granting permanent residence)**

- (1) Permanent residence may be granted to an foreigner provided that he/she:
  - a) uninterruptedly resides on the territory of BiH on the basis of a temporary residence permit for at least five years prior to submitting the application for issuance of a permanent residence permit,
  - b) possess a valid passport,
  - c) has sufficient and regular means of subsistence,
  - d) has arranged adequate accommodation,
  - e) has arranged health insurance,
  - f) has knowledge of one of the languages and scripts in official use in BiH,
  - g) provides a certificate of the competent authority of the country of his/her origin confirming that no criminal proceedings are conducted or sentences pronounced

against the foreigner, which is not to be older than six months from the day of applying for residence,

h) provides a certificate of the competent authority of BiH confirming that no criminal proceedings are conducted or sentences pronounced against the foreigner, which is not to be older than six months from the day of applying for residence.

(2) Foreigner shall be considered to uninterruptedly reside in BiH even if he/she repeatedly left BiH for up to 10 months in total or up to six months on a single occasion in the period of five years.

(3) Notwithstanding paragraph (2) herein, an foreigner holding the Blue Card is considered to uninterruptedly reside in BiH even if he/she repeatedly left BiH for up to 18 months in total or up to 12 months on a single occasion in the period of five years.

(4) Examination of knowledge of one of the languages and scripts in official use in BiH may be conducted by universities, secondary education institutions or educational institutions for adults which conduct programs for learning of a language which is in official use in BiH and its subsequent examinations on the basis of an approval of the ministry competent for education in BiH.

(5) Following categories may be exempt from the examination: preschool children, persons attending or having finished primary, secondary or higher education in one of the languages in official use in BiH and persons over 60 years of age unless employed. The expenses of potential courses for language learning and examinations shall be covered by the foreigner.

## **Article 80**

### **(Residence which does not provide grounds for permanent residence)**

Foreigner shall not be granted permanent residence if he/she resided for the last five years in BiH on the grounds of:

- a) temporary protection or submitted application for temporary protection and awaiting a decision on his/her status;
- b) international protection or application for asylum and awaiting a decision on his/her status;
- c) legal status stipulated by the Vienna Convention on Diplomatic Relations of 1961, Vienna Convention on Consular Relations of 1963, Convention of 1969 on Special Mission or Vienna Convention on Representatives of State and Their Relations with International Organizations from the Universal Charter from 1975;
- d) education under Article 55 (Temporary residence on the basis of higher education), temporary residence on humanitarian grounds under Article 58 (Temporary residence on humanitarian grounds) paragraph (1) and (2) indents b), c) and d) and paragraph (3), seasonal employment under Article 69 (Temporary residence of seasonal workers), redeployment within the legal entity under Article 75 (Temporary residence granted for the redeployment within legal entity) and employment without a work permit under Article 77 (Residence for the purpose of employment without a work permit with a certificate of registration of labour) of this Law;
- e) serving the sentence or serving another legal sanction for crimes or other obligation determined by the decision of court or other competent authority;

- f) family reunification with an foreigner with temporary residence which does not fall under grounds for permanent residence in BiH;
  - g) certificates of stay under Article 110 (Proceedings in case of invoking protection) paragraph (5) of this Law;
  - h) residence as a daily migrant,
  - i) family reunification under Article 51 (Staying on the grounds of marriage or common-law marriage) paragraph (1) indent c) of this Law if he/she is not designated as a guardian of a minor citizen of BiH.
- (2) Notwithstanding paragraph (1) indent d) herein, half the time of a temporary residence granted under Article 55 (Temporary residence on the grounds of higher education) of this Law shall be included in the time required for permanent residence under Article 79 (Requirements for granting permanent residence) paragraph (1) indent a) of this Law. Application for permanent residence filed while in the status of temporary residence cannot be grounded on education.
- (3) Notwithstanding paragraph (1) indent d) herein, an foreigner who was granted a temporary residence on the grounds of the employment without a work permit as a founder of the company under Article 77 (Temporary residence for the purpose of employment without a work permit with a certificate of registration of labour) paragraph (2) indent a) of this Law, shall have his/her stay included in the time required for permanent residence under Article 79 (Requirements for granting permanent residence) paragraph (1) indent a) of this Law.

**Article 81**  
**(Children of foreigners with granted residence)**

- (1) Child whose parents are foreigners in possession of a residence permit in BiH, regardless of whether they were born in the territory or outside the territory of BiH, may be granted residence in BiH for the same period of granted residence in BiH for their parents.
- (2) Application for a residence permit for a child under paragraph (1) herein shall be submitted within 180 days of his/her birth.

**Section F. The procedure of granting residence**

**Article 82**  
**(Submitting application for approval and extension of temporary residence)**

- (1) Application for approval of a request for extension of temporary residence shall be submitted to the Service.
- (2) As a rule, the request for the first temporary residence permit outside BiH shall be submitted through BiH DCR.
- (3) Request for the first temporary residence on the territory of BiH shall be submitted to the competent organizational unit of the Service only if an foreigner:
  - a) entered BiH with a long-term visa (Visa D); or
  - b) is a national of a visa-free regime.

- (4) Application for the first temporary residence shall be submitted no later than 15 days prior to expiry of a long-term stay visa (Visa D) or visa-free stay.
- (5) Application for the extension of temporary residence in BiH shall be submitted directly to the competent organizational unit of the Service or through BiH DCR if applied abroad. The application shall be filed no earlier than 60 days and not later than 15 days before the expiry of the period of the granted residence.
- (6) Foreigner shall submit in person the application stipulated in paragraphs (1), (2), (3) and (5) herein to the organizational unit of the Service or the BiH DCR, while a legal representative shall submit an application on behalf of an foreigner lacking legal competence.
- (7) Foreigner who has submitted an application for approval or extension of temporary residence on the territory of BiH may remain in BiH until a final decision on the application has been reached.
- (8) Foreigner is required to provide biometric data when submitting application for approval and extension of temporary residence.

### **Article 83**

#### **(Deciding upon the application for approval and extension of temporary residence)**

- (1) Application for approval and extension of temporary residence on any grounds shall be decided by the competent organisational unit of the Service within 90 days after submission of an appropriate application through BiH DCR, and within 60 days if the application is submitted directly to the organisational unit of the Service.
- (2) If an application for a residence permit has been submitted in the territory of BiH, the applicant shall be issued an attestation of the submitted application, which allows his/her stay in the country until issuance of a final decision upon the application.
- (3) If the application is approved, the foreigner shall be issued a notification on the approved application along with temporary residence permit.
- (4) Notwithstanding paragraph (3) herein, when the temporary residence is granted for the purpose of employment with the work permit or the Blue Card, the foreigner shall be issued a decision on approved temporary residence and a temporary residence permit.
- (5) At the request of an foreigner and no later than 60 days before the expiry of the temporary residence permit under paragraph (3) herein, the Service shall issue a decision on the approved temporary residence within eight days after the submission of application.
- (6) Appeal to decisions referred to in paragraph (4) and (5) herein or to a decision on refusal or rejection of an foreigner's application or a decision suspending the proceedings may be filed with the Ministry within 15 days after its delivery.
- (7) If a request for a temporary residence permit has been refused or rejected, the foreigner shall be granted a deadline by which he/she may voluntarily leave the country but no longer than 30 days from the receipt of the final decision.

### **Article 84**

#### **(Refusal of the application for approval and/or extension of temporary residence)**

- (1) Application for approval and/or extension of temporary residence submitted by an foreigner shall be refused if he/she:



- a) does not meet the general requirements for granting temporary residence under Article 49 (General requirements for granting temporary residence) of this Law and special requirements provided by this Law for temporary residence;
  - b) illegally entered BiH, unless there are conditions met for granting a residence permit on humanitarian grounds in the sense of Article 58 (Temporary residence on humanitarian grounds) paragraph (2) of this Law;
  - c) has submitted evidence obtained by fraud, counterfeit or illegal modification;
  - d) has given false information or concealed the circumstances of relevance for a residence permit;
  - e) has been issued a measure of forbidden entry, while the measure is still in force;
  - f) has been registered in the records of competent authorities as an offender of legislation in BiH or a violator of international regulations or as an international offender;
  - g) has been issued a final conviction for a criminal offense, while the conviction has not been expunged;
  - h) constitutes a threat to public order or security of BiH, or poses a threat to public health, excluding circumstances where a disease occurred after the approved stay in BiH;
  - i) is registered in the criminal or misdemeanour records of law enforcement agencies as well as multiple recidivist, regardless of whether it is a judicial admonition, suspended sentence or a fine;
  - j) has been pronounced a misdemeanour penalty in BiH, which had not been carried out;
  - k) Service has information provided by relevant authorities and security services in BiH that an foreigner in any way has been involved in criminal activities, especially any organized, cross-border or international crime; or is involved in the planning or in any way participating in such activities, or other activities that may endanger public safety or public order of BiH; or
  - l) there are other reasons arising from international treaty to which BiH is a signatory.
- (2) Application for approval and/or extension of temporary residence on the grounds of family reunification shall, in addition to the reasons specified in paragraph (1) herein, be refused if:
- a) Service determines that a marriage or a common-law marriage or adoption was based strictly for the purpose of obtaining benefit of the foreigner's entry or stay in BiH; or
  - b) foreigner applying for family reunification does not have a residence permit in BiH.
- (3) Application for extension of temporary residence on the grounds of the university education shall, in addition to the reasons specified in paragraph (1) herein, be refused if the foreigner failed to achieve satisfactory progress in studies.
- (4) Application for approval and/or extension of temporary stay on the basis of scientific research shall, in addition to the reasons specified in paragraph (1) herein, be refused if the research organization is not on the list of scientific and research organizations in BiH under Article 76 (Temporary residence for the purpose of the scientific research), paragraph (3) of this Law.

(5) Application for approval and/or extension of temporary residence on the grounds of the redeployment within the company, in addition to the reasons specified in paragraph (1) herein, shall be refused if:

- a) main purpose of the establishment of the host legal entity was to facilitate the entry of persons redeployed within the company;
- b) host legal entity is in the process of liquidation or has been liquidated or does not perform business activities for which it was established; or
- c) host legal entity has been penalized for undeclared work or illegal employment.

(6) Application for approval and/or extension of temporary residence on the grounds of seasonal employment shall, in addition to the reasons specified in paragraph (1) herein, be refused if:

- a) employer is in the procedure of liquidation or has been liquidated or does not perform business activities; or
- b) employer has been penalized for undeclared work or illegal employment.

(7) Application for approval and/or extension of temporary residence on the grounds of highly qualified employment shall, in addition to the reasons specified in paragraph (1) herein, be refused if the foreigner has acted contrary to Article 74 (Employment on the grounds of the Blue Card and a change of employer) paragraph (3) and (4) of this Law.

(8) Basis for determining the reasons for rejection of the application for approval and/or extension of temporary residence under this Article may be evidence or information available to the Service in accordance with its competencies, international arrest warrants, final court decisions or notifications or information of competent bodies and security agencies in BiH.

(9) If in the interest of BiH, the Council of Ministers may, notwithstanding paragraph (1) herein and upon the proposal of the Ministry, grant to an foreigner a temporary residence in the BiH.

#### **Article 85**

#### **(Rejection of the application for approval and/or extension of temporary residence and suspension of proceedings)**

(1) Application for approval and/or extension of temporary residence of an foreigner shall be rejected if:

- a) application for a temporary residence was not submitted as stipulated in Article 82 (Submitting application for approval and/or extension of temporary residence) paragraph (6) of this Law;
- b) he/she refuses to provide biometric data when applying;
- c) submitted contrary to the deadlines set by of Article 82 (Submitting application for approval and extension of temporary residence) paragraph (4) and (5) of this Law.

(2) Notwithstanding paragraph (1) indent c) herein, an application for approval and/or extension of temporary residence shall be rejected if the application was submitted within the period of validity of a long-term visa (Visa D), in case of non-visa regime or temporary residence permit or if the foreigner had paid a fine for misdemeanour offense under Article 135 (Misdemeanour penalties for violations of provisions of Article 16, 21, 67, 77 and 82) paragraph (6) of this Law.

(3) Proceedings initiated by the application for approval and/or the extension of temporary residence shall be suspended if an foreigner:

- a) withdraws the application,
- b) does not take the notification referred to in Article 83 (Decision on the application for approval and extension of temporary residence) paragraph (3) of this Law on: the approved application and granted temporary residence; or a decision on the approved temporary residence on the grounds of employment with a work permit under Article 83 (Decision on the application for approval and extension of temporary residence) paragraph (4) of this Law within 30 days from delivery of the notification and fails to inform the Service on the reasons for failing to do so.

#### **Article 86**

##### **(Applying for permanent residence)**

(1) Application for permanent residence shall be submitted in BiH to the competent organisational unit of the Service. If abroad, the application shall be submitted to the Service through a BiH DCR.

(2) Foreigner shall submit in person the application under paragraph (1) herein, at the organisational unit of the Service or the BiH DCR, whereas a legal representative shall submit the application on behalf of an foreigner lacking legal capacity.

(3) Foreigner is under obligation to provide biometric data with his/her application for permanent residence.

(4) Foreigner must be granted temporary stay in BiH at the time of applying for permanent residence and during the period of rendering a decision upon the application.

#### **Article 87**

##### **(Deciding upon applications for permanent residence)**

(1) Competent organisational unit of the Service shall decide on application for permanent residence within 90 days after an appropriate application has been submitted through a BiH DCR, and within 60 days if the application has been submitted directly to the competent Service.

(2) Applicant shall be issued an attestation on submitted application for permanent residence.

(3) If the application is approved, the foreigner shall be issued a decision on permanent residence with the permanent residence permit.

(4) If an application for permanent residence is refused or rejected, the decision shall include the period in which the foreigner may voluntarily leave the country, which cannot be longer than 30 days from the receipt of the final decision unless granted residence on other grounds.

(5) If an application for permanent residence is refused or rejected, an appeal may be filed with the Ministry within 15 days from the receipt of the decision.

(6) Applicant for permanent residence shall not be expelled from BiH until the deadline for an appeal has expired. In case of a filed appeal, he/she shall not be expelled until the decision on appeal has been reached, neither until the expiry of deadline for voluntary leaving from BiH.

**Article 88**  
**(Refusal of the application for permanent residence)**

- (1) Application for permanent residence of an foreigner shall be refused if:
- a) requirements for permanent residence under Article 79 (Requirements for approval of permanent residence) of this Law are not fulfilled;
  - b) evidence submitted with the application was obtained by fraud, counterfeit or illegal modification;
  - c) foreigner has given false information or concealed the circumstances of relevance for a residence permit;
  - d) foreigner is legally convicted of a criminal offense and sentenced to imprisonment, and the conviction has not been expunged;
  - e) presence of the foreigner constitutes a threat to public order and security of BiH;
  - f) foreigner is registered in the criminal or misdemeanour records of law enforcement agencies as a multiple recidivist;
  - g) Service has received information from relevant authorities and security agencies in BiH that an foreigner is in any way involved in criminal activities, especially any organized, cross-border or international crime or he/she is a member of an organization planning or in any way participating in such activities or other activities that may endanger public safety or public order of BiH, or
  - h) there are other reasons arising from the international law.
- (2) Grounds for determining the reasons for the refusal of the application for permanent residence under this Article may be the evidence or information available to the Service in accordance with its competencies, international arrest warrants, final court decisions or notification or information of competent authorities and security agencies in BiH.

**Article 89 (Rejection of the application for permanent residence and termination of procedure)**

- (1) Foreigner's application for permanent residence shall be rejected if:
- a) application is not submitted by an foreigner in person or by a legal representative for an foreigner lacking legal capacity as stipulated in Article 86 (Application for permanent residence) paragraph (2) of this Law,
  - b) foreigner refuses to provide biometric data when applying, or
  - c) application is not filed in accordance with Article 86 (Applying for permanent residence) paragraph (4) of this Law.
- (2) Procedure for permanent residence shall be terminated if an foreigner:
- a) withdraws his/her application,

- b) within 60 days from the day of the delivery of the notification does not take the decision referred to in Article 87 (Decision on the application for permanent residence) paragraph (3) of this Law on the approved application and the permanent residence permit without informing the Service on the reasons for failing to do so.

#### **Article 90**

##### **(Amendment to the application for permanent residence)**

Prior to issuance of first instance decision, an foreigner failing to meet requirements for permanent residence under Article 79 (Requirements for approval of permanent residence) of this Law, may amend his/her application for permanent residence into an application for extension or approval of temporary residence if he/she meets the requirements of Article 49 (General requirements for granting temporary residence) of this Law.

#### **Article 91**

##### **(Residence permit)**

- (1) Residence permit shall be issued in the form of sticker on residence permit and for the purpose of this Law is considered to be a decision on residence permit, unless otherwise provided by this Law.
- (2) Residence permit sticker affixed in an foreigner's valid passport shall serve as permission for BiH border crossing in the period of its validity.
- (3) Foreigner has resided for the last five years in BiH as a Blue Card holder under Article 72 (Temporary residence for a purpose of highly qualified employment) of this Law, the permanent residence permit shall indicate his/her former possession of the Blue Card.
- (4) Upon the acquisition of technical conditions, a sticker of residence permit shall be replaced by a residence permit as a separate document with biometric data of an foreigner, which is personalized and issued by the Service. The process of the personalization means that the personal data of the document holder shall be included in the residence permit format.

#### **Article 92**

##### **(Replacement of residence permits)**

If an foreigner during the validity of the residence permit has obtained a new passport, he/she shall be issued, upon own request, a new permit whereas the amendments to the final and binding decision shall be done in the part referring to the revised data, provided that the decision has been reached in accordance with this Law.

**Article 93**  
**(Termination of residence)**

- (1) Foreigner's residence shall be terminated:
  - a) upon personal request;
  - b) by obtaining the BiH citizenship;
  - c) by death;
  - d) with issuance of a measure under Article 108 (Special cases of expulsion);
  - e) if there is a prohibition on entry and stay in BiH, or
  - f) if the stay was granted for family reunification with an foreigner whose stay is terminated or cancelled in accordance with this Law.
- (2) Notwithstanding paragraph (1) herein, an foreigner shall cease to hold a temporary residence by being granted the permanent residence in BiH.
- (3) Competent authorities in charge of keeping the records of the facts referred to in paragraph (1) indents b) and c) herein, are obliged to immediately notify the Service on these facts, and not later than seven days from the date of occurrence of these facts.
- (4) At the request of the foreigner, the Service shall issue a decision on the termination of residence referred to in paragraph (1) indent a) herein whereas the appeal may be filed with the Ministry within 15 days from the date of delivery.
- (5) Service shall *ex officio* issue a decision on the termination of residence referred to in paragraph (1) indents b), d), e) and f) herein, whereas the appeal may be filed with the Ministry within 15 days from delivery of the decision.

**Article 94**  
**(Identification document for foreigners)**

- (1) Foreigner granted permanent residence shall be issued an ID for foreigners by the competent authority in the place of his/her residence.
- (2) Foreigner is obliged to submit the application for the ID card for foreigners to the competent authority within eight days following the receipt of the decision on the designated citizen identification number or the application for renewal of ID for foreigners before of expiry of its validity.
- (3) ID cards for foreigners shall have validity of five years, unless stipulated otherwise by a separate regulation.
- (4) Foreigner may not transfer his/her foreigner ID card to another person and may not use other person's ID card as own. Otherwise, the authorized person shall report the criminal offence pursuant to the Criminal Procedure Code immediately upon receiving the information.
- (5) Foreigner whose permanent residence was cancelled or terminated in accordance with Article 93 (Termination of residence) paragraph (1) indents a), b), d), e) and f) of this Law is obliged to return the ID card for foreigners to the authority under paragraph (1) herein, immediately or at the latest after 3 days as of the day the new circumstances have occurred. The authority referred to in paragraph (1) herein is obliged to notify the competent organizational unit of the Service immediately upon receipt of the returned foreigner ID card or within the same day the latest.

(6) Foreigner is required to immediately report the loss, destruction or other disappearance of the ID for foreigners to the territorially competent organizational unit of the Service or the police to the place of residence, and if that occurred outside the BiH territory, he/she is required to inform the nearest BiH DCR.

(6) Authority that receives the report referred to in paragraph (6) herein shall issue an attestation on the reported loss, destruction or other disappearance of ID card for foreigners. In case the report was filed with the police or BiH DCR, the police or BiH DCR shall be obliged to notify the organizational unit of the Service in the place of residence of an foreigner without delay and within the same day the latest.

(7) ID card for an foreigner that was reported lost, destroyed or disappeared in other way shall be announced invalid in the BiH Official Gazette at the cost of the foreigner.

#### **Article 95**

##### **(Obligation to carry an ID card for foreigners or residence permit)**

Foreigner is obliged to carry and to present ID card for foreigners or residence permit in BiH at the request of an authorized official of the Ministry, Service, Border Police, Police or other competent authority, when authorised to make such requests.

### **Section G. Cancellation of residence**

#### **Article 96**

##### **(Reasons for cancellation of residence)**

- (1) Residence status of the foreigner shall be cancelled if he/she:
  - a) does not comply with the legal order of BiH under Article 10 (Obligation to comply with the public order of BiH) or undertakes activities of undermining security of BiH or is a member of the organisation which has undertaken such activities;
  - b) harms BiH interests in any way by his/her involvement in the smuggling of weapons and military equipment, radioactive or other dangerous materials or narcotic drugs; or if he/she is engaged in an unauthorized transport or trade of materials for the production of weapons or other means of mass destruction, or the production or possession of narcotic drugs for sale; or if he/she is a member of an organization in any way participating in such activities;
  - c) organizes or is connected with organizing the illegal entry, stay or exit of individuals or groups into and from BiH, or organizes or in any way participates in trafficking in human beings;
  - d) is determined by the Service that his/her marriage or common law marriage or adoption has been concluded on the grounds of convenience and solely for the purpose of entry or residence in BiH;
  - e) issues a letter of invitation but fails to fulfil the obligations under the letter of invitation, and re-issues the invitation letter, or issues letters of invitation for a false purposes or other abusive purpose, which has been established by the Service;
  - f) provides false or misleading information or conceals the circumstances of relevance for the issuance of residence permit;
  - g) refuses to comply with the final and binding decision of the competent authorities in BiH;

- h) resides in BiH contrary to the purpose set forth in the approved residence;
  - i) achieves the entry or residence by the fraudulent, counterfeited or illegally modified evidence;
  - i) performs an activity in BiH requiring a work permit without holding a work permit in BiH, or is employed in the workplace or type of work other than those specified in his/her work permit, or performs activity without having a certificate of registration of work or performs a specific activity without the approval of the competent authorities in BiH;
  - j) violates or attempts to violate regulations concerning the crossing of the state border of BiH, regardless of whether a violation has occurred while entering or exiting BiH;
  - k) is a subject of the changed conditions under which the residence permit was issued to an extent that would rule out the possibility of issuing the residence permit;
  - l) is legally convicted of a criminal offense for which a prison sentence of one year or a more severe punishment may be pronounced;
  - m) constitutes a threat to public order or security of BiH with his/her presence in BiH;
  - n) is left without means of subsistence;
  - o) continuously resides outside of BiH for more than 180 days during the temporary residence permit, without prior reporting to the competent Service and submitting evidence of the justified absence; or it can be unambiguously established on basis of circumstances that he/she has no intention to return to BiH;
  - p) is left to reside in BiH after the expiry of his/her travel document; or
  - q) Service has information obtained from the relevant authorities and security agencies in BiH that the foreigner is in any way involved in criminal activities, especially any organized, cross-border or international crime or is a member of the planning or in any way participating in such activities, or other activities that could endanger public security or public order of BiH.
- (2) If an foreigner has a permanent residence permit, it can be cancelled for the reasons stipulated in paragraph (1) indents a), b), c), d), f), i) or n) herein. If the permanent residence of an foreigner is cancelled for reasons specified in paragraph (1) indent n) herein, he/she also may be issued the measure of expulsion with the prohibition of entry to BiH.
- (3) If the foreigner is detained or sentenced to an unconditional imprisonment for the reasons under paragraph (1) herein without being issued an expulsion measure, his/her cancellation of residence shall start to run from the moment when the reasons for the detention have ceased to exist or after the sentence has been served, pardoned or the statute of limitations took effect.
- (4) If a visa-free stay or temporary residence is cancelled to an foreigner for reasons specified in paragraph (1) indents a), b), c), d), f), h), i), j), m), n) or r) herein, he/she may also be issued the measure of expulsion with the prohibition of entry to BiH.
- (5) Grounds for determining the reasons for cancellation of residence under this Article may be evidence or information available to the Service in accordance with its competencies, the existence of an international arrest warrant, a final and binding court decision or notification or information of competent authorities and security agencies in BiH.
- (6) Decision of the cancelled residence shall contain the period of time during which the foreigner may voluntarily leave the country, which cannot be longer than 30 days from the receipt of the final decision.



(7) In determining the period referred to in paragraph (6) herein, the authority which issued the decision must take into account the time-frame in which the foreigner is able to leave BiH.

#### **Article 97**

##### **(Special reasons for cancellation of permanent residence)**

(1) Foreigner granted permanent residence in BiH shall be subject to cancellation of the further residence in case he/she:

a) is determined not to reside in BiH for more than one year; or

b) resided outside of BiH for less than one year, but the circumstances clearly show that he/she has no intention to return or to permanently reside in BiH.

(2) Foreigner granted permanent residence in BiH as a former holder of the Blue Card shall be subject to cancellation of permanent residence if it is determined that he/she has not resided in BiH for more than two years.

#### **Article 98**

##### **(Procedures for cancellation of residence)**

(1) Decision on cancellation of residence shall be issued by the Service *ex officio* or upon a reasoned proposal of another organizational unit or administrative organisation within the Ministry, security agency, police or other authorities.

(2) Proponent referred to in paragraph (1) herein must submit all the data and documents relevant for the decision on cancellation of residence along with the proposal.

(3) Decision referred to in paragraph (1) herein may be appealed to the Ministry within 15 days from the date of its receipt.

(4) Appeal shall stay the execution of the decision.

(5) Until the day of his/her departure from the territory of BiH, an foreigner shall be temporarily deprived of his/her travel documents that can be used for crossing the state border of BiH, with the issued attestation on temporary deprivation, unless he/she has voluntarily agreed to leave the BiH.

#### **Article 99**

##### **(Execution of the decision on cancellation of residence)**

(1) Once the decision on cancellation of residence becomes final, the residence permit shall be cancelled by the competent organisational unit of the Service. The deadline by which the foreigner may leave the country voluntarily shall be entered into the foreigner's passport.

(2) Once the decision on cancellation of visa-free stay becomes final, the cancellation of residence shall be entered to the foreigner's passport as well as the deadline by which the foreigner may leave the country voluntarily. If the foreigner does not possess a passport, an official note shall be made on the fact.

(3) Border Police shall immediately record the fact that the foreigner has left the territory of BiH in the Central Database on Foreigners or otherwise inform the Service.

## **Section H. Registration of Residence of Foreigners**

### **Article 100**

#### **(Temporary and permanent residence of foreigners)**

- (1) Temporary residence refers to the place where an foreigner resides on the basis of a visa, a visa-free stay or temporary stay.
- (2) Permanent residence refers to the place where an foreigner resides with a permanent residence permit in BiH with the intention to remain there permanently.

### **Article 101**

#### **(Obligation to register temporary and permanent residence of foreigners)**

- (1) Foreigner granted temporary residence is obliged to register and deregister his/her residence, as well as the change of the address; while an foreigner granted permanent residence is also obliged to register his/her permanent residence.
- (2) Registration and deregistration under paragraph (1) herein shall be submitted to the competent organizational units of the Service or the police.
- (3) When the registration and deregistration under paragraph (1) herein or Article 103 (Other persons obligated to register temporary residence) paragraph (1) of this Law has been reported to the police, the police are obliged to submit a copy of the notification to the competent organizational unit of the Service within 24 hours of the receipt of the notification.

### **Article 102**

#### **(Deadlines for registering and deregistering temporary and permanent residence of foreigners)**

- (1) Foreigner granted permanent residence is obliged to register his/her permanent residence and any change of the address in the place of permanent residence within eight days from receiving the decision on granted permanent residence, i.e. the date of arrival at the place of permanent residence, or the date of changing his/her home address.
- (2) Foreigner granted temporary residence is obliged to register his/her residence and change of address within 48 hours of receipt of the residence permit, or from the date of arrival at the place of residence, or from the date of change of address, except when a longer period of time is prescribed by this Law for certain categories of foreigners.
- (3) Person referred to in paragraphs (1) and (2) herein, who voluntarily leaves BiH, without an intention of returning, is obliged to deregister his/her permanent or temporary residence.

### **Article 103**

#### **(Other persons obligated to register temporary residence)**

- (1) Legal and physical entities that provide accommodation services are obliged to report a temporary residence of an foreigner to competent organizational unit of the Service or police no later than 12 hours after providing accommodation to an foreigner.
- (2) Legal and physical entities referred to in paragraph (1) herein shall keep records of foreigners (hereinafter: the Book of Foreigners) to whom they provide accommodation

services. They are obliged to keep books of foreigners for at least three years after concluding the Book of Foreigners, and to present the books of foreigners to an authorized official of the Service or police for inspection. The book of foreigners shall be certified by the competent organizational unit of the Service or the police in the place of residence or business of the provider of accommodation services to foreigners.

(3) Foreigner who does not use accommodation services of legal and natural entities referred to in paragraph (1) herein or a physical entity who is a host to a visiting foreigner is required to report the stay of the foreigner in BiH to the competent organizational unit of the Service or the police within 48 hours from the entry of the foreigner to BiH for any stay of the foreigner which is longer than three days.

#### **Article 104**

##### **(By-laws on technical issues of granting temporary and permanent residence to foreigners)**

(1) Ministry shall, after obtaining the opinion of the Service, bring the bylaw on: evidence to be submitted with an application for residence permit; further regulation of the appearance and content of the application for residence permit, the appearance and content of the filed application for residence permits; procedures for approving stay and residence permits; form, layout and content of the residence permit; form, layout, content, period of validity, the issuance procedure of the identity attestation; form and content of the attestation of certificate of work; procedure when issuing the attestation of work registration; form, layout and contents of foreigner ID card; procedure when issuing ID cards for foreigners; procedure of the cancellation of residence, registration and cancellation of residence; form and content the Book of Foreigners and procedure of verifying the books of foreigners, as well as other issues of importance for the stay and movement of foreigners in BiH.

(2) Ministry shall, after obtaining the opinion of the Service, bring the bylaw governing rules and standards in procedure, as well as other issues concerning the admission of victims of trafficking in human beings their rehabilitation and return.

(3) Council of Ministers, at the proposal of the MCA, shall bring the by-law establishing the annual quota of the work permits, no later than 31 October of each year for the following year.

(4) Ministry shall, after obtaining the opinion of the Service and acquisition of technical requirements, adopt the bylaw governing the form and content of the application for residence permit, procedure when granting residence and issuance of residence permits, form, layout and content of residence permits with biometric data of an foreigner.

(5) Ministry shall, after obtaining the opinion of the Service and acquisition of technical requirements, pass a decision on the replacement of the residence permit sticker with the residence permit as a separate document with biometric data of the foreigner.

(6) If necessary, MCA may, after obtaining the opinion of the Ministry, enact bylaw governing the creation and updating of the list of scientific and research organizations in BiH and the manner of its availability.

## CHAPTER V. REMOVAL OF FOREIGNERS FROM BiH

### Section A. Expulsion

#### Article 105 (Expulsion measures)

- (1) Expulsion is the measure ordering an foreigner to leave BiH and prohibiting him/her to enter and stay in BiH for a certain period of time which cannot be shorter than one year or longer than five years.
- (2) Notwithstanding paragraph (1) herein, the period of prohibition of entry and stay in BiH may be longer than five years if so required to protect the security of BiH, legal order, public peace and order.
- (3) Period of prohibition of entry and stay as referred to in paragraph (1) herein may, at the request of an foreigner, be shortened or annulled in cases when following conditions are met:
  - a) expulsion against the foreigner was imposed for the first time and
  - b) foreigner has voluntarily left BiH and bore all costs related to the procedure of his/her return to the country of habitual residence.
- (4) Period of prohibition to enter and stay in the country as referred to in paragraphs (1) and (2) may be extended if an foreigner:
  - a) has previously been expelled from BiH;
  - b) has entered BiH during a period of prohibition of entry; or
  - c) still constitutes a threat to the legal order or security or international relations of BiH at the moment of cessation of the prohibition.
- (5) Period of prohibition of entry and stay shall commence from the date of his/her leaving the territory of BiH.
- (6) Decision on expulsion of foreigners from BiH along with the prohibition of entry and stay in BiH shall be issued by the Service *ex officio* or upon the reasoned proposal of another organizational unit of the Ministry, law enforcement or other authorities.
- (7) Appeal to the decision on expulsion and/or extension of the prohibition of entry may be lodged with the Ministry within eight days from the date of its receipt. If an expulsion decision was issued on the grounds stipulated in Article 106 (Reasons for imposing the expulsion measures) paragraph (1) indent k) of this Law, the deadline for an appeal is 24 hours from the delivery of the decision.
- (8) Appeal shall stay the execution of the decision.
- (9) Ministry shall issue a decision on the appeal within 15 days of the receipt of the appeal.
- (10) Foreigner pending a decision, shall be temporarily deprived of his/her travel documents that can be used for crossing the state border with provided attestation, unless he/she has voluntarily agreed to leave the country before the end of the proceedings.

(11) Collective expulsion of foreigners is prohibited. Expulsion measures may be imposed only in individual cases.

(12) If during the procedure of establishing the identity is determined that the actual identity of the foreigner is different to the statements of identity provided by the foreigner in the proceedings of issuance of the decision on expulsion, the Service shall *ex officio* change the decision on expulsion in the part relating to the identity of the foreigner. Against this decision an appeal may be lodged with the Ministry within eight days from delivery of the decision. The appeal shall not stay its execution.

(13) Decision on the shortening or termination of prohibited entry referred to in paragraph (3) herein shall be issued by the Service at the request of the foreigner. Against this decision, an appeal may be lodged with the Ministry within 15 days from the date of delivery.

(14) If the presence of a foreigner is necessary in BiH for the purpose of conducting investigations or court proceedings, the foreigner may be granted the right of entry and stay in BiH during the period of prohibition of entry and stay upon the approval of the Service.

#### **Article 106** **(Reasons for imposing the expulsion measure)**

(1) Foreigner may be subject to expulsion measure from BiH if:

- a) has entered BiH illegally;
- b) remained in BiH after the expiry of the visa or residence permit or after the expiry of the visa-free stay, or if his/her application for residence permit had been rejected, and has not left BiH in the period specified for voluntary departure;
- c) has attempted to violate or violated the regulations on border crossing while exiting BiH;
- d) he/she failed to depart from BiH within a granted period of time for voluntary departure when his/her visa was cancelled or revoked as stipulated by this Law;
- e) he/she failed to depart from BiH within a granted period of time for voluntary departure when his/her residence was cancelled as stipulated by this Law;
- f) has remained in BiH after the cessation of refugee status, subsidiary protection or temporary protection or after the asylum claim was rejected by an executive decision without acquiring a right to residence in accordance with this Law;
- g) decision on withdrawal or release from BiH citizenship or cancellation of registration in the Registry on Citizenship has become final without the foreigner acquiring a right to residence in accordance with this Law;
- h) legally sentenced for a crime related to trafficking in narcotic drugs, weapons, human beings, terrorism, money laundering, or any other form of organized, cross-border or transnational crime;
- i) legally convicted of a criminal offense for which a prison sentence of one year or a more severe punishment may be pronounced;

- j) presence of an foreigner constitutes a threat to public order and security of BiH;
  - k) admitted on the grounds of the international agreements on readmission of persons with illegal stay but without a residence permit in BiH;
  - l) left to reside in BiH after the expiry of the validity of travel documents;
  - m) registered as a multiple recidivist of misdemeanour violations throughout the country, or
  - n) his/her identity and the legality of stay in BiH cannot be determined.
- (2) In determining whether to impose a measure of expulsion from BiH, as well as deciding on the duration of that measure, the Service is obliged to carefully review all evidence and establish all circumstances and facts relevant for the decision as well as the level of the foreigner's integration in BiH under the principles of law governing the administrative procedure in BiH.
- (3) In case of an foreigner's stay in BiH longer than the period of validity of his/her travel document, visa, visa-free or approved residence on humanitarian reasons, the Service may issue an order for voluntary leave from the BiH territory instead of pronouncing the expulsion measure.
- (4) Order under paragraph (3) herein shall be issued for the purpose of crossing the state border with prior statement from an foreigner confirming the intention of voluntary exit from BiH and the evidence supporting the foreigner's statement.
- (5) Order under paragraph (3) herein shall state the deadline for leaving BiH which may not be shorter than 7 nor longer than 30 days. Exceptionally, if there are provided grave humanitarian reasons, the deadline for voluntary departure from BiH can exceed 30 days.
- (5) Order for voluntary leave under paragraph (3) herein shall not be issued to an foreigner if there is a flight risk or an foreigner poses a threat to legal order, public peace or security of BiH.
- (6) Foreigner who fails to leave BiH in a period specified under paragraph (5) herein shall be issued the decision on expulsion under Article 105 (Expulsion measures) of this Law.
- (7) Order under paragraph (3) of this Article cannot be appealed. However, the decision on expulsion issued in accordance with paragraph (7) of this Article may be challenged in the appeal.

**Article 107**  
**(Voluntary execution of the decision on expulsion)**

- (1) Decision on expulsion may specify the deadline for voluntary execution of the decision, which may not be shorter than 7 nor longer than 30 days.
- (2) Notwithstanding paragraph (1) herein, if there are justified reasons, the deadline for voluntary execution of the decision may be extended, according to the particular circumstances of each case, such as the length of stay, children attending school and existence of family and social ties.
- (3) Deadline for voluntary execution of the decision referred to in paragraph (1) does not have to be specified or it can be shorter than 7 days if there is estimated flight risk or if the foreigner poses a threat to public order, public peace or security of BiH.

- (4) Foreigner subject to expulsion measure is obliged to report his/her leave from BiH to an official of the Border Police.
- (5) Border Police shall affix the exit stamp into the foreigner's passport upon his/her departure from BiH. If the foreigner does not have a passport, such fact shall be recorded in official note whereas the foreigner shall receive attestation on his/her exit from BiH.
- (6) Border Police shall immediately record the fact that the foreigner has left BiH into the central database on foreigners or otherwise notify the Service and Ministry thereof.
- (7) If an foreigner fails to leave BiH voluntarily within the deadline for voluntary execution of the decision, the final decision on expulsion shall be executed by the Service through measures of forceful removal of foreigners from BiH, if necessary in cooperation with other organizational units of the Ministry, Border Police or police. Other organizational units of the Ministry, the Border Police and the police shall assist the Service upon its request.

**Article 108**  
**(Special cases of expulsion)**

- (1) Council of Ministers may, exceptionally, upon the reasoned proposal of the Ministry, Service, other organizational unit of the Ministry or police, while resolving individual cases, issue a decision on expulsion of foreigners from BiH, with a permanent prohibition of entry to BiH, if evaluated that the expulsion is necessary for the interests of public order or for the reasons of national security, as provided by Article 1 paragraph 2 of Protocol 7 of the European Convention on Human Rights and Fundamental Freedoms and amended by Protocol 11.
- (2) Decision referred to in paragraph (1) herein shall not be carried out contrary to the provisions of Article 109 (Principle of *Non-refoulement*) paragraph (2) of this Law.

**Part B. Protection of Foreigners**

**Article 109**  
**(The principle of *non-refoulement*)**

- (1) Foreigner shall not be forcibly removed or returned to a country where his/her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. An foreigner shall not be forcibly removed or returned to a country where he/she is not protected from being sent to such a territory.
- (2) Notwithstanding paragraph (1) herein, an foreigner considered dangerous for the security of BiH or convicted of a serious crime that poses a threat to BiH for justifiable reasons can be deported or returned to another country unless he/she would be exposed to a real risk of being subjected to the death penalty or execution, torture, inhuman or degrading treatment or punishment. An foreigner shall not be forcibly removed or returned to a country where he/she is not protected from being sent to such a territory.

**Article 110**  
**(Proceedings in case of invoking protection)**

- (1) When an foreigner refers to reasons under Article 109 (Principle of *Non-refoulement*) of this Law, the authority to which such a statement was given shall refer the foreigner to the

Service in accordance with the law governing asylum in BiH for the purpose of expressing his/her intention to claim asylum.

(2) Service shall issue an attestation of the expressed intention to claim asylum with determined direction of movement and the deadline for the foreigner to personally apply for asylum in the Ministry's headquarters. This attestation is considered to be the approval of stay for a period stipulated by the attestation.

(3) Service shall immediately deliver a copy of the expressed intention to claim asylum to the authority competent for the asylum procedure as well as the documents prescribed by the law regulating asylum in BiH.

(4) Decision on expulsion may be executed only when a negative decision on the asylum claim becomes final and binding.

(5) Foreigner whose asylum claim or granted refugee or subsidiary protection status have been legally rejected but who cannot be removed for reasons specified under Article 109 (Principle of *Non-refoulement*) paragraph (2) of this Law, shall be issued by the Service, upon own request and following the recommendations of the asylum authority, a certificate of stay permitting him/her to remain in BiH until security conditions for his/her return are met and shall serve as the foreigner's ID card.

(6) Certificate referred to in paragraph (5) herein shall be issued for a period no longer than one year and may be extended at the request of foreigner subject to the conditions under which it was issued, and following the recommendation of the asylum authority.

(7) Certificate from paragraphs (5) and (6) herein is not subject to appeal or an administrative dispute.

(8) Service may order placement under surveillance of an foreigner referred to in paragraph (5) herein who is representing a threat to legal order, public peace or security of BiH in accordance with this Law.

(9) Service, in cooperation with the Ministry, other ministries and the Council of Ministers, shall take all necessary steps in accordance with the law and regulations of BiH and international law in connection with the resolution of the final status of the foreigner referred to in paragraph (5) herein.

(10) Attestation referred to in paragraphs (5) and (6) herein shall cease to be valid by the provision of conditions for the return.

#### **Article 111**

##### **(Non-application of sanctions for illegal entry into BiH)**

Sanctions for illegal entry or stay in the country shall not be imposed to an foreigner who is claiming asylum and arriving directly from a territory where his/her life and freedom was endangered, provided that he/she immediately reports to the competent authority to express intention of claiming asylum and presents valid justification for his/her illegal entry or stay in BiH.

### **Section C. Forcible removal of foreigners from BiH**

#### **Article 112**

##### **(Conclusion on authorized enforcement of the decision on expulsion)**



- (1) Foreigner may be forcibly removed from BiH.
- (2) Service shall carry out the forcible removal of an foreigner from BiH *ex officio* based upon a conclusion on authorized enforcement.
- (3) After the decision on expulsion becomes final, the Service shall make a conclusion on authorized enforcement without any delay, and at the latest within 7 days from the date when the requirements for the forcible removal of an foreigner from BiH were met.
- (4) Conclusion on authorized enforcement establishes that the decision on expulsion became enforceable and shall specify the manner and time of execution, and the State to which the foreigner returns.
- (5) Appeal against the conclusion may be filed with the Ministry within 8 days of from the date of its delivery.
- (6) Appeal shall not stay the pending execution.
- (7) Upon the request of the Service, assistance in implementing conclusions on authorized enforcement shall be provided by the police and other law enforcement agencies in BiH.

**Article 113**  
**(Non-enforcement of forcible removal)**

- (1) Where court proceedings have been initiated against an foreigner, a decision on expulsion shall be enforced before the legal and binding decision of the case has been reached.
- (2) Decision on expulsion cannot be enforced prior to foreigner's fully serving imposed prison sentence, except in probation cases or if his/her sentence has been pardoned or the statute of limitations took effect, or foreigner's release on parole.
- (2) Even if there are reasons for the forcible removal of an foreigner prescribed in this Law, the foreigner shall not be forcibly removed from the country if by not doing so it is in the interest of conducting court proceedings, especially where the foreigner shall appear as a victim of the trafficking in human beings or of any other form of organized, cross-border or transnational crime and where the foreigner co-operate with authorities in revealing crimes or their offenders.
- (3) Forcible removal of an foreigner from BiH shall not be conducted if an foreigner has decided to leave the territory of BiH by himself/herself or with the assistance of an international government or non-governmental organization and has provided an adequate guarantee.
- (4) If there are justified reasons, the Service may approve postponement of the procedure of enforcing the expulsion measure by reason of:
  - a) impossibility to transport the person due to his/her particularly severe physical or mental state;
  - b) technical reasons, such as the lack of appropriate means of transportation or due to other difficulties which prevent the removal of an foreigner in a humane manner; or
  - c) lack of guaranties that an unaccompanied minor will be received by a family member, authorized person or legal guardian in the country to which he/she is returning.

- d) for other legitimate reasons which shall be decided by the Service in each individual case.
- (6) Foreigner referred to in paragraph (5) of this Article shall be issued by the Service an attestation on the postponement of the decision on expulsion.
- (7) Postponement of the expulsion measure shall be terminated as soon as the reasons for the delay cease to exist.

**Article 114**  
**(Repatriation country)**

- (1) If the enforcement of the decision is not subject to the restrictions referred to in Article 109 (Principle of *non-refoulement*) of this Law, an foreigner who has been expelled shall be sent to his/her country of origin or country of habitual residence, or country from which he/she arrived in BiH or country to admit him/her.
- (2) Foreigner shall be informed as to which country he/she will be sent.

**Article 115**  
**(Payment of expenses for repatriation and placement of an foreigner under surveillance)**

- (1) Foreigner is required to pay the costs of his/her return to the place he/she is being sent to.
- (2) If established that the foreigner does not have funds to pay the costs of his/her return to the place of repatriation, the cost of repatriation shall be borne by:
- a) person who issued the invitation letter for the purpose of entry of the foreigner in BiH,
  - b) legal and physical entity who has employed the foreigner, although he did not have appropriate work permit,
  - c) legal and physical entity who has employed an foreigner without a proper work permit,
  - d) bank that has provided a guarantee for the means of non-cash payment,
  - e) travel agency or association which issued a voucher, or other travel organizer,
  - f) natural or legal entity who helped or tried to help an foreigner to illegally cross the border, to travel across or reside in BiH,
  - g) the carrier that brought an foreigner to BiH, or
  - h) BiH.
- (3) In order to secure the removal of foreigners from BiH, in accordance with Article 118 (Imposing surveillance) of this Law, an foreigner shall be placed under surveillance pending his/her departure from BiH. All costs related to realization of surveillance shall be covered by

the foreigner under surveillance. If established that the foreigner does not have means to cover these costs, the costs shall be borne by the entities referred to in paragraph (2) herein.

(4) Liable party referred to in paragraphs (1) and (3) herein and the amount of costs shall be determined by the Service *ex officio* in a decision from. An appeal against the decision may be lodged with the Ministry within 8 days from the date of its delivery.

(5) Funds which are temporarily confiscated from an foreigner shall be used to cover the costs under paragraphs (1) and (3) herein, and shall be deposited in the Service until the decision referred to in paragraph (4) herein becomes final and binding.

(6) If an foreigner referred to in paragraph (1) and the entities referred to in paragraph (2) indents a) through g) of this Article are not able to cover the cost of removal and placing an foreigner under surveillance, the costs shall be covered from the budget of BiH through the use of resources intended for specific purposes. The procedure may be followed when it is necessary for cost-efficient removal of an foreigner from the country.

(7) In case described under paragraph (6) herein, the Service shall claim the resources from paragraphs (1) and (3) herein from the authorities referred to in paragraph (2) indents a) through g) of this Article through relevant procedures.

#### **Article 116**

##### **(Bylaws pertaining to technical issues of the removal of foreigners)**

(1) Ministry shall, after obtaining the opinion of the Service, issue a bylaw on: the procedure of removal of foreigners from BiH; form and content of the attestation on the postponement of expulsion measure; procedure of shortening, termination and extension of the prohibition on entry and stay; layout and content of the certificate of stay under Article 110 (Proceedings in case of invoking protection) paragraph (5) of this law and other issues related to removal of foreigners.

(2) At the proposal of the Service through the Ministry, the Council of Ministers shall, after obtaining the opinion of the BiH Ministry of Finance and Treasury, adopt a bylaw which regulates in detail the procedures with regard to reimbursement of the costs of removal and placing foreigners under surveillance.

### **CHAPTER VIII. RECEPTION OF FOREIGNERS AND SURVEILLANCE**

#### **Section A. Institutions specialized for the reception of foreigners**

##### **Article 117**

##### **(Structure of institutions)**

(1) Immigration centres, centres for accommodation of victims of trafficking in human beings and other institutions specialized for the reception of foreigners shall be established for the purpose of implementing this Law.

(2) Immigration centres are institutions specialized for the reception and accommodation of foreigners against whom surveillance measures have been imposed. Immigration centres shall be established as organizational units of the Service outside its seat.

(3) Institutions specialized for the reception of foreigners shall meet the requirements arising from the Constitution of Bosnia and Herzegovina and international standards for treatment of the beneficiaries of specialized institutions.

(4) Monitoring over the operation of the institutions specialized for the reception of foreigners shall be carried out by the Ministry.

## **Section B. Placing an foreigner under surveillance**

### **Article 118 (Imposing surveillance)**

- (1) Until leaving BiH, an foreigner shall be placed under surveillance by the measure of:
- a) restricted movement to a specified area or place with the obligation of reporting to an organizational unit of the Service or police, or milder measure of surveillance; or
  - b) placement in an institution specialized for reception of foreigners or the Immigration Centre.
- (2) Foreigner may be placed under surveillance by his/her restricted movement to a specific area or location with an obligation of reporting to an organizational unit of the Service or police:
- a) in order to ensure the execution of the decision on expulsion, in case of cancellation of residence in BiH or in other cases where the expulsion measure have been pronounced;
  - b) in order to ascertain that he/she would leave the country after the rejection of his/her application for residence but failed to leave BiH;
  - c) in order to secure the removal of an foreigner from the country;
  - d) when the Service approves the postponement of the expulsion measure;
  - e) if there are reasonable grounds to believe that free and unrestricted movement of an foreigner may endanger the public order and peace or security or international relations of BiH or pose a threat to public health in BiH, or established that he/she poses a threat to legal order, public peace and order or security of BiH;
  - f) if an foreigner's statement regarding his/her identity is false or when an foreigner's identity cannot be established within 6 hours from arrival to official premises;
  - g) when an foreigner is admitted on the grounds of an international agreement on readmission and admission of persons with illegal stay;
  - h) in other cases as stipulated by this Law.
- (3) Foreigner shall be placed under surveillance by his/her detention in the Immigration Centre  
if:
- a) there are reasonable grounds to believe that, after the decision on expulsion is rendered, free and unrestricted movement of an foreigner may endanger legal order, public order and peace or security or international relations of BiH or pose a threat to public health in BiH, that is if determined that he/she poses a threat to public order and peace or security of BiH;

- b) to ensure the execution of the decision on expulsion, or in other cases when he/she received the expulsion measure, if there are reasonable grounds to believe that an foreigner shall flee or otherwise prevent the execution of the decision; or
  - c) when there is doubt as to the veracity of the allegations of an foreigner concerning his/her identity, and he/she is pronounced the expulsion measure.
- (4) If an foreigner who expresses the intention of claiming asylum, or who has claimed asylum had already been placed under surveillance in the Immigration Centre, the fact that he/she is claiming asylum shall not affect the imposing or execution of the surveillance.

**Article 119**  
**(Duration and extension of surveillance)**

- (1) Foreigner shall remain under surveillance until the moment of his/her voluntary departure or forcible removal from BiH, or as long as it is necessary for the execution of the purposes of surveillance, or until the reasons that have constituted grounds for placement under surveillance are considerably changed, but no later than the deadline set in the decision on surveillance and/or extending surveillance.
- (2) Foreigner shall receive a decision on surveillance which restricts his/her movement in a particular area or a place with an obligation of reporting to an organisational unit of the Service or police until the moment of voluntary departure or forcible removal from BiH or until the reasons that have constituted grounds for placement under surveillance have significantly changed.
- (3) Foreigner shall receive the decision on surveillance by detaining him/her in an immigration centre for a period no longer than 90 days.
- (4) In case that the reasons for imposing the surveillance under Article 118 (Imposing surveillance) paragraph (3) of this Law have not changed and following the expiration of the period referred to in paragraph (3) herein, the foreigner may be extended surveillance each time up to maximum 90 days so that the total period of surveillance in the Immigration Centre shall not exceed 180 days.
- (5) Notwithstanding paragraph (4) herein, in case of foreigner's lack of cooperation in the process of removal or delays in obtaining the necessary documents from the country where the foreigner returns, period of surveillance may be extended for more than 180 days.
- (6) Total period of surveillance in the Immigration Centre cannot be longer than 18 months continuously.
- (7) If an foreigner cannot be removed from BiH in the period referred to in paragraph (6) herein, he/she may be imposed with the measure of restricted movement to a specific area or location with an obligation to report to an organisational unit of the Service or police.
- (8) Decision on imposing surveillance under paragraphs (2), (3) and (7) herein, as well as the decision on extension of surveillance under paragraph (4) herein and the decision on extraordinary extension of surveillance under paragraphs (5) and (6) shall be issued by the Service. The decision on extension of surveillance and the decision on extraordinary extension of surveillance shall be issued 15 days prior to the expiry of previous decision on surveillance.
- (8) Service may issue a decision on cancellation of the decision on placing an foreigner in the Immigration Centre and impose surveillance by the restriction of movement in a particular

area or location with an obligation of reporting to an organizational unit of the Service or police, if this measure would achieve the purpose of surveillance.

(9) Service may decide to terminate a decision on restricted movement to a particular area or location and impose surveillance by placing an foreigner in the Immigration Centre, if the foreigner fails to fulfil his/her obligations under Article 120 (Decision on placing an foreigner under surveillance and remedies) paragraph (2) of this Law, or the conditions for the removal of an foreigner from BiH have been achieved or if this measure could achieve the purpose of surveillance.

(10) During surveillance, the Service shall take all necessary measures to reduce the period of surveillance to the shortest extent possible.

(11) Foreigner shall be temporarily deprived of his/her travel documents that may be used for crossing the state border with provided attestation, unless he/she has voluntarily agreed to leave BiH.

(12) Restriction of movement determined in accordance with the law governing the asylum in BiH shall not be calculated in the total period of surveillance referred to in paragraph (6) herein.

#### **Article 120**

##### **(Decision on surveillance and legal remedies)**

(1) Surveillance referred to in Article 118 (Imposing surveillance) paragraph (1) of this Law shall be imposed by the decision on surveillance issued by the Service and delivered to the foreigner at the time of the decision execution.

(2) Decision referred to in Article 118 (Imposing surveillance) paragraph (2) of this Law shall contain: decision to restrict the movement of the foreigner to a specific area or location with the address of residence, legal grounds, obligation of reporting to an organisational unit of the Service or police and other information relevant for achieving the purpose of surveillance.

(3) Decision referred to in Article 118 (Imposing surveillance) paragraph (3) of this Law shall include: decision on surveillance by placing an foreigner in the Immigration Centre, legal grounds, day, hour and time of detention, duration of surveillance and other information relevant for achieving the purpose of surveillance.

(4) Appeal to the decision on surveillance by restriction of movement to a particular area or location referred to in paragraph (2) herein or the decision referred to in Article 119 (Duration and extension of surveillance) paragraphs (7) and (9) of this Law may be lodged with the Ministry within 15 days from the date of its delivery. The appeal shall not stay its execution.

(5) Appeal to the decision on detention in the Immigration Centre referred to in paragraph

(3) herein or decision on the extension of surveillance or the decision on extraordinary extension of surveillance or the decision referred to in Article 119 (Duration and extension of surveillance) paragraph (10) of this Law may be lodged with the Ministry within three days from delivery of the decision. The appeal shall not stay its execution.

(6) In case the Ministry does not revoke a decision on surveillance in the Immigration Centre or decision on extension of surveillance or decision on extraordinary extension of surveillance in the Immigration Centre within three days, or does not reach a decision upon

the appeal, the foreigner may initiate an administrative dispute before the Court of Bosnia and Herzegovina.

(7) Lawsuit shall be initiated before the Court of Bosnia and Herzegovina within three days upon expiry of the deadline under paragraph (6) herein. The Court of Bosnia and Herzegovina shall urgently process these cases and render a decision upon the lawsuit within three days from its initiation. The appeal shall not stay the execution.

#### **Article 121**

##### **(Bylaws on technical issues pertaining to placing an foreigner under surveillance)**

(1) Council of Ministers shall adopt, on the proposal of the Ministry, bylaws regulating the standards of functioning of the Immigration Centre, the centre for accommodation of victims of trafficking in humans, and other institutions specialized for the reception of foreigners; the sanitary, hygienic and other conditions pertaining to accommodation; procedure for admission, accommodation, nutrition, and medical care of its beneficiaries; communication with persons outside the centre and/or legal representatives; its management, financing, provision of special conditions for beneficiaries, as well as other matters of relevance for the operation of these specialized institutions.

(2) Ministry shall adopt bylaws governing the treatment of foreigners placed under surveillance, upon obtained opinion of the Service.

### **CHAPTER VII. OTHER PROVISIONS RELATING TO BIOMETRIC DATA, MINORS, IMMUNITIES, FOREIGN UNIFORMS AND OFFICIAL RECORDS**

#### **Article 122**

##### **(Obligation to provide biometric data)**

(1) Foreigner is required to provide biometric data when:

- a) applying for a visa,
- b) applying for residence, and
- c) his/her identity is being established or in the process of rendering a decision on expulsion and/or his/her placement under surveillance and/or or in the procedure of issuing certificates of stay.

(2) Foreigner who applies for a visa is under obligation to provide the BiH DCR or Border Police with his/her signature and biometric data containing a photograph and fingerprints of 10 fingers. The fingerprints shall not be taken from:

- a) children under 12 years of age,
- b) heads of state and government and members of national governments accompanied by a spouse, members of their official delegation when they are invited for an official purpose by BiH or international organizations, or

- c) monarch or other senior members of the royal family when they are invited for an official purpose by BiH or international organizations.
- (3) Foreigner who applies for residence is under obligation to provide the BiH DCR or the organisational unit of the Service with his/her signature and biometric data containing a photograph and fingerprints of 2 fingers. The fingerprints shall not be taken from children under 6 years of age, and the signature of the children under 12 years of age.
- (4) Foreigner whose identity is being established or who illegally resides or who has been pronounced the measure of expulsion or measure of placing under surveillance or is in the process of issuing the certificate of stay shall provide the organisational unit of the Service hi/her signature and biometric data containing: a photograph and fingerprints of 10 fingers. The fingerprints shall not be taken from children under 14 years of age.
- (5) Notwithstanding paragraphs (2), (3) and (4) herein, the fingerprints shall not be taken from persons for whom taking fingerprints is physically impossible. If possible to take fingerprints of less than 10 fingers pursuant to paragraph (2) and (4) herein, the largest possible number of fingerprints shall be taken.
- (6) Biometric data shall be stored in the Central Database on Foreigners.
- (7) Upon the proposal of the Ministry and after obtained opinions of the MoFA, Service and Border Police, the BiH Council of Ministers shall issue a decision to determine the beginning of obligatory provision of biometric data after creation of the technical conditions.

**Article 123**  
**(Protection of rights of minor and other foreigners)**

- (1) No provision of this Law shall prevent the exercise and protection of the rights of foreigners before any competent authority in BiH.
- (2) Competent authorities in BiH are obliged to treat the minor foreigners with particular attention and respect and in accordance with the Convention on the Rights of the Child as well as the BiH regulations on care of minors and their protection.
- (3) Families with minors shall be detained in the Immigration Centre only as a last resort measure and for the shortest possible time.
- (4) Minor foreigner who has illegally entered BiH and is not accompanied by a parent or guardian or legal representative or who remained without their presence upon entering BiH, and whom the Service cannot immediately return to the country from which he/she arrived, or deliver him/her to the representatives of the country of his/her citizenship, shall be temporarily placed by the Service to the unit of the institution specialized for minors and inform the competent centre for social work which would, in accordance with the law, immediately appoint a temporary guardian. Unaccompanied minors shall be detained in the Immigration Centre exceptionally, only as a last resort measure and for the shortest possible time.
- (5) Minor foreigner referred to in paragraph (3) herein shall not be returned to the country of habitual residence or country that it is willing to accept him/her until the provision of parental care or legal representation or guardianship or representative of a competent authority in the country of return has been guaranteed. An unaccompanied minor shall under no circumstances be returned in a way that would violate the European Convention on Human Rights and Fundamental Freedoms and this Law.



**Article 124**  
**(Stay on the grounds of the diplomatic service in BiH)**

- (1) Provisions of this Law, with the exception of Chapter V Removal of Foreigners from BiH (Part B. Protection of Foreigners), do not apply to persons who enjoy diplomatic status in BiH under international law or under international agreements.
- (2) Foreigners referred to in paragraph (1) herein, who reside temporarily in BiH on the grounds of their service in diplomatic and consular representations and missions of international organizations with diplomatic status in BiH, as well as their family members, shall regulate their stay in the country through MoFA.
- (3) Notwithstanding paragraph (1) herein, the provisions of this Law may, with prior approval of the MoFA, be applied in the case of persons who enjoy diplomatic status in BiH under the international law, if the relevant provisions are not contrary to the international obligations and the principle of reciprocity.
- (4) Notwithstanding paragraph (1) herein, the provisions of this Law may, with prior approval of the MoFA, be applied to members of the family of persons with diplomatic status in BiH.
- (5) In the case of ambiguity in terms of the enjoying diplomatic status in BiH, the scope of the privileges and immunities or the principle of reciprocity, MoFA shall provide the interpretation.

**Article 125**  
**(Non-application of provisions on work of foreigners)**

Provisions of Articles 62 through 79 of the Chapter IV (Stay of Foreigners in BiH), Section C (Temporary residence on the grounds of employment with work permit) and Section D (Temporary residence on the grounds of employment without a work permit) of this Law shall not apply to an foreigner:

- a) member of the diplomatic and consular representations or international organizations mission with diplomatic status in BiH to whom the MoFA issued a special identification card on the grounds of their service in diplomatic and consular representations and missions of international organizations with diplomatic status in BiH;
- b) holding privileges and immunities under international treaties;
- c) who is in BiH tasked to carry out activities on the basis of international agreements on professional and technical support that BiH concludes with other countries, international organization or the EU, or who conducts a project in accordance with such international agreement and
- d) who is a member of the family and household members of diplomatic missions, consular offices and international organizations which enable paid work on the grounds of an international treaty to which BiH is a signatory party, if such a contract involves the exclusion of the provisions on work of foreigners.

**Article 126**  
**(Movement in foreign uniforms)**

- (1) Foreigner may move in a foreign military uniform while staying in BiH if:

- a) resides in BiH in a capacity of a military representative as a member of a diplomatic mission or consular office of a foreign country or other foreign mission having diplomatic status in BiH until the end of his/her official mandate;
  - b) staying in an official visit to BiH as a member of a foreign military mission or foreign military delegation;
  - c) attending a military school or is at military training;
  - d) passing through the territory of BiH as a member of a foreign military mission or foreign military delegation with a diplomatic or official travel document; or
  - e) take part in a military exercise or training.
- (2) Foreigner may wear foreign police or custom uniforms in BiH if:
- a) resides in BiH as a member of a mission in BiH diplomatic status until the end of his/her official mandate;
  - b) visiting in an official capacity as a member of a foreign police or customs authority;
  - c) performing service at mutual control of the state border on the part of border crossing that belongs to BiH;
  - d) attending a police academy or similar police training;
  - e) passing through the territory of BiH as a member of the police or customs delegation with a diplomatic or official travel document, or
  - f) during the execution of joint operations being carried out on the territory of BiH in accordance with international agreements or agreements with international organizations to which BiH is a signatory party.
- (3) BiH Defence Minister may, with the prior approval of the Minister of Security, approve the wearing of the foreign military uniform for other cases not provided under paragraph (1) herein.
- (4) BiH Security Minister may approve the wearing of the foreign police or customs uniforms for other cases not provided under paragraph (2) herein.
- (5) Entry of foreigners to BiH while wearing foreign uniforms shall be conducted in accordance with the law governing the field of BiH border control.

#### **Article 127**

##### **(Exception from application of certain provisions of this Law)**

Chapter II, III, IV, V and VI, notwithstanding Article 100 (Temporary and permanent residence of foreigners), Article 101 (Obligation to register temporary and permanent residence of foreigners), Article 102 (Deadlines for registering and deregistering temporary and permanent residence of foreigners) and Article 109 (Principle of *Non-Refoulement*) of this Law shall not apply to the applicant for international protection until a decision has been reached on his/her application in accordance with this Law.

#### **Article 128**

##### **(Official Records)**

- (1) According to this law, the Official Records shall be kept on:
- a) foreigners prohibited by the Service to leave BiH,

- b) foreigners with established identity,
- c) international carriers who have violated the provisions of this Law,
- d) foreigners who have been refused entry,
- e) foreigners who have applied for a visa and foreigners who have been issued visas,
- f) legal and physical entities who issued the invitation letters for the entry of foreigners in BiH,
- g) foreigners whose visa has been revoked,
- h) foreigners whose visa has been annulled,
- i) foreigners whose visa has been revoked with the expulsion measure pronounced,
- j) travel documents for foreigners issued in accordance with this Law,
- k) reported missing travel documents of foreigners,
- l) identification documents issued to foreigners,
- m) foreigners who have applied for residence, who have been granted permanent or temporary residence permit or a certificate of stay,
- n) certificate on the approval on employment of an foreigner,
- o) registration of residence, cancellation of residence and change of address of residence,
- p) foreigners whose residence has ceased,
- r) foreigners whose residence has been cancelled,
- s) foreigners whose residence has been cancelled with the pronounced expulsion measure,
- t) foreigners who have been ordered to leave,
- u) foreigners who have been issued the decision on the expulsion measure,
- v) foreigners who have been granted a postponement of the expulsion measure,
- z) foreigners whose period of prohibition to enter has been extended,
- aa) foreigners whose period of prohibition of entry and stay has been shortened or cancelled,
- bb) foreigners who voluntarily left BiH,
- cc) foreigners who have been forcibly removed from BiH,
- dd) executed measures regarding foreigners,
- ee) foreigners imposed the decision on placement under surveillance and who are subject to surveillance,
- ff) foreigners who have submitted an appeal against the decision of the Service, Border Police or BiH DCM and the foreigners who have initiated an administrative dispute,
- gg) second instance decisions and decisions in administrative proceedings,
- hh) foreigners who have expressed their intention of claiming asylum and
- ii) foreigners who have been granted a certificate of stay.

- (2) Official records referred to in paragraph (1) indents b), e), i), m), s), u), ee) and ii) herein shall also contain the biometric data.
- (3) In addition to the official records referred to in paragraph (1) herein, the competent authority may keep the other records for a purpose of work efficiency provided that they shall not include personal data.
- (4) Relevant authority shall keep the official records as stipulated under this Law.

**Article 129**  
**(Central Database on Foreigners)**

- (1) Ministry shall established and keep the Central Database on Foreigners for recording and monitoring the entry, stay and exit of foreigners from BiH.
- (2) Central Database on Foreigners contains the official records referred to in Article 128 (Official records) of this Law and official records prescribed by the law regulating the field of asylum in BiH. The authority referred to in Article 128 (Official records) paragraph (3) of this Law keeping official records, shall enter the recorded data into the Central Database on Foreigners immediately after such change occurs and no later than during the same day.
- (3) Central Database on Foreigners shall also contain information about the name and surname of the person, middle name, gender, date of birth, nationality, category, type, number and period of validity of the travel document, place, time and direction of crossing a border, information on visas, residence permit or other documents replacing a visa, as well as other data taken through the electronic readers of travel documents at border crossings, kept by the Border Police.
- (4) Access to the Central Database on Foreigners is granted to the Ministry, MoFA, the Border Police, the Service, the BiH Intelligence and Security Agency and the police, when executing the duties within their competence.
- (5) Upon a reasoned request, access to the Central Database of Foreigners may have other authorities in BiH, when executing the duties within their competence.
- (6) Upon a reasoned request, the competent authority keeping the Central Database on Foreigners may grant the access to the database to another authority when executing the duties within their competence in accordance with the law governing the protection of personal data in BiH.
- (7) Any processing, accessing and using the data from this law shall be governed by the provisions and principles of the law on the protection of personal data in BiH.

**Article 130**  
**(Compilation of data on travel documents)**

Border Police shall establish and keep records on the specimen of valid travel documents and forged travel documents available to the Ministry, MoFA and the Service.

**Article 131**

**(Bylaws pertaining to biometric data, records, database, compilation of data on travel documents as well as privileges and immunities)**

- (1) Ministry shall, after obtaining the opinion of the Service, pass bylaws pertaining to the procedures for gathering, keeping, using, accessing, and transferring the biometric data as well as the mechanisms for its protection and deadlines.
- (2) Ministry shall adopt bylaws on keeping, using and accessing the Central Database on Foreigners as well as on the specific records, after obtaining the opinion of the MoFA, Service and Border Police.
- (2) Council of Ministers shall, at the proposal of the MoFA, create the list of foreign passports and other documents recognized by Bosnia and Herzegovina that foreigners can use for crossing the BiH state borders.
- (3) MoFA shall, after obtaining the opinion of the Ministry, pass bylaws on handling the cases referred to in Article 124 (Stay on the grounds of the diplomatic service in BiH) of this Law.

**Article 132  
(Supervision over the implementation of this law)**

Supervision over the implementation of this law and its subsequent bylaws shall be conducted by the Ministry.

**CHAPTER VIII. PENAL (MISDEMEANOR) REGULATIONS**

**Article 133  
(Misdemeanour penalties for violation of Articles 7, 13, 45, 81, 94, 95 and 102)**

- (1) Fine in the amount from 50 BAM to 500 BAM shall be imposed for a misdemeanour if an foreigner has violated:
  - a) Article 7 (Multiple citizenship of an foreigner or BiH national on the BiH territory) of this Law by having possessed or attempted exit from BiH with a travel document different from the one used for entering BiH hence violating;
  - b) Article 13 (Obligation to carry and present proof of identity) paragraph (1) of this Law by failing to carry the document proving and confirming his/her identity or the legality of entry or residence, or if he/she refuses to present it to an authorized official of the Service, police or other competent authority when authorized by law;
  - c) Article 45 (Obligations of an foreigner in connection with the travel documents for foreigners) paragraphs (2) and (3) of this Law by failing to return the travel document for foreigners to the Service, or failing to report the loss, destruction or other disappearance of the travel document for foreigners to the Service;
  - d) Article 81 (Children of foreigners with granted residence) paragraphs (1) and (2) of this Law by failing to submit an application for a child's residence permit within 180 days from the date of birth of the child, under no justifiable circumstances;
  - e) Article 94 (Identification card for foreigners) paragraph (2) and (6) of this Law by failing to submit to the competent authority an application for issuance of an ID card for

foreigners or failing to submit the aforementioned ID card within the deadlines stipulated by this law, or failing to report the loss, destruction or other disappearance of ID card for foreigners;

- f) Article 95 (Obligation to carry an ID card for foreigners or residence permit) of this Law by failing to carry or to present his/her foreigner ID card or a residence permit in BiH at the request of an authorized official;

- g) Article 102 (Deadlines for registering and deregistering permanent residence) of this Law, fails to register permanent or temporary residence or change of address in the place of residence or fails to do so within the prescribed period, or if you do not register permanent residence or temporary residence before leaving Bosnia and Herzegovina in accordance with Article 102 (Deadlines for registering and deregistering permanent residence) of paragraph (3) of this law.
- (2) Legal and physical entities providing the services of transport or accommodation or travel arrangements shall be fined for misdemeanour in the amount from 100 BAM to 500 BAM if they keep or attempt to keep a travel or identification document of an foreigner contrary to Article 13 (Obligation to carry and present proof of identity) paragraph (2) of this Law.
- (3) Responsible person in the legal entity shall be fined with the amount from 100 BAM to 500 BAM for misdemeanour offense referred to in paragraph (2) herein.
- (4) Travel document shall be confiscated under circumstances stipulated in paragraph (1) indent b) herein.

**Article 134**  
**(Misdemeanour penalties for violations of Article 103)**

- (1) Fine in the amount from 200 BAM to 800 BAM shall be imposed on a physical entity providing accommodation services for violation of:
- a) Article 103 (Other persons obligated to register temporary residence) paragraph (1) of this Law by failing to report the stay an foreigner or filing to do so within the legally provided period of time;
  - b) Article 103 (Other persons obligated to register temporary residence) paragraph (2) of this Law by failing to keep or for disorderly keeping records on foreigners provided accommodation services or fails to keep records on foreigners for the legally provided period of time;
  - c) Article 103 (Other persons obligated to register temporary residence) paragraph (2) of this Law by failing to allow an insight into the Book on Foreigners to an authorized official of the Service or police.
- (2) Fine in the amount from 500 BAM to 2,500 BAM shall be imposed on a legal entity providing accommodation services to foreigners in case of misdemeanour offences referred to in paragraph (1) herein.
- (3) Fine in the amount from 200 BAM to 800 BAM shall be imposed on the responsible person within the legal entity for misdemeanour offenses referred to in paragraph (1) herein.
- (4) Fine in the amount from 100 BAM to 500 BAM shall be imposed on a physical entity hosting an foreigner for more than three days but failing to report his/her stay under Article 103 (Other persons obligated to register temporary residence) paragraph (3) of this Law.
- (5) Fine in the amount from 100 BAM to 500 BAM shall be imposed on an foreigner not using the accommodation services of a legal or physical entity nor visiting a physical entity

but failing to register his/her stay under Article 103 (Other persons obligated to register temporary residence) paragraph (3) of this Law.

**Article 135**  
**(Misdemeanour penalties for violations of Article 16, 21, 67, 77 and 82)**

(1) Fine in the amount of 300 BAM to 1,500 BAM shall be imposed to an foreigner for the violation of:

- a) Article 16 (Illegal crossing of the BiH state border) of this Law by illegal crossing or attempted crossing of the BiH state border or entering BiH for the duration of the prohibition of entry;
- b) Article 21 (Exemption from visa requirement) paragraph (2) of this Law by residing in BiH longer than specified in the visa or temporary residence permit or if he/she fails to exit from BiH in the period specified by this Law or decision of competent authority;
- c) Article 21 (Exemption from visa requirement) paragraph (2) of this Law by entering BiH with border pass or permit for a single border crossing and staying longer than the time prescribed by an international treaty or if he/she is found outside the area permitted by the border pass or permit for single border crossing;
- d) Article 77 (Residence for the purpose of employment without a work permit with certificate on registered work) paragraph (3) and (5) of this Law by failing to obtain the certificate on registered work or if he/she conduct business activities different from those specified in the certificate on registered work.

(2) Upon discovered misdemeanour offence under paragraph (1) indent b) herein, an official of the Service or a police officer of the Border Police may issue a misdemeanour order and charge a fine in the amount of 100 BAM for each day of an extended stay, without undertaking other measures under this Law, in case that the foreigner has not exceeded such stay for more than three days and is able to justify the reasons for the delay.

(3) Legal and physical entity who employs an foreigner exempt from obtaining a work permit shall be fined in the amount from 500 BAM to 2,000 BAM if he/she does not possess a copy of the foreigner's certificate on registered work, hence violating Article 77 (Residence for the purpose of employment without a work permit and certificate on registered work) paragraph (7) of this Law.

(4) Fine in the amount from 200 BAM to 500 BAM shall be imposed to an foreigner for a misdemeanour offence for working without a work permit or a temporary residence permit or conducts business activities other than those specified in the work permit, hence violating Article 67 (Link between temporary residence and work permit) paragraph (1) and (2) of this Law.



(5) Fine in the amount from 300 BAM to 1,000 BAM shall be imposed on a legal and physical entity employing an foreigner without a work permit and a temporary residence permit in BiH hence violating Article 67 (Link between temporary residence and work permit) paragraph (1) and (2) of this Law.

(6) Fine in the amount from 100 BAM to 300 BAM shall be imposed on an foreigner for a misdemeanour offence of failing to apply for approval or extension of temporary stay in BiH within the period specified under Article 82 (Application for approval of the extension of temporary stay) paragraph (4) and (5) of this Law.

#### **Article 136**

##### **(Misdemeanour penalties for violations of Articles 23 and 32)**

(1) Fine in the amount from 300 BAM to 1,500 BAM shall be imposed on a physical entity if has violated:

- a) Article 23 (Evidence on means of subsistence) paragraph (1) indent d) of this Law by providing incorrect data on the issued evidence on paid accommodation or organized travel;
- b) Article 32 (Letter of invitation) of this Law by providing incorrect data on the issuance of letter of invitation.

(2) Legal entity shall be fined for misdemeanour offenses referred to in paragraph (1) herein, in the amount from 1,000 BAM to 5,000 BAM. The same fine shall be imposed on a legal entity that has provided incorrect data on issued guarantees of non-cash payments referred to in Article 23 (Evidence on means of subsistence) paragraph (1) indent b) of this Law.

(3) Fine for misdemeanour offenses stipulated by paragraphs (1) and (2) herein shall be imposed on the responsible person within the legal entity in the amount from 300 BAM to 1,500 BAM.

#### **Article 137**

##### **(Misdemeanour penalties for violation of Article 115)**

(1) Fine in the amount of 3,000 BAM to 8,000 BAM for the misdemeanour offense shall be imposed on a physical entity who fails to fulfil the obligation to pay the costs for the travel or departure of an foreigner to the place where he/she is to be admitted; or the cost of placing an foreigner under surveillance in BiH under Article 115 (Payment of expenses for repatriation and placement of an foreigner under surveillance) and as stipulated by the final decision of the Ministry referred to in Article 115 (Payment of expenses for repatriation and placement of an foreigner under surveillance) paragraph (4) of this Law.

(2) Legal entity shall be fined in the amount from 5,000 BAM to 12,000 BAM for the misdemeanour offence under paragraph (1) herein.

(3) Fine in the amount from 3,000 BAM to 8,000 BAM for the misdemeanour offense referred to in paragraph (1) herein shall also be imposed on the responsible person within the legal entity.

#### **Article 138**

### **(Misdemeanour penalties for violation of Article 18)**

(1) Fine in the amount from 6,000 BAM to 10,000 BAM shall be imposed on the air traffic carrier for each foreigner transported to the BiH border crossing point who does not meet the entry requirements stipulated in Article 19 (General entry requirements) paragraphs (1) and (2) of this Law. The maximum amount of the fine per one transport cannot exceed 200,000 BAM regardless of the number of transported persons.

(2) Fine in the amount from 6,000 BAM to 10,000 BAM shall be imposed on a carrier conducting air, land and water transportation or an organizer of tourist or similar travel, which in the capacity of a physical or legal entity failed to transport a foreigner who had not fulfilled the requirements of Article 19 (General entry requirements) from the BiH border crossing point and also failed to cover the costs of the return of the foreigner as stipulated under Article 18 (Obligations of carriers and organizers of tourist or similar travel) paragraph (2) of this Law.

### **Article 139**

#### **(Protective measure pertaining to prohibition to perform business occupations, activities or duties)**

(1) Protective measure pertaining to prohibition to perform business occupation, activities or duties may be imposed for violations of Article 133 (Misdemeanour penalties for violations of Articles 7, 13, 45, 81, 94 and 102) paragraph (2), Article 134 (Misdemeanour penalties for violations of Article 103), Article 136 (Misdemeanour penalties for violations of Articles 23 and 32), Article 137 (Misdemeanour penalties for violations of Article 115) and Article 138 (Misdemeanour penalties for violations of Article 18) of this Law.

(2) Misdemeanour order may be used to impose a protective measure of prohibiting business occupation, activity or duty for a period of 6 months.

## **CHAPTER IX. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 140**

#### **(Pending cases)**

(1) All pending cases which have not been completed by final decision prior to this Law coming into effect, shall be closed in accordance with the provisions which were in effect at the time of the opening of the case.

(2) Notwithstanding paragraph (1) herein, in cases where the first instance decision was not made prior to this Law coming into effect, the procedure shall be continued in accordance with this Law.

### **Article 141**

#### **(Deadlines for enactment of the Council of Ministers bylaws under this Law)**

(1) Council of Ministers shall, upon the proposal of the Ministry and obtained opinion of the BiH Ministry of Communications and Transport, adopt the bylaw under Article 40 (Bylaws regulating the technical matters for the foreigner entry) paragraph (1) of this Law

to further regulate the obligations of a carrier transporting an foreigner to a BiH border crossing point, within six months from the date of entry into force of this law.

(2) Council of Ministers shall, upon the proposal of the Ministry and obtained opinion of the MoFa, adopt the bylaw under Article 40 (Bylaws regulating the technical matters for the foreigner entry) paragraph (2) to further regulate the minimum amount of funds required for the foreigner's subsistence, every year by 31 December for the following year, if that amount has not already been determined by a bylaw.

(3) Council of Ministers shall, upon the proposal of the Ministry and obtained opinion of the Border Police, adopt the bylaw under Article 40 (Bylaws regulating the technical matters for the foreigner entry) paragraph (5) of this Law, to further regulate the border crossing points authorized for visa issuance, within six months from the date of entry into force of this Law.

(4) Council of Ministers shall, upon the proposal of the Service submitted via the Ministry, and following the opinion of the Ministry of Finance and Treasury, adopt the bylaw under Article 116 (Bylaws pertaining to technical issues of the removal of foreigners) paragraph (2) of this Law, to further regulate the manner and procedure for covering the costs of repatriation and costs of placement under surveillance, within six months from the date of entry into force of this Law.

(5) Council of Ministers shall, upon the proposal of the Ministry, adopt bylaws under Article 121 (Bylaws on technical issues pertaining to placing an foreigner under surveillance) paragraph (1) of this Law, to further regulate the standards of functioning of the Immigration Centre, the centre for accommodation of victims of trafficking in human beings and other institutions specialized for the reception of foreigners, which refer to sanitary-hygienic and other conditions of accommodation, the procedure of reception and accommodation of beneficiaries, their nutrition, medical care, communication with persons outside the centre and legal counsel, management, financing conditions, method of providing special conditions for beneficiaries, as well as other issues relevant for the operation of certain types of specialized institution.

(6) Whenever necessary, the Council of Ministers shall follow provisions of Article 58 (Temporary residence on humanitarian grounds) paragraph (2) indent d) to adopt a bylaw, at the proposal of the Ministry, on other justified reasons of humanitarian nature, additional to those specified in Article 58 (Temporary residence on humanitarian grounds) paragraph (2) indents a), b) and c) of this Law, enabling an foreigner who does not fulfil the conditions for residence stipulated under this law may nevertheless be granted temporary residence on humanitarian grounds.

(7) Whenever necessary, the Council of Ministers may:

- a) under Article 19 (General entry requirements) paragraph (6) of this Law, prescribe additional requirements for foreigner entry into BiH, when so required to protect the BiH security, its legal order, public peace or public health or other reasons arising from international obligations;
- b) under Article 21 (Exemption from visa requirement) paragraph (1) of this Law, at the proposal of the MoFA, specify the countries whose citizens do not need visas to enter BiH, as well as the countries whose citizens can enter BiH with a travel document other than a passport;

- c) under Article 21 (Exemption from visa requirement) paragraph (1) of this Law, at the proposal of the MFA, exempt from visa requirements holders of special types of travel documents;
  - d) under Article 22 (Exemptions from the requirement to hold a visa) paragraph (5) of this Law, at the proposal of the MoFA, exempt from the visa requirement the nationals of certain countries under the prescribed conditions,
  - e) under Article 28 (Airport transit visa - Visa A) paragraph (3), exceptionally decide that citizens of certain countries shall be required to obtain airport transit visas.
- (8) Under Article 20 (Entry on special requirements) of this Law, the Council of Ministers may always decide to allow the entry and stay of an foreigner in BiH even if he/she does not fulfil the requirements of Article 19 (General entry requirements) of this Law.
- (9) Council of Ministers shall, upon the proposal of the MCA, adopt a bylaw under Article 104 (Bylaws on technical issues of granting temporary and permanent residence to foreigners) paragraph (3) of this Law, to establish the annual quota on work permits, not later than 31<sup>st</sup> October of the current year for the following year.
- (10) Council of Ministers shall, upon the proposal of the Ministry and opinions of the MoFA, Service and Border Police, and following the acquisition of technical conditions, adopt a decision to set the beginning of the application of Article 122 (Duty to provide biometric data) of this law.
- (11) Under Article 131 (Bylaws pertaining to biometric data, records, database, compilation of data on travel documents as well as privileges and immunities) (3) of this Law, the Council of Ministers shall, upon the proposal of the MoFA, determine the list of foreign travel documents and other documents recognized by BiH that the foreigners may use for crossing the BiH state border, within six months from the date of entry into force of this law.

#### **Article 142**

##### **(Deadlines for the Ministry to enact bylaws under this Law)**

- (1) Within three months from the date of entry into force of this Law, the Ministry shall:
- a) under Article 40 (By-laws on technical issues relating to the entry of foreigners) paragraph (6) of this law, and following the obtained opinion of the MoFA, Service and Border Police, adopt a bylaw to further regulate: foreigner entry to BiH; visa issuance at the border; form and content of the letter of invitation; procedure for verification of invitation letter; form of the decision on refusal of request and the procedure of denying the entry into BiH; as well as other matters relating to the entry requirements to BiH;
  - b) under Article 104 (Bylaws on technical issues of granting residence and permanent residence of foreigners) paragraph (1) of this law, and following the obtained opinion of the MCA and Service, adopt a bylaw to further regulate the form, content, validity, treatment and other matters of relevance for issuance of the attestation of identity;
  - c) under Article 104 (Bylaws on technical issues of granting residence and permanent residence of foreigners) paragraph (1) of this Law, and following the obtained

opinion of the Service, adopt a bylaw to further regulate: evidence to be enclosed to an application for a residence permit; layout and content of the residence permit application form; the appearance and content of the attestation on filed request for residence; procedures for approval of residence and issuance of residence permits; form, layout and content of the residence permit; layout and content of a work registration certificate; procedure for issuance of certificate on registered work; form, layout and content of the foreigner ID card; and procedure for issuing identity cards for foreigners; procedure for the cancellation of residence/registration/deregistration of residence; form and content of the Book on Foreigners and procedure for verifying the books of foreigners; as well as other issues of importance for residence and movement of foreigners;

- d) under Article 116 (Bylaws on technical issues of the removal of foreigners) paragraph (1) of this law, and following the obtained opinion of the Service, adopt a bylaw to further regulate: the procedure for removal of foreigners from BiH; the form and content of the certificate approving the postponement of the expulsion measure; procedure for shortening, termination and extension of the period of prohibited entry and stay in BiH; the form and content of certificates of staying under Article 110 (Proceedings in case of invoking protection) paragraph (5) of this law, and other matters related to removal of foreigners;
  - e) under Article 121 (Bylaws on technical issues of placing an foreigner under supervision) paragraph (2) of this law, and following the obtained opinion of Service, adopt a bylaw to further regulate the procedure of placing an foreigner under surveillance; and
  - f) under Article 131 (Bylaws on biometric data, records, database, collection of data on travel documents and the Privileges and Immunities) paragraph (1) of this law, and following the obtained opinion of the Service, adopt a bylaw to further regulate (1) of this law, procedures for gathering, storage, use, access, transfer, and mechanisms for the protection and periods of keeping the biometric data.
- (2) Within six months from the date of entry into force of this law, the Ministry shall:
- a) under Article 46 (Bylaws on technical issues relating to travel documents for foreigners) paragraph (1) of this law, and following the obtained opinion of the MCA, MoFA and Service, adopt a bylaw to further regulate the form and content of application for the issuance of travel documents for stateless persons and request for issuance of a *laissez-passer* for foreigners;
  - b) under Article 104 (Bylaws on technical issues of granting residence and permanent residence of foreigners) paragraph (2) of this law, adopt a bylaw to further regulate the rules and standards in procedures, as well as other issues concerning the admission of victims of trafficking in human beings, their rehabilitation and return; and
  - c) under Article 131 (Bylaws pertaining to biometric data, records, database, compilation of data on travel documents as well as privileges and immunities) paragraph (2) of this law, adopt a bylaw to further regulate the rules on keeping, using and accessing the Central Database on Foreigners as well as specific records.

(3) Ministry shall, upon obtained opinion of the Service and following the acquiring of technical requirements, adopt a bylaw under Article 104 (Bylaws on technical issues of granting residence and permanent residence of foreigners) paragraph (4) of this law, to further regulate the form and content of the application for a residence permit; procedure for granting residence and issuance of residence permits; as well as the form, layout and content of residence permits with biometric data of an foreigner.

(4) Ministry shall, at the proposal of the Service and following the acquisition of technical conditions, decide on:

- a) the beginning of the application of Article 79 (Requirements for permanent residence), paragraph (1) indent f) of this Law;
- b) the replacement of the residence permit sticker with the residence permit as a separate document containing biometric data of an foreigner under Article 104 (Bylaws on technical issues of granting residence and permanent residence of foreigners) paragraph (5) of this Law.

### **Article 143**

#### **(Deadlines for MoFA to enact bylaws under this Law)**

(1) MoFA shall, upon obtained opinion of the Ministry, adopt a bylaw under Article 40 (Bylaws on technical issues relating to the entry of foreigners) paragraph (3) of this law, to further regulate: the form and content of the visa application and the visa sticker; the procedure for issuance of airport transit visas (Visa A) and short-term stay visa (Visa C) in BiH DCR; the period of validity of an airport transit visa (Visa A); and other issues relating to the requirements for issuance of such visas, within three months from the date of entry into force of this law.

(2) MoFA shall, upon obtained opinion of the Ministry and Service, adopt a bylaw under Article 40 (Bylaws on technical issues relating to the entry of foreigners) paragraph (4) of this Law, to further regulate the procedure for issuance of a long-term stay visa (Visa D), and other issues relating to the requirements for visa issuance.

(3) Whenever necessary, MoFA shall, upon obtained opinion of the Ministry, adopt a bylaw under Article 131 (Bylaws pertaining to biometric data, records, database, compilation of data on travel documents as well as privileges and immunities) paragraph (4) of this Law, to further regulate the procedure in cases of foreigners who temporarily reside in BiH based on their service in diplomatic and consular missions or missions with diplomatic status or persons enjoying the privileges and immunities under international law or under an international treaty as stipulated by Article 124 (Stay on the grounds of the diplomatic service in BiH) of this Law.

### **Article 144**

#### **(Deadline for adoption of other bylaws)**

(1) MCA shall, upon obtained opinion of the Ministry, MoFA and Service, adopt the bylaw under Article 46 (Bylaws on technical issues relating to travel documents for foreigners) paragraph

(2) of this Law, to further regulate the form, layout and content of travel documents for stateless persons and *laissez-passer* for foreigners; necessary documents to be enclosed to the application for the issuance; the issuance procedure and other technical issues relating

to the travel documents for stateless persons and *laissez-passer* for foreigners, within six months from the date of entry into force of this Law.

(2) Whenever necessary, MCA may, upon obtained opinion of the Ministry, adopt the bylaw to further regulate the drafting and updating the list of scientific and research organizations in BiH, as well as the manner of its availability.

#### **Article 145**

##### **(Cease of validity of former regulations)**

(1) On the effective date of this Law, the Law on Movement and Stay of Foreigners and Asylum ("BiH Official Gazette", No. 36/08 and 87/12) shall cease to be in force, with the exception of Chapter VII, International and Temporary Protection (Asylum), which remains in force until the law governing the field of asylum has come into force.

(2) Bylaws adopted under the Law referred to in paragraph (1) shall apply until the new bylaws stipulated by this law have been adopted, unless in conflict with this Law.

#### **Article 146**

##### **(Entry into force of this Law)**

This Law shall enter into force on the eight day after its publication in the "BiH Official Gazette".