

Law on movement and stay of aliens and asylum

Based on Article IV. 4. a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives held on _____ 2002 and at the session of the House of Peoples held on _____ 2002, adopted the

CHAPTER I - GENERAL PROVISIONS

Article 1(Subject-matter of the Law)

This Law shall regulate conditions and procedure for entry and stay of aliens in Bosnia and Herzegovina (hereinafter referred to as: BiH), reasons for refusal of entry and stay, reasons for cancellation of stay and expulsion of aliens from the territory of BiH, procedure for submission of requests for asylum, approval of asylum and cessation of asylum in BiH, competency of authorities relevant for implementation of this Law, as well as other issues related to asylum, stay and movement of aliens in BiH.

Article 2(Bodies responsible for implementation of the Law)

1. In accordance with this Law and by-laws passed on the basis of this Law, the procedure shall be carried out and relevant decisions taken by the: a) Council of Ministers of BiH, b) Ministry for Human Rights and Refugees of BiH (hereinafter referred to as: the Ministry), c) Ministry for Foreign Affairs of BiH (hereinafter referred to as: MFA) and diplomatic and consular representations abroad (hereinafter referred to as: DCR), d) State Border Service (hereinafter referred to as: SBS), e) Entity Ministries of Internal Affairs, notably: cantonal ministries of internal affairs of BiH Federation, public security stations of the Ministry of Internal Affairs of the Republika Srpska and the Police of Brčko District (hereinafter referred to as: OIA)

Article 3(Office for aliens and asylum)

1. The Office for Aliens and Asylum shall be established within the Ministry for Human Rights and Refugees, with its departments for aliens and asylum (hereinafter referred to as: the Department) as structural units detached from the seat of the Ministry, for the purpose of applying provisions of this Law.

2. The Office for Aliens and Asylum shall be administered by the director appointed by the Council of Ministers at the proposal of the ministers of the Ministry.

3. The Ministry shall by way of a by-law specify the number of these departments, their territorial jurisdiction and structure of postings, as well as other issues relevant for their operation.

Article 4(Definitions)

1. For the purpose of this Law, the term: a) *an alien* refers to any person who is not a citizen of BiH or is stateless, b) *a stateless person* refers to any person who is neither a citizen of BiH, nor a citizen of any other state pursuant to legislation of that state, c) *a place of habitual residence* of an alien refers to his/her country of origin or the country of his/her permanent residence, d) *a valid travel document* refers to a passport issued by the competent foreign authority recognised in BiH and valid through and space, as well as an ID Card or another document with a photograph authorising its bearer to travel abroad, which has been recognised by an international treaty to which BiH is a Contracting Party or by the decision of the Council of Ministers of BiH, as well as a travel document issued to an alien in accordance with the present Law, e) *an asylum applicant* refers to any alien seeking asylum regardless of whether the alien has sought asylum at a border crossing or after having entered the territory of BiH. This category includes persons who have expressed fear of torture, inhuman or degrading treatment, or of any other threat to their life or freedom in the country where they are coming from.

Article 5(Freedom of movement of aliens)

1. Entry, stay and exit of aliens may be restricted under the terms stipulated by this Law.

2. Under the conditions specified by this Law, aliens staying in BiH shall enjoy the right to freedom of movement within the country and freedom of choosing the place of their residence, unless regulated otherwise in this or other special laws.

Article 6(Prohibition of discrimination)

1. There must be no discrimination expressed towards aliens on any grounds whatsoever, including sex, race, colour of skin, language, religion, political and other views, national and social origin, status of a national minority, property status, age, psychological or physical disability, status attained by birth or some other status.

Article 7(Obligation of compliance with regulations)

1. Aliens in BiH must respect the constitutional order of BiH and comply with regulations and decisions of the authorities of the State, Entity and Brčko District of BiH.

Article 8(Rights during the proceedings before the State bodies)

1. Aliens must, within a prescribed deadline, present to competent authorities relevant documents, information and attestations required for conducting the procedure related to residence permits, as defined by the present Law.

2. At all stages of the procedure aliens shall be informed of the rights and obligations that ensue from the present Law, of the right to appeal, of potential claims for damages as well as of all formalities necessary to have their rights recognised.

3. If an alien does not know the language used during the procedure, the body that conducts the procedure is obligated to give the alien an opportunity to follow the course of the proceedings through an interpreter.

Article 9(Proof of identity)

1. During their stay in the territory of BiH, aliens must possess documents for the purpose of verifying their identity and their right to enter and stay in BiH, and present them to the competent authority at their request.

CHAPTER II - ENTRY AND STAY

Part A. General entry conditions

Article 10(Crossing the border)

1. Aliens may cross the BiH border only at the border posts open to international traffic or at those meant for circulation between two States, unless agreements between BiH and neighbouring States provide otherwise.

2. An alien wishing to enter or leave BiH shall be subject to control by an officer authorised to control the crossing of the state border, and is obliged to subject both his/her luggage and his/her vehicle to that control.

3. At the request of the officer referred to in paragraph 2 of this Article, an alien wishing to enter or leave BiH shall be obligated to honestly and fully answer all questions and hand over all documentation, as well as to fill out additional questionnaires, if so requested by the officer.

Article 11(General entry conditions)

1. An alien may be granted entry to BiH provided that he/she has fulfilled the following requirements:a) that he/she is in possession of a valid passport or a travel permit,b) that he/she is in possession of a valid visa for entry and stay or for transit through the territory of BiH, or a residence permit as stipulated in this Law,c) that he/she has the means to support himself/herself during his/her entry, stay and exit from the country, including health care means, as stipulated in Article 14 of this Law,d) that he/she is in possession of an entry visa, if so required, of a neighbouring country of his/her destination, or the country the territory of which he/she is transiting through,e) that no expulsion measure from the territory of BiH has been imposed against him/her, as long as the imposed measure is in force,f) that his/her presence in the territory of BiH does not constitute a threat to national security, rule of law and public order of BiH.

2. The Council of Ministers of BiH may prescribe special conditions for entry of aliens, when so being required by reasons of national security and rule of law or by other reasons stemming from international obligations and relations.

Article 12(Entry under special conditions)

1. An entry may be allowed to an alien even if he/she does not fulfil the conditions referred to in Article 11 items a) and b) of this Law, if so being stipulated by an international treaty to which BiH is a Contracting Party or by a special regulation of the Council of Ministers of BiH.

Article 13(Exemption from visa requirement)

1. At the proposal of MFA, the Council of Ministers of BiH shall specify the countries the citizens of which shall not be required to have a visa for entering BiH (hereinafter referred to as: non-visa countries), as well as the countries the citizens of which may enter BiH with a travel document other than a passport. The Council of Ministers of BiH shall also be responsible to exempt persons whose refugee status has been recognised by other countries from visa requirement.

2. Aliens who are according to this Law exempt from visa requirement to enter the territory of BiH shall be entitled to stay in the country (hereinafter referred to as: non-visa residence) for a period of not longer than three months, unless a shorter period has been designated by an international treaty to which BiH is a Contracting Party or by a special regulation of the Council of Ministers of BiH, passed in accordance with Article 12 of this Law.3. Aliens are exempt from visa requirement to enter BiH if their permanent or temporary residence permit sticker has been affixed in their passport, for as long as that residence permit is valid.

Part B. Means of subsistence

Article 14(Means of subsistence)

1. Evidence of the existence of means of subsistence needed to support an alien referred to in Article 11 paragraph 1 item c) shall be brought through either:a) possession of cash, in the local or foreign convertible currency,b) possession of forms of non-cash payment accepted by the banking system of BiH,c) a letter of guarantee or a letter of invitation,d) presentation of evidence of board and lodgings paid for through travel agencies, ore) possession of other reliable means.

Article 15

(Letter of guarantee)

1. A letter of guarantee needed for an alien to enter BiH may be issued by a citizen of BiH or by an alien who has been granted permanent residence in BiH. A letter of guarantee may be accepted as verification of possession of means of subsistence, provided that it contains the statement that the guarantor undertakes to provide lodging, costs of medical treatment and to ensure support and other expenses related to stay of that alien in BiH, as well as costs of his/her departure from BiH.

2. A statement referred to in previous paragraph must be certified by the competent administrative body in the place of residence of the guarantor.

Article 16

(Letter of invitation)

1. An invitation is a form of a letter of guarantee whereby a domestic or foreign legal entity registered in BiH is inviting a foreign partner to a business visit within a designated period of time.

2. The invitation shall include the statement on covering the costs referred to in Article 15 of this Law.

3. The invitation must be certified by the Chamber of Commerce of BiH and by the competent administrative authority in the place where the guarantor is seated.

Article 17

(Work permit)

1. When an alien wishes to enter BiH for the purpose of work or other taxable activity returning profits, entry may only take place when he/she has a work permit or its equivalent, in accordance with special regulations regulating the field of employment.
2. An alien who possesses a work permit shall be deemed to fulfil the requirements relating to the possession of means of subsistence.

Article 18

(Departure guarantee)

1. Evidence of the existence of a repatriation guarantee can be brought through a title of transport valid for return or continuation of the journey as well as through the legal possession of an appropriate means of transport by the concerned alien.
2. Whenever necessary, the possession of various visas authorising the alien to continue his/her trip onto the territory of another State may be required.

Article 19

(Evidence of the existence of means of subsistence)

1. Aliens who are under this Law exempt from visa requirement to enter the territory of BiH, must possess documents and confirmations referred to in Article 14 of this Law and present them when entering BiH to a person authorised to control the crossing of the State border at his/her request.
2. The application for issuance of a visa must be submitted by aliens who are required to have a visa, a letter of confirmation and documentation referred to in Article 14 of the Law.
3. Aliens whose BiH temporary or permanent residence permit has been entered in their valid travel document are not obliged to possess letters of confirmation and documentation referred to in Article 14 of the Law when entering BiH, for as long as their residence permit is valid.

Part C. Refusal of entry and competencies

Article 20(Refusal of entry)

1. An alien may be refused entry in BiH even if he/she fulfils entering requirements prescribed in Article 11 of this Law, if:a) while entering the country he/she fails to present requested information to the authority authorised to control the Stateb) border crossing or fails to complete certain queries or deliberately provides false information about his/her right to enter BiH or deliberately avoids such situations, orc) there are reasonable grounds to believe that he/she will be performing activities for which a work permit is required, without possessing such a permit, particularly with regard to an alien who has already been refused entry in BiH for the above mentioned reasons.

Article 21(Competency and appeal)

1. Decisions on refusal of entry are taken by the SBS at the border:
2. An appeal against the decision on refusal of entry may be lodged with the Ministry within 15 days from the notification of the decision.
3. An appeal does not stay the execution of the decision.

CHAPTER III - ENTRY AND RESIDENCE PERMITSAND TRAVEL DOCUMENTS

Article 22(Entry permits)

1. Except in case referred to in Article 12 of this Law, permits authorising an alien to enter and stay in BiH are as follows:a) visa,b) temporary residence permit,c) permanent residence permit.

Article 23(Visas)

1. A visa is a permit authorising entry to and stay on the territory of BiH, as well as transit through the territory of BiH, for a limited period of time.

2. An alien shall be issued a visa if he/she fulfils requirements referred to in Article 11, items a), c), d), e) and f) of this Law and if he/she has not been registered as an international offender in the records of the competent authorities.

3. The visa shall authorise stay for the period defined therein, but for not more than 90 days. Visas for single or double entry shall be valid for not more than 90 days.

4. Visas permitting multiple entries shall be valid for not more than one year, but each period of stay on the territory of BiH shall not be longer than 90 days.

5. Within the period of validity of the visa, the period of stay defined in a single entry visa may be extended for justified reasons.

6. The visa shall be extended by issuing a new visa in accordance with the rules relevant for issuance of the visa, for no more than 90 days following the date of entry.

Article 24(Visa issuance)

1. Visas shall be applied for in advance.

2. Visas shall be issued by BiH DCRs.

3. An application for visa may be, for exceptional, justified reasons of humanitarian nature, made before entry at the border. Such an application shall be decided upon by SBS.

4. A decision on visa extension in the sense of Article 23 paragraphs 5 and 6 shall be made by SBS, at the proposition of MFA.

5. No appeal shall be allowed against the decision on issuance or extension of the visa.

Article 25(By-law)

1. The Ministry shall by way of a by-law further specify requirements for entry of aliens in BiH, issuance and extension of visas, types of visas, form and content of visa stickers, as well as other issues relevant for entry of aliens in BiH.

Article 26(Visa cancellation)

1. A visa shall be cancelled if it has been subsequently established that it was issued in contravention to requirements provided for by this Law.

2. The visa shall be cancelled based on the final and binding court decision or on the decision on visa cancellation taken by MFA.

3. The visa shall be cancelled by the competent Department by affixing in the travel document of an alien a stamp reading "cancelled" across the visa sticker.

4. If, during the control of entry of an alien at the border, SBS determines that his/her visa has been forged, they are obligated to cancel the visa immediately.

5. No appeal is allowed against the decision on visa cancellation.

Article 27(Visa revocation)

1. A visa shall be revoked under the conditions as follows:a) where an alien does not comply with the constitutional order and regulations of BiH, its Entities and Brčko District of BiH, or hastaken activities in breach of the constitutional system or security of BiH, or where an alien is a member of an organisation that has taken such activities,b) where an alien has jeopardised BiH national interests by his/her actions in a way that he/she has been engaged in smuggling of fire arms, explosives, radioactive materials or narcotics or has been engaged in unauthorised transport and trade of materials and equipment for production of arms or other weapons of mass destruction or has produced or possessed narcotics or psychotic substances intended for sale, or has been a member of an organisation included in the stated activities,c) where an alien has organised illegal entry to, stay on or exit from BiH of individuals or groups or has organised or participated in trafficking of human beings,d) where an alien has breached or has attempted to breach regulations concerning the crossing of the state border of BiH, regardless of whether the breach has occurred at entry to or exit from Bosnia and Herzegovina,e) where circumstances on the basis of which the visa was issued have changed to such an extent that they would presently exclude any possibility to issue the visa,f) where an alien has intentionally provided incorrect data or intentionally disguised circumstances of relevance for visa issuance,g) where an alien has performed activities for which a work permit is required, without possessing such a permit,h) where the presence of an alien constitutes threat to public order and national security of BiH.

2. The existence of an international warrant of arrest and/or of a final and binding court decision shall be taken as the basis for establishment of the reasons for visa revocation under items a), b), c) and d) of previous paragraph.

Article 28

(Competency and appeal)

1. The decision on visa revocation shall be issued by the Department, at the request of the court, OIA or SBS.

2. An appeal against the decision referred to in paragraph 1 of this Article may be lodged with the Ministry within 15 days as of the date of notification of the decision.

3. A visa holder cannot be expelled or forcibly removed from the territory of BiH pending the expiration of the deadline provided for appeal and/or pending the procedural decision upon the appeal.

Article 29

(Travel permit)

1. A travel permit for aliens is a travel document valid for one single trip abroad and shall be issued to an alien:a) whose valid travel document has got lost or destroyed and cannot be replaced, while the country of his/her citizenship neither has their DCR in BiH, nor their interests have been represented by another state, in order to give that alien an opportunity to return to the country of his/her habitual place of residence,b) who has been granted asylum or a residence permit on humanitarian grounds or who has enjoyed protection based on Article 84 of this Law in order to give him/her an opportunity to return to his/her native country or the country of his/her habitual residence or into the third country which has admitted that person,c) who has been released from BiH citizenship for the purpose of going abroad.

2. A travel permit for aliens may also be issued in other cases if there exist justified reasons for such an action.

3. A travel permit for aliens shall be issued by the Department to which the loss or destruction of the travel document has been reported or by the Department on the territory of which the alien has registered his/her temporary or permanent residence.

CHAPTER IV - RESIDENCE PERMITS

Article 30(Types of residence permits)

1. In the sense of the present Law, residence of aliens shall refer to non-visa residence, temporary residence and permanent residence.a) non-visa residence is the right of stay for aliens arriving from non-visa countries, pursuant to the provision of Article 13 of this Law,b) temporary residence is residence on the territory of BiH for the period of one year, unless specified otherwise in the residence permit,c) permanent residence is residence on the territory of BiH for an indefinite period of time.

Part A. Temporary residence

Article 31(Application for a residence permit)

1. If an alien wishes to stay in BiH after the period specified in his/her visa, and/or after the period determined for his/her non-visa residence, he/she must submit the application for a temporary residence permit.
2. The application for a temporary residence permit, in the sense of paragraph 1 of this Article shall be submitted not later than 15 days before the expiry of validity of the visa, and/or non-visa residence.

Article 32(Conditions for granting temporary residence)

1. A temporary residence permit may be issued for justified reasons such as: marriage with a citizen of BiH, reunification of families, education, scientific/research and artistic work, employment as specified in the work permit granted, for business purposes, medical treatment, tourism or for humanitarian reasons.
2. A temporary residence permit may be issued for the time of up to one year or for the time of validity of the alien's passport, if that passport is valid for less than one year.
3. Temporary residence reasoned on humanitarian grounds in cases as prescribed in Article 34 paragraph 1 item a) of this Law shall be granted for the time of up to 3 months.
4. An alien who has entered BiH as a tourist, cannot be granted temporary residence on employment grounds. A temporary residence permit may be extended at the request of an alien and under the conditions prescribed for issuing the requested residence permit.

Article 33(General conditions for granting residence permits)

1. Temporary residence shall be granted to an alien on the condition that:a) he/she has evidence justifying the existence of the ground required for granting temporary residence as prescribed in Article 32 of the Law,b) he/she has funds to support himself/herself, including the funds for his/her health care,c) he/she has a medical certificate issued not more than 3 months following the date of submitting the application, showing that he/she does not have a disease with a high risk factor for the community.
2. Evidence referred to in item a) of paragraph 1 of this Article shall refer to:a) marriage certificate or other relevant evidence of marriage concluded,b) work permit issued by the competent employment agency,c) decision on registration of the legal entity into the court registry, accompanied with the evidence on their solvency,d) attestation of enrolment into an educational institution for the current year,e) medical findings, accompanied with the recommendation of a health institution confirming the necessity of a long-term medical treatment in BiH,f) documents on completed education and qualifications acquired,g) other evidence appropriate to support the stay of the alien in the country.

Article 34(Temporary residence on humanitarian grounds)

1. Temporary residence on humanitarian grounds shall be exceptionally granted to an alien who does not fulfil the requirements for granting temporary residence prescribed in this Law, as follows:a) to an alien who has been a victim of an organised crime and/or trafficking of human beings, for the purpose of providing protection and assistance for his/her rehabilitation and repatriation into the country of his/her habitual residence,b) to a minor child of aliens if he/she has been abandoned or has been a victim of an organised crime or has remained without parental protection for any other reason whatsoever,c) to a stateless person,d) to an alien with respect to whom the requirements referred to in Article 59 of the

present Law have been met and to whom asylum has not been granted pursuant to this Law,e) for other justified humanitarian reasons.

2. Temporary residence shall be exceptionally granted to an alien who does not fulfil the requirements needed for issuance of a temporary residence permit prescribed by this Law, if so being in the function of enabling the administration of the court proceedings, and/or in cases where the alien co-operates with authorities in revealing crimes and their offenders, or if he/she has been a victim of an organised crime and his/her presence in BiH is indispensable for conducting the court proceedings where he/she shall appear as a plaintiff, an injured party or a witness.

Article 35(Recommendation of a competent body)

1. The assessment of the authority before which the administrative or court proceedings have been conducted in the sense of Article 34 of this Law, or recommendation of another competent authority, or findings of a health specialist from the appropriate health institution showing the necessity for his/her treatment and rehabilitation shall be required for granting temporary residence on humanitarian grounds, in addition to other evidence relevant for assessing the rationale of the application.

Article 36(Protection of victims of trafficking)

1. The Ministry has been responsible for providing special protection and assistance to victims of trafficking of human beings for the purpose of their rehabilitation and repatriation into the country of their habitual residence.

2. The Ministry shall by way of a by-law specify rules and standards concerning the actions, admission and other issues related to admission of victims of trafficking of human beings, their rehabilitation and repatriation.

Article 37(Temporary residence reasoned on reunification of a family)

1. Close family members of a BiH citizen with permanent residence in BiH, or of an alien holding a temporary or permanent residence permit, may be granted temporary residence for the purpose of family reunification on the conditions as follows:a) where a BiH citizen and/or a person holding a residence permit in BiH has a permanent source of income, or where he/she has means of subsistence to support the respective applicant in BiH,b) where there are no reasons which exclude issuance of residence permits as set out by this Law.

2. In the sense of this Law, close family members shall refer to:a) spouse,b) children under 18 years of age or children supported in the joint household,c) parents supported in the joint household.

3. Temporary residence reasoned on this ground shall be extended on the same conditions as required for issuance of the residence permit.

Article 34(Residence with respect to divorce of marriage)

1. Where a marriage has been divorced during the time of the validity of a temporary residence permit issued for the purpose of family reunification, a former spouse who has been granted temporary residence as a close family member, pursuant to provision of Article 37 of the Law, shall not acquire the right to extension of his/her temporary residence, unless:a) he/she has a custody of a child who has the citizenship of BiH and who has been born in the marriage with a BiH citizen, orb) he/she has been continually residing in BiH for three years on the basis of temporary residence granted for the purpose of family reunification and meets special requirements set out in this Law for granting temporary residence on other grounds, orc) he/she has expressed reasons relevant for granting temporary residence on humanitarian grounds in the sense of Article 34 of this Law.

2. Provision of paragraph 1 of this Article shall also apply if cessation of the marriage has been provoked with death of the spouse who is a BiH citizen or a foreigner holding a temporary or permanent residence permit in BiH.

Part B. Permanent residence

Article 39(Conditions for granting permanent residence)

1. A permanent residence permit shall be issued to an alien on the following conditions: a) that he/she has resided on the territory of Bosnia and Herzegovina, on the basis of a temporary residence permit, for at least five years uninterruptedly before submitting the request for issuance of a permanent residence permit, b) that he/she has funds to support himself/herself, including the funds for his/her health care, c) that he/she has a medical certificate issued over the period of last three months before the application was submitted, showing that he/she does not suffer from a disease with a high risk factor for the community.

2. Any stay outside BiH for the time of up to ninety days during the same year shall not be considered as an interruption of residence, in the sense of this Article.

Part C. Procedure and documents

Article 40 (Refusal of the application for a residence permit)

1. An application for temporary or permanent residence shall be refused even if the alien meets conditions required for granting temporary or permanent residence, in the following cases: a) if the alien has entered the territory of BiH while not respecting the entry requirements set out in this Law, unless there exist reasons for issuance of a residence permit on humanitarian grounds in the sense of Article 34 of this Law, or b) if the alien has intentionally provided incorrect information or intentionally disguised circumstances of relevance for issuance of the permit, or c) if expulsion measure from BiH has been imposed against the alien, for as long as the measure is in force, or d) if the alien has been registered as an international offender, or e) if there are other compelling reasons arising from international treaties to which BiH is a Contracting Party, or f) if his/her presence constitutes a threat to public order and national security of BiH.

Article 41 (Application for a residence permit)

1. An application for a residence permit shall be submitted to the competent Department.

2. The application for a residence permit may also be submitted from abroad, through BiH DCRs.

3. The application must be submitted at least fifteen days before the expiry of a valid period of residence, and/or where applicable, before entry and shall include documents substantiating such a request. 4. The body referred to in paragraph 1 of this Article shall take the decision on the application for a residence permit without unnecessary delay and at the latest within 30 days from the date of notification of the application.

5. When an alien, in his/her application, expresses reasons which are in connection with Article 59 of this Law, the decision on validation of his/her request and on granting temporary residence on humanitarian grounds in the sense of Article 34 item d) of the Law shall be taken by the Ministry.

6. The applicant shall be issued an attestation of the submitted application, which shall serve in lieu of a residence permit, pending the final decision, except in the case referred to in paragraph 2 of this Article.

Article 42 (Appeal against the decision of the Department)

1. An appeal against the decision taken by the Department upon the request for a residence permit may be filed with the Ministry within 15 days from the date of notification of the decision.

2. The applicant for a residence permit cannot be expelled or forcibly removed from the territory of BiH pending the expiry of the deadline provided for appeal and/or pending the procedural decision upon the appeal.

Article 43 (Appeal against the decision of the Ministry)

1. No appeal is allowed against the decision of the Ministry on granting temporary residence on humanitarian grounds in the sense of Article 34 paragraph 1 item d) of this Law.

2. An alien cannot be expelled or forcibly removed from the territory of BiH until the decision taken in the sense of Article 34 paragraph 1 item d) of this Law becomes final and binding.

Article 44(Residence permit sticker)

1. A residence permit sticker shall be affixed in the valid travel document of an alien.
2. An alien is obligated to have and at the request of an official person to present his/her valid travel document showing that he/she has been granted residence on the territory of BiH.

Article 45(ID Card for aliens)

1. Every alien who has been granted permanent residence shall be issued an ID card for aliens by the competent administrative body of the place of his/her permanent residence.
2. The alien is obligated to submit the application for ID Card for aliens referred to in paragraph 1 of this Article to the competent body within 8 days from the date of notification of the decision granting him/her permanent residence in BiH.
3. ID cards for aliens shall be valid for 5 years, unless otherwise stipulated by a special regulation.
4. The alien is obliged to have and at the request of an official person to show his/her ID Card for aliens.

Part D. Revocation of residence

Article 46(Reasons for revocation of residence)

1. Right to residence and residence permits shall be revoked on the following conditions:a) where an alien does not comply with the constitutional order and regulations of BiH, its Entities and Brčko District of BiH, or has taken activities in breach of the constitutional system or security of BiH, or where an alien is a member of an organisation that has taken such activities,b) where an alien has jeopardised BiH national interests by his/her actions in a way that he/she has been engaged in smuggling of fire arms, explosives, radioactive materials or narcotics or has been engaged in unauthorised transport and trade of materials and equipment for production of arms or other weapons of mass(*translator's note: part of the sentence probably missing*)or has been a member of an organisation included in the stated activities,c) where an alien has organised or participated in organisation or assisted illegal entry to, stay on or exit from BiH of individuals or groups or has organised or participated in trafficking of human beings,d) where an alien has breached or has attempted to breach regulations concerning the crossing of the state border of BiH, regardless of whether the breach has occurred at entry to or exit from BiH,e) where circumstances on the basis of which the residence permit was issued have changed to such an extent that they would presently exclude any possibility to issue the permit,f) where an alien has intentionally provided incorrect data or intentionally disguised circumstances of relevance for issuance of a residence permit,g) where an alien has performed the activities for which a work permit is required, without possessing such a permit,h) where the presence of an alien constitutes threat to public order and national security of BiH.
2. The existence of an international warrant of arrest and/or of a final and binding court decision shall be taken as the basis for establishment of the reasons for revocation of residence prescribed in items a), b), c) and d) of previous paragraph.
3. Provisions of items e) and g) shall not be applied if an alien holding a permanent residence permit in BiH is able to show evidence of the existence of exceptional reasons justifying this exemption.

Article 47(Special reason for revocation of permanent residence)

1. The Decision on granting permanent residence shall be revoked where it has been established that the alien has not been residing in BiH for more than a year and has not informed OIA and the Department on the territory of his/her permanent residence about the reasons of his/her absence, or for less than a year if there exist circumstances on the basis of which it can be explicitly established that the alien has no intention to return and take permanent residence in BiH.

Article 48(Competency and appeal)

1. The decision on residence revocation shall be issued by the Department *ex officio* or at the request of the court, OIA or SBS.

2. The applicant is obligated to submit all information and documentation relevant for passing the decision along with his/her application.

3. An appeal may be filed against the decision referred to in paragraph 1 of this Article.

4. The appeal shall be lodged with the Ministry within 15 days from the date of notification of the decision.

Article 49(Execution of the decision on residence revocation)

1. A residence permit sticker shall be cancelled by the competent Department in the travel document of the alien or in another identification document recognised in BiH, by imprinting the stamp reading "cancelled" across the sticker, after the decision on revocation of a residence permit becomes final and binding.

2. The decision on revocation of residence shall be executed by the Department in co-operation with OIAs, pursuant to this Law.

Part E. Residence registration of aliens

Article 50(Obligation to register temporary/permanent residence)

1. An alien is obligated to register his/her temporary residence and any change of his/her home address, as well as to register and/or de-register his/her permanent residence.

2. Registrations and de-registrations referred to in previous paragraph shall be submitted to OIA in the place of the alien's temporary or permanent residence.

Article 51(Temporary and permanent residence)

1. In the sense of this Law, temporary residence refers to the place where an alien resides temporarily.

2. In the sense of this Law, permanent residence refers to the place where an alien who has been granted permanent residence in the territory of BiH, has taken up residence with intention to live there permanently.

Article 52(Deadlines)

1. An alien who has been granted permanent residence is obligated to register his/her permanent residence and any change of his/her home address in the place of permanent residence not later than 8 days from the date of notification of the decision on granting permanent residence, and/or from the date of arriving to the place of permanent residence, and/or from the date of changing his/her home address.

2. An alien referred to in paragraph 1 of this Article as well as an alien who has been granted temporary residence is obligated to register his/her temporary residence and any change of his/her home address not later than 48 hours from the date of notification of the decision on granting temporary residence, and/or from the date of arriving to the place of temporary residence, and/or from the date of changing his/her home address.

Article 53(Natural and artificial persons obligated to register their temporary residence)

1. Natural and artificial persons that provide accommodation services to aliens are obliged to report any stay of an alien to the competent OIA, within 24 hours after providing accommodation, and/or after the moment the alien has arrived.

2. Natural and artificial persons that provide accommodation services are obliged to keep records on aliens (hereinafter: the registry book of aliens) to whom they have rendered accommodation services. They are obliged to keep the registry books of aliens for at least three years after closing them. The registry books of aliens shall be verified by the OIA in the place of permanent residence of the provider of accommodation services to aliens.

3. An alien who does not use accommodation services of natural and artificial persons referred to in paragraph 1 of this Article is obliged to register his/her residence with the competent OIA within 48 hours as of the moment of crossing the state border.

4. OIA is obligated to communicate all information relating to registration or de-registration of permanent or temporary residence of an alien, and/or relating to any change of his/her home address, to the competent Department within 24 hours from the moment of registration.

Article 54(By-law)

The Ministry shall by way of by-laws further regulate requirements and rules relating to residence of aliens in BiH.

CHAPTER V - REMOVAL OF AN ALIEN FROM THE COUNTRY

Part A. Expulsion

Article 55(Expulsion measure)

1. Expulsion is a measure instructing an alien to leave BiH and disallowing him/her to enter and stay in BiH for a certain period of time, which cannot be longer than ten years.

2. The decision on expulsion of aliens from the territory of BiH shall be issued by the Department *ex officio*, at the request of the court, OIA or SBS.

3. The period of expulsion shall commence on the day of issuing a final decision. The time spent in prison shall not be counted towards the term of this measure.

4. The decision on expulsion shall specify the deadline for voluntary enforcement of the decision, which cannot be longer than 15 days.

Article 56(Reasons for imposing expulsion measure)

1. An alien may be expelled from BiH for one of the following reasons: a) if he/she has remained in BiH after the expiration of his/her visa or residence permit or after the expiration of the period of his/her entitlement to non-visa residence, b) if he/she has remained in BiH after the cessation of his/her asylum status or after a final and binding decision on refusal of his/her application for asylum has been taken, while he/she has neither acquired the right of residence in accordance with this Law nor has acquired the citizenship of BiH, c) if he/she has remained in BiH after withdrawal or release from BiH citizenship, while he/she has not realised the right of residence in accordance with this Law, d) if he/she has violated or attempted to violate regulations on crossing the state border of BiH, regardless of whether the violation has occurred while entering or exiting BiH, e) if the right of residence of the alien or a residence permit has been revoked by a final and binding decision in accordance with this Law, f) if he/she has been convicted by a final and binding court decision for a crime which can be qualified as dealing of narcotics, selling of weaponry, trafficking of human beings, smuggling of people, terrorism, laundering of money or as any other type of organised crime, while the court has simultaneously not imposed the security measure of his/her expulsion from the territory of BiH, g) if he/she has been convicted by a court in BiH of another crime and sentenced to more than four years of imprisonment, while the court has not simultaneously imposed the security measure of his/her expulsion from the territory of BiH, h) if presence of the alien constitutes threat to national security and public order of BiH.

2. While assessing whether the expulsion measure from BiH territory shall be imposed against an alien and/or while taking the decision on duration of that measure, the Department is obligated to carefully review all the reasons relevant for issuing the decision, both detrimental and beneficial ones.

Article 57(Execution of the decision on expulsion)

1. An appeal against the decision on expulsion may be filed with the Ministry within 15 days from the date of notification of the decision.

2. A final decision on expulsion shall be executed by the Department, in co-operation with the competent OIA and SBS, by undertaking measures for forcible removal of the alien from BiH, in accordance with this Law.

Article 58

(Special cases of expulsion)

1. Exceptionally, at the reasoned proposal of the state ministry or the competent Entity OIA, the Council of Ministers of BiH may, while resolving individual cases, take the decision on expulsion of the alien from BiH if they have assessed that his/her expulsion is necessary and that it is in the interest of public order or national security, in the sense of provision of Article 1 paragraph 2 of Protocol 7 to the European Convention on Protection of Human Rights and Fundamental Freedoms.

2. The decision referred to in paragraph 1 of this Article cannot be executed contrary to the requirements referred to in Article 59 of this Law.

Part B. Provisions of protection

Article 59(*Refoulement*)

1. Aliens shall not be returned or expelled in any manner whatsoever to the frontier of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, regardless of whether or not they have formally been granted asylum. The prohibition of return or expulsion shall also apply to persons in respect of whom there is reasonable suspicion for believing that they would be in danger of being subjected to torture or other inhuman or degrading treatment or punishment. Aliens may not be sent to a country where they are not protected from being sent to such a territory either.

Article 60(Special procedure)

1. When the alien has expressed reasons referred to in Article 59 of this Law, the procedural authority shall refer the case to the Ministry for the purpose of initiating the procedure for verifying the validity of his/her statement and determining the existence of conditions required for granting temporary residence on humanitarian grounds in the sense of Article 34 paragraph 1 item d) or granting asylum in the sense of Article 75 of this Law.

2. The decision on expulsion may be executed only after the decision issued in the sense of paragraph 1 of this Article becomes final and binding.

Part C. Forcible removal of an alien from the country

Article 61(Conclusion on authorisation of enforcement)

1. An alien may be forcibly removed from BiH.

2. Forcible removal of an alien from BiH shall be carried out *ex officio* by the Department which has made the decision on expulsion of the alien or by the Department on the territory of which the alien who illegally resides there has been found and arrested, by taking the conclusion on authorisation of the enforcement.

3. The conclusion on authorisation of the enforcement shall be taken without any delay and at the latest within 7 days from the date the decision has become enforceable and shall be immediately communicated to the alien.

4. The conclusion shall specify the manner and the time for enforcement of the decision.

5. An appeal against the conclusion may be filed with the Ministry within 8 (eight) days from the date of notification.

6. The appeal does not stay the execution of the conclusion.

Article 62

(Restriction clauses)

1. Where the court proceedings have been instigated against the alien, a decision on expulsion cannot be enforced earlier than the case is resolved with a final and binding decision.
2. The decision on expulsion cannot be enforced earlier than the prison sentence imposed against the alien is fully served, except in probation cases.
3. If there exist reasons for forcible removal of the alien prescribed in this Law, the alien shall not be forcibly removed if so being in the interest of conducting the court proceedings where the alien shall appear as a plaintiff, an injured party or a witness, being a victim of trafficking of human beings or any other form of an organised crime or where the alien shall cooperate with authorities in revealing crimes and their offenders. The alien shall be granted residence prescribed in Article 34 paragraph 2 of the present Law for as long as these circumstances are present.
4. Forcible removal of an alien from the country shall not be commenced if the alien has decided to leave the territory of BiH by himself/herself or with the assistance of international governmental or non-governmental organisations and has provided an adequate guarantee for such a decision (title of transport, attestation of governmental or non-governmental organisation, etc.).

Article 63(Repatriation country)

1. If enforcement of the decision is not subject to restrictions referred to in Article 59 of this Law, an alien who has been expelled shall be sent to his/her country of origin or the country from which he/she came to BiH.
2. The alien shall be communicated to which country he/she will be sent.

Article 64(Repatriation costs)

1. The alien is obligated to pay the costs of his/her trip to the place where he/she is being sent.
2. If it is established that the alien does not have funds necessary to pay the costs of his/her trip to the sending place, the costs of his/her trip shall be born by: a) person who has issued a letter of guarantee or invitation for the purpose of entry of the alien, b) natural or artificial person, association or organisation that has employed the alien, although he/she did not have a work permit, c) BiH.

Article 65(By-law)

1. The Ministry shall by way of a by-law further regulate the manner and procedure for forcible removal of aliens from BiH.

CHAPTER VI - RECEPTION OF ALIENS AND SUPERVISION

Part A. Specialised institutions for reception of aliens

Article 66(Structure of institutions)

1. Immigration centres, asylum centres, centres for accommodation of victims of trafficking of human beings and other institutions specialised for reception of aliens may be established for the purpose of implementing the present Law.
2. The Council of Ministers of BiH shall by way of by-laws determine the title and the type of a specialised institution for reception of aliens, method of their administration, financing conditions, functioning standards, the method for ensuring special conditions for beneficiaries of a special institution, providing supervision of aliens against whom a measure of supervision has been imposed, as well as other issues relevant for operation of a certain type of a specialised institution.
3. The prescribed special conditions in specialised institutions for reception of aliens shall comply with the requirements ensuing from the Constitution and international standards relating to the treatment of beneficiaries of specialised institutions.
4. Supervision of the operation of the institution specialised for reception of aliens shall be conducted by the Ministry.

Part B. Placing an alien under supervision

Article 67

(Imposing supervision)

1. Supervision may be imposed against an alien for the purpose of ensuring the enforcement of the decision on expulsion or the decision on refusal of entry.
2. Supervision shall be imposed against an alien if there are reasonable grounds to believe that: a) the alien shall escape or otherwise prevent the execution of decisions referred to in paragraph 1 of this Article, b) free and unrestricted movement of the alien might jeopardise national security and public order of BiH.
3. For the same reasons, supervision may also be imposed against the alien admitted under international agreement on co-operation in delivering and admitting aliens whose stay is illegal.

Article 68

(Decision on placing an alien under supervision)

1. The decision on placing an alien under supervision shall be taken by the Department and/or SBS and shall be communicated to the alien without any delay, simultaneously with executing the decision.
2. The decision referred to in paragraph 1 of this Article shall incorporate the ruling on placement of the alien under supervision, the ruling on accommodation of the alien in a specialised institution, date and time of accommodation and intended period of accommodation, date and time of intended forcible removal of the alien from the country, travelling method, as well as the ruling on the amount and the party obliged to bear the costs of forcible removal. Each ruling contained in the disposition of the decision must be separately and fully explained and must contain all the reasons relevant for taking the decision.

Article 69

(Appeal)

1. An appeal against the decision on placing an alien under supervision may be lodged with the Ministry within 3 days from the date of notification of the decision.
2. The appeal does not stay the execution of the decision.
3. The Ministry is obligated to take the decision upon the appeal within 7 days from the date of notification of the appeal.

Article 70

(Execution of the decision)

1. The measure of placing an alien under supervision shall be carried out by accommodating the alien in an institution specialised for reception of aliens.
2. The alien shall remain under supervision until the moment of his/her forcible removal from the country or until the reasons that have constituted grounds for his/her placement under supervision are considerably changed.

CHAPTER VII - ASYLUM

Part A. Conditions for granting asylum

Article 71

(Definition of the term "Refugee")

1. Under this Law, asylum shall be granted to: a) an alien who according to the definition stated in Article 1 A (2) of 1951 Convention Relating to the Status of Refugees and Article 1 of 1967 Protocol, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself to the protection of that country; or b) to an alien who, not having a nationality and being outside the country of his/her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Article 72

(Exemptions)

1. Provisions of Article 71 of this Law shall not apply to an alien with respect to whom there are serious reasons for believing that: a) he/she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes, b) he/she committed a serious non-political crime outside the country of refuge before his/her entry to that country has been approved, c) he/she has been guilty of acts contrary to the purposes and principles of the United Nations.

2. Asylum may be denied to an alien who has been recognised as a refugee by another country or who has found effective protection in another country and would be able to return to that country and re-avail himself/herself of such protection.

Part B. Procedure and competent bodies

Article 73

(Request for asylum)

1. An alien may lodge the request for asylum with the Department, SBS and OIA.
2. The request for asylum, accompanied with all the supported documentation, must be forwarded to the Ministry without any delay.
3. The Ministry shall issue an attestation of the request to the asylum applicant, which shall be considered as a residence permit pending a final and binding decision upon his/her request.

Article 74

(Provision of protection)

1. No penalty shall be imposed to an asylum applicant coming directly from a territory where his/her life or freedom was threatened on account of his/her illegal entry or presence in the country, at the condition to immediately register himself/herself with the bodies referred to in Article 73 paragraph 1 of this Law and express justified reasons for his/her illegal entry or presence.

Article 75

(Procedure and competency for issuing the decision)

1. The requests for asylum shall be considered and decisions taken and issued by the Ministry.
2. The decision shall be taken after finalisation of a complete interview procedure where all facts relevant for taking the decision shall be established. An applicant must be given the opportunity to present all the circumstances known to him/her, to have access to all available evidence, as well as to suggest presentation of particular evidence.

3. An alien shall be given an opportunity to follow the course of the procedure through an interpreter if he/she does not know the language used during the procedure, as well as to use the services of a legal or another counsellor. The obligation of the conductor of the procedure is to inform the applicant about all the rights and obligations stemming from the Law.

4. Recognition of the refugee status is not dependent on the production of any particular formal evidence.

5. Any decision taken upon validity of the request for asylum must be fully reasoned and shall be communicated to the applicant in person.

6. The decision must clearly demonstrate the right to complaint and the deadlines.

Article 76(Protection of data)

1. Asylum procedures shall be closed for public and all information in connection with this procedure shall be considered as confidential.

Article 77

(Complaint)

1. No appeal is allowed against the decision referred to in Article 75 of this Law.

2. The complaint shall stay the execution of the decision.

Article 78

(Provisions on protection)

1. The asylum applicant who has exhausted all available legal remedies and whose asylum request has been rejected with a final and binding decision, but with respect to whom it has been determined in the course of the procedure that he/she nevertheless cannot be removed from the territory of BiH for the reasons prescribed in the provision of Article 59 of the Law, shall be issued a temporary residence permit reasoned on humanitarian grounds in the sense of Article 34 paragraph 1 item d) of the Law.

Article 79

(Reception of asylum applicants)

1. The Ministry shall make provision for adequate conditions of reception of asylum applicants, notably in the area of accommodation, food, access to health care and education.

Part C. Rights and obligations of a refugee

Article 80(Rights of a refugee)

1. An alien to whom asylum has been granted shall acquire the refugee status and shall be entitled to rights defined in Articles 3 to 34 of the 1951 Convention Relating to the Status of Refugees.

2. Provisions of 1951 Convention Relating to the Status of Refugees shall not prejudice the provisions of this and other special domestic laws or provisions of other international instruments which are already in force and to which BiH is a Contracting Party, in case that they accord a more favourable treatment to aliens with the recognised refugee status.

3. The alien holding a refugee status shall be entitled to reside on the territory of BiH as long as his/her asylum is legitimate and shall be issued to that end a residence permit for refugees. The refugee status shall in principle be extended to the spouse and minor children as well as other close family members if they are living in the same household, on the territory of

BiH. Entry visas shall be provided to close family members of an alien to whom asylum has been granted. An alien to whom asylum has been granted shall be authorised to work and shall have access to education, medical care and social welfare on the same conditions as citizens of BiH.

Article 81

(Documents for refugees)

1. Identity papers shall be issued to an alien holding a refugee status and staying in the territory of BiH.
2. The alien holding a refugee status, who does not have a valid travel document or is unable to obtain a travel document from the country of his/her habitual residence may be issued a travel document for refugees for the purpose of travelling abroad and returning to the territory of BiH, unless there exist compelling reasons of national security and public order.
3. The travel document for an alien shall be issued for the period of validity of not less than two years and shall be extendable.

Part D. Cessation of asylum

Article 82

(Reasons for cessation of asylum)

1. Asylum granted in BiH shall cease for an alien: a) who has voluntarily re-availed himself/herself of the protection of the State of his/her citizenship, or b) who, having lost the citizenship of another country has voluntarily re-acquired it, or c) who has acquired a new citizenship and enjoys the protection of the country of this new citizenship, or d) who has voluntarily re-established himself/herself in the State which he/she left or outside which he/she remained owing to fear of persecution, or e) who can no longer, because the circumstances in connection with which he/she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself/herself of the protection of the State of his/her citizenship, or f) who being stateless can no longer, because the circumstances in connection with which he/she has been recognised as a refugee have ceased to exist, refuse to avail himself/herself of the protection of the State of former habitual residence, or g) who has obtained the citizenship of BiH.
2. If an alien is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself/herself of the protection of the country of his/her citizenship as referred to in item e) of paragraph 1 and/or the country of his former habitual residence as referred to in item f) of paragraph 1, the stated items shall not be applied.

Article 83

(Competency and complaint)

1. The decision on cessation of asylum shall be taken by the Ministry *ex officio* or at the request of MFA, OIA, SBS or the Department.
2. No appeal is allowed against the decision referred to in Paragraph 1 of this Article.
3. The complaint filed with the competent court by the alien shall stay the execution of the decision.
4. The alien may neither be expelled nor forcibly removed from the territory of BiH before the decision referred to in paragraph 1 of this Article becomes final and binding.

Article 84

(Mass influx of aliens)

1. In cases of mass influx, or imminent mass influx, of aliens in need of international protection, the Council of Ministers of BiH may, in consultation with UNHCR, issue special regulations for their protection.2. The Council of Ministers of BiH shall, in consultation with UNHCR, cancel regulations referred to in paragraph 1 of this Article, after cessation of the reasons justifying their existence, which shall be without prejudice to the rights of aliens who by way of these regulations have been granted protection, to seek asylum.

Article 85

(Co-operation with UNHCR)

1. Asylum applicants shall be given the opportunity, at all stages of the procedure, to communicate with UNHCR or with other refugee organisations that may be working on behalf of UNHCR, and vice versa. The representative of UNHCR shall be informed of the course of the procedure, of the decisions of the competent authorities and shall be given opportunity to submit his/her observations.

Article 86

(By-law)

1. The Ministry shall by way of a by-law further regulate issues regulated in Chapter VII of this Law.
2. The method and procedure for registration of refugees, as well as principles of data protection relating to refugees shall be established in the act referred to in paragraph 1 of this Article.

CHAPTER VIII - SPECIAL PROVISIONS

Article 87(Protection of rights)

1. No provision of this Law shall preclude any person covered by this Law from exercising and protecting his/her rights before any responsible authority in accordance with the Constitution and legislation of BiH, Entities and Brčko District of BiH.

Article 88(Privileges and immunities)

1. Provisions of this Law, with the exception of the Chapter relating to asylum, shall not be applicable to diplomatic and consular agents or other persons covered by specific agreements on privileges and immunities to which BiH is a Contracting Party.

Article 89

(Application of provisions)

1. Chapters II, III, IV and IX, except for Articles 21, 50, 52, 84 and Article 94 of this Law, shall not apply to asylum applicants as well as to persons who have been granted asylum.

Article 90

(Official records)

1. In accordance with this Law, official records shall be kept on:a) aliens with permanent or temporary residence,b) travel documents for aliens issued in accordance with this Law,c) aliens who have been refused entry or who have been expelled,d) executed measures with regard to aliens,e) reported missing travel documents of aliens,f) issued personal documents,g) residence registration, residence de-registration and change of address,h) aliens who have been granted asylum or aliens who have submitted the application seeking asylum,i) aliens who have been forcibly removed from the territory of BiH.

2. Official records shall be kept by the authority which is under this Law competent for acting upon certain matters, and which shall forward any information obtained from the records to the Ministry.

Article 91

(Central database)

1. Central database of aliens shall be established within the Ministry for the purpose of recording and monitoring the movement of aliens and the status of asylum.

2. The authorities of OIA and SBS shall have access to these records and data, if so necessary for executing their duties stipulated by this Law.

3. Processing of all data referred to in this Law shall be subject to principles of data protection valid in BiH.

4. SBS shall keep special records where data relating to the identity, purpose of entry, stay and exit of the alien from BiH shall be copied from a valid travel document of the alien and from his/her supporting travel documentation. Article 92

(By-law)

1. The Ministry shall by way of by-laws further regulate rules and regulations on keeping records, using and accessing central database of aliens.

CHAPTER IX - PENALTY PROVISIONS

Article 93

1. A natural person who has rendered accommodation services to an alien shall be fined with 200.00 KM - 1,000.00 KM for the offence if: a) he/she has failed to report, within a prescribed deadline, stay of the alien to whom accommodation services have been rendered (Article 53), b) he/she has failed to keep records of aliens to whom accommodation services have been rendered or if he/she has kept these records improperly (Article 53).

2. An artificial person who has rendered accommodation services to an alien shall be fined with 500.00 KM - 2,000.00 KM for the offence referred to in paragraph 1 of this Article.

Article 94

1. An alien shall be fined with 100.00 KM to 500.00 KM for the offence if: a) he/she has refused to show the document verifying his/her identity or his/her right to enter and stay to the authorised official or if he/she does not have the document to verify his/her identity (Article 9), b) he/she has not registered his/her permanent or temporary residence, change of his/her home address in the place of permanent residence within a prescribed deadline or if he/she has failed to de-register his/her permanent residence before his/her departure from the place of permanent residence (Article 52).

Article 95

1. An alien shall be fined with 100.00 KM to 1,500.00 KM or sentenced to imprisonment of 30 days for the offence if: a) he/she has entered BiH contrary to the requirements prescribed in provisions of Articles 10 and 11 of the present Law, b) if he/she has stayed in BiH longer than specified in his/her visa, stay permit or residence permit, c) if he/she has failed to leave the territory of BiH within the deadline determined in this Law.

2. An authorised official responsible to control crossings of the state border may at the border crossing collect the fine in the amount of 100.00 KM for each day of delay for the offence referred to in item 4 paragraph 1 of this Article, unless the alien has not exceeded his/her stay for more than five (5) days and is able to justify the reasons for this delay.

Article 96(Competency)

1. The offence courts established by Entity regulations and/or by regulations of Brčko District of BiH shall be competent for conducting the offence proceedings in accordance with provisions of this Law, for as long as a special law provides otherwise.

CHAPTER X - TRANSITIONAL AND FINAL PROVISIONS

Article 97(Acquired rights)

1. All persons who have already acquired a refugee status or who have been granted temporary admission within the territory of BiH before the entry into force of this Law shall have that status recognised in the sense of this Law.
2. The Ministry may, with the consent of the Council of Ministers of BiH, by way of by-laws regulate conditions for further enjoyment of that status.

Article 98(Pending cases)

1. All cases upon which a final and binding decision has not been taken before entering into force of this Law shall be finalised in accordance with provisions of regulations that were in force at the time of initiating the proceedings.

Article 99(Competency of structural units of OIAs)

1. Pending the commencement of the operation of the Office for Immigration and Asylum of the Ministry for Human Rights and Refugees, all administrative matters which are under this Law in the competency of the Department for Immigration and Asylum shall be performed by adequate structural units within the Public Security Centres of the Ministry of Internal Affairs of the Republika Srpska, cantonal Ministries of Internal Affairs in BiH Federation and the Police of Brčko District of BiH.

Article 100(Establishment of the Office)

1. The Ministry is obligated to establish the Office for Immigration and Asylum within a year from the date of entering into force of the present Law.
2. The Ministry shall take over resources, equipment and files from the respective structural units of OIAs, which pursuant to Article 99 of this Law have performed activities from the competency of the Ministry.
3. The employees of OIAs who have performed activities from the competency of the Ministry shall be transferred into the Departments if they fulfil special requirements prescribed in the by-law referred to in Article 3 of the present Law, while other employees shall be deployed by OIAs in accordance with their acts on internal organisation and systematisation of posts.

Article 101(Cessation of validity of regulations)

1. The Law on Immigration and Asylum of BiH (Official Gazette of BiH, number 23/99), the Book of Rules on Conditions and Procedures for Entry of Aliens, Issuance of Visas and Other Travel Documents and Issuance of Attestations for the Stay of Aliens in BiH (Official Gazette of BiH, number 29/01), the Decision on Establishment and Composition of the Appeal Panel (Official Gazette of BiH, number 12/01) and the Decision on Conditions for Announcing an Alien as Undesirable Person in Bosnia and Herzegovina (Official Gazette of BiH, number 6/02) shall cease to be applied from the date of entering into force of this Law.
2. The bodies specified in this Law are obligated to pass the by-laws within one year from the day of entering into force of this Law.
3. Entities and Brčko District of BiH are obligated to harmonise their legislation with this Law within six months from the day of entering into force of this Law.

Article 102(Entry into force)

This Law shall enter into force on the eighth day after its publication in the Official Gazette of BiH and shall be published in Official Gazettes of the Entities and Brčko District of BiH.