

**(Published in the “Official Gazette of BiH”, N° 87/12 of 5 November 2012)**

**THE PARLIAMENTARY ASSEMBLY  
OF BOSNIA AND HERZEGOVINA**

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 33<sup>rd</sup> session of the House of Representatives held on 6 September 2012, and at the 21<sup>st</sup> session of the House of Peoples held on 22 October 2012, adopted the following

**LAW  
ON AMENDMENTS TO THE LAW ON  
MOVEMENT AND STAY OF ALIENS  
AND ASYLUM**

**Article 1**

In the Law on movement and stay of aliens and asylum (the “Official Gazette of BiH”, No. 36/08), in Article 3 (*Application of the Administrative Proceedings Law*), paragraph (1) is followed by a new paragraph (2) which reads:

“(2) In cases in which an alien does not notify the competent body on their change of address or they are unreachable at the given address, the delivery of decisions in accordance with this Law shall be executed through the notice board of the competent body.”

**Article 2**

In Article 7 (*Freedom of Movement*), after paragraph (4), new paragraphs (5), (6), (7) and (8) are added to read:

“(5) In the proceedings of rendering decisions which are based on information contained in a document

marked as confidential, determined by the body referred to in paragraph (4) of this Article or another competent body, provisions of the Law on protection of secret data shall apply.

- (6) The Service may, based on an elaborated proposition of the competent body, deny the exit of an alien from BiH in case of a justified suspicion that by exiting BiH, he/she would avoid prosecution for criminal acts, i.e. minor offence, execution of a sentence, execution of a court order, being deprived of freedom or execution of the delivered obligation on property, on which the Border police is notified.
- (7) The Service shall, for reasons referred to in paragraph (6) of this Article, temporarily, up to 30 days, confiscate the travel documents and other documents which an alien can use to cross the state border.
- (8) Upon expiry of the deadline referred to in paragraph (7) of this Article or upon termination of reasons referred to in paragraph (6) of this Article, an alien shall receive their travel documents and other documents and be permitted to exit BiH.”

**Article 3**

In Article 10 (*Association of aliens, carrying weapons and wearing uniforms in BiH*), paragraph (3) and (4) and Article 142 (*Movement while wearing foreign uniform*), paragraph (5), the words: “surveillance and control of state border crossing” are replaced with words: “border control”.

**Article 4**

In Article 14 (*Establishing alien identity*), paragraph (1), after the word “supervision”, the following words are added: “and the

measure of expulsion from BiH may be imposed”.

In paragraph (2), after the words: “(Admission of aliens and supervision)”, a comma is added and words as follows: “and the measure of expulsion in accordance with the provisions under Article 87 (*Expulsion measures*) and 88 (*Reasons for imposing the expulsion measures*)”.

In paragraph (4), after the word “initiated”, the following words are added: “Border police or”.

### **Article 5**

In Article 15 (*Crossing the State border*), paragraph (2), a full stop is deleted at the end of the sentence, a comma and words are added: “unless otherwise provided by the Law on border control or by an international contract.”

Paragraph (3) is deleted.

In paragraph (4), the words: “Law on surveillance and control of crossing of the state border” are replaced with words: “Law on border control”.

Existing paragraphs (4), (5), (6), (7) and (8) become paragraphs (3), (4), (5), (6) and (7).

### **Article 6**

In Article 17 (*Collective or group travel documents and special attention to minors*), in paragraph (3), number “18” is replaced with number “14”, and the word “(minor)” is deleted.

### **Article 7**

In Article 18 (*Obligations of carriers and organizers of tourist or similar travel*), paragraph (2), item a) is amended to read:

“a) transport an alien who is denied entry to BiH because he/she fails to meet the requirements to enter BiH referred to in Article 19 of this Law from the border

crossing and return him/her to the state from which it transported the alien or to a state which issued the travel documents used for travelling or any other state for which he or she is assured will accept him or her, or organize different way of transport, without delay and at its own expense, and.”

After paragraph (3), a new paragraph (4) is added to read:

“(4) Obligations referred to in paragraph (2) of this Article apply on the carrier who transported the alien in transit:

- a) if the carrier who was supposed to transport him to the destination country refused to transport him or
- b) if he/she was refused entry to the country of destination.”

Existing paragraphs (4) and (5) become paragraphs (5) and (6).

### **Article 8**

In Article 20 (*Entry on special conditions*), after the word “entry”, the words: “and stay” are added, and the words: “Article 19 (*General entry conditions*)” are deleted.

### **Article 9**

In Article 25 (*Reasons for entry refusal*), paragraph (2) is amended to read:

“(2) An alien may be refused to enter BiH apart from the reasons referred to in paragraph (1) of this Article if:

- a) while attempting to enter BiH he/she submits a falsified travel document;
- b) while attempting to enter BiH he/she submits a falsified visa or permit for temporary residence;
- c) he/she already spent 90 days on BiH territory in the period of 6 months, counting from the day of the first entry, and if he/she is a citizen of no-visa regime country, unless he/she is

subject to the provision referred to in Article 20 of this Law;

- d) there are grounds for suspicion that he/she will conduct a type of business for which a work permit is necessary, and to whom the provisions of Article 84 of this Law are not applied.”

#### **Article 10**

In Article 26 (*Procedure and consequence of entry refusal*), paragraph (2) is amended to read:

“(2) an alien who is refused to enter BiH due to non-fulfilment of conditions for entering BiH, regulated by this Law, a decision on the refusal of entry is rendered.”

Paragraph (3) is amended to read:

“(3) An alien who is refused to enter BiH is warned that he/she is obliged to leave the border crossing immediately.”

Paragraph (7) is amended to read:

“(7) An alien who is refused to enter BiH may enter BiH after the reasons for which the entry was refused are eliminated.”

#### **Article 11**

In Article 27 (*General provisions on visas*), paragraph (1) is amended to read:

“(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.”

In paragraph (5), at the end of the sentence a full stop is deleted and a comma and words are added:

“unless otherwise provided by this Law.”

#### **Article 12**

In Article 28 (*Types of visas*), item b) is deleted.

The existing items c) and d) become b) and c).

#### **Article 13**

Article 30 (*Transit visa – Visa B*) is deleted.

#### **Article 14**

In Article 31 (*Short-term stay visas – Visa C*), paragraph (1) is amended to read:

“(1) Short-term stay visa (Visa C) enables an alien transit, one or multiple entries or stays in the country. None of the uninterrupted stays nor the total duration of consecutive stays in BiH may exceed 90 days within the period of six months, counting from the day of the first entry.”

#### **Article 15**

In Article 33 (*Visa issuance conditions*), paragraph (6), Article 35 (*Issuance of visa for a collective passport*), paragraph (1) and Article 159 (*Deadlines for enactment of by-laws of the MoFA under this Law*), paragraph (2), the words: “and transit visa (Visa B)” are deleted.

#### **Article 16**

In Article 34 (*Letter of invitation*), paragraph (3) is amended to read:

“(3) By way of derogation from paragraph (2) of this Article, a letter of invitation for the purpose of family reunification or visit may be issued by an alien who is staying on the grounds of an approved temporary residence in BiH for longer than 18 months, while an alien with an approved temporary residence for up to one year may issue a letter of invitation exclusively for the purpose of a visit.”

After paragraphs (6), new paragraphs (7) and (8) are added to read:

- “(7) The Service may certify a letter of invitation for a group of at least five and maximum of 50 persons who travel with a common passport.
- (8) A letter of invitation, in the sense of this Law, is also an official document of the state, entity or cantonal authorities, Brčko District of BiH authorities as well as of diplomatic-consular representation of a foreign country or an international organization which holds a diplomatic status in BiH.”

#### **Article 17**

In Article 36 (*Issuing authority and place of issue*), paragraph (4) is amended to read:

- “(4) An appeal to the decision refusing the application for visa issuance may be lodged with the MFA, via BiH DCR, within 15 days of the receipt of the decision.”
- “(8) An appeal to the decision refusing the application for visa issuance on a border crossing may be lodged with the Ministry within 15 days from the day of the receipt of the decision. The appeal does not prolong the execution of the decision.”

#### **Article 18**

In Article 38 (*Visa renewal*), paragraph (3) is amended to read:

- “(3) An application for visa renewal is filed with the Service before the expiry of the visa and/or the residence permit based on the issued visa. The Service renders a decision on visa renewal within seven days of the receipt of application. An alien may reside in BiH until a decision on the application for visa renewal is rendered.”

Paragraph (4) is amended to read:

- “(4) An appeal to the decision refusing, i.e. rejecting the application for visa renewal may be lodged with the Ministry within three days of the receipt of the decision. An appeal does not prolong the execution of the decision.”

#### **Article 19**

In Article 39 (*Reasons for not issuing a visa and for issuing of a visa exceptionally for humanitarian purposes*), the title of the Article is amended to read: “(Refusal of visa issuance and exceptional visa issuance for humanitarian purposes)”.

In paragraph (1), the words: “Visa shall not be issued:” are replaced with words: “A visa application is refused:”, after item c), the word “or” is deleted, and after the text of item d), a full stop is deleted, a semicolon and new items e), f) and g) are added, which read:

- “e) if an alien already resided in BiH for 90 days and six months from the day of the first entry has not passed;
- f) if the expiry date of the passport of an alien, in which the visa is issued, is less than three months from the last day of intended stay in BiH or
- g) if he refuses to provide biometric data when filing an application.”

#### **Article 20**

In Article 40 (*Reducing of the visa validity*), paragraph (4) is amended to read:

- “(4) An appeal to the decision reducing the validity of the visa may be lodged with the Ministry within three days from the day of the receipt of the decision.”

#### **Article 21**

In Article 41 (*Visa cancellation at the border*), in paragraph (1) after the word “forged”, the words: “or gained by conceit”

are added, and the words: “Visa can also be cancelled in the case when entry to BiH has been refused.” are deleted.

In paragraph (2) the word “Decision” is replaced by “Decision”<sup>1</sup>.

In paragraph (3) the word “Decision” is replaced by “Decision”<sup>2</sup>.

Paragraph (4) is amended to read:

“(4) An appeal to the decision of visa cancellation at the border may be lodged with the Ministry within 15 days from the day of the receipt of the decision. The appeal does not prolong the execution of the decision.”

### **Article 22**

In Article 43 (*Visa cancellation procedure*), in paragraph (2), the words: “The decision referred to in paragraph (1) of this Article shall be enforced with immediate effect.” are deleted.

Paragraph (3) is amended to read:

“(3) An appeal to the decision on visa cancellation in the country may be lodged with the Ministry within three days from the day of the delivery of the decision.”

### **Article 23**

In Article 52 (*Grounds for issuing a temporary residence permit*), paragraph (1) is amended to read:

“(1) A temporary residence permit may be issued for justified reasons such as: marriage to or an extra marital community with a BiH citizen, family reunification, education, employment as specified in an issued work permit, employment without a work permit, medical treatment or rehabilitation, stay in a home for elderly persons or

for humanitarian reasons, and other similar justified reasons or reasons based on international agreements in which BiH is a contractual party.”

### **Article 24**

In Article 53 (*General conditions for granting temporary residence*), in paragraph (1), item g) is amended to read:

“(g) there is no criminal procedure being conducted against the alien, which is proved with a certificate issued by the competent body of the country in which he/she has habitual place of residence and which is not older than six months from the day of applying for residence.”

Paragraph (2) is amended to read:

“(2) Evidence referred to in item a) of paragraph (1) of this Article shall refer to:

- a) a marriage certificate or other relevant evidence of marriage that is legally valid in BiH, or evidence which is eligible for confirmation of the existence of a common law marriage;
- b) a birth certificate or other relevant affidavit of family relationship;
- c) a work permit in BiH;
- d) evidence on registration at a home for elderly persons;
- e) an attestation of enrolment into an educational institution for the current year;
- f) a medical report accompanied with the recommendation of a medical institution confirming the necessity of long-term medical treatment in BiH;
- g) documents confirming obtained qualifications;
- h) evidence that an alien is residing on the basis of an international agreement in which BiH is a contractual party;

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<sup>1</sup> Translator's note: The word remains the same in the English version of the text.

<sup>2</sup> Ibid

- i) evidence that an alien belongs to one of the categories referred to in Article 84, paragraph (1) of this Law, in the case of applying for temporary residence on the basis of employment without a work permit;
- j) evidence of ownership of a real estate and existence of an effective connection with BiH, or
- k) other evidence required to support a reasonable conclusion that there are justified grounds for the alien's stay in the country, which is assessed by the Service when deciding the matters of Article 60 (*Application for the first temporary residence permit, request for renewal of the residence permit and competency*), paragraph (6) of this Law.”

After paragraph (2), new paragraphs (3) and (4) are added to read:

- “(3) It is considered that an alien holding a work permit for employment in BiH fulfils the conditions which relate to the possession of means for supporting himself/herself and for his/her health insurance.
- (4) In case an alien applies for temporary residence renewal, he/she may be excluded from the obligation of collecting evidence referred to in paragraph (1), item c) and g) of this Article, depending on the Service's decision.”

## **Article 25**

In Article 54 (*Temporary residence on humanitarian grounds*), after paragraph (2), a new paragraph (3) is added to read:

- “(3) An alien who has been granted temporary residence on humanitarian grounds referred to in paragraph (1), item a) of this Article, as a victim of trafficking in persons and whose residence in BiH is necessary for the

purpose of cooperation with competent bodies in an investigation aimed at detection and processing of criminal offence of trafficking in persons, has the right to: an adequate and safe accommodation, access to emergency medical protection, psychological assistance, be informed on his/her legal status, legal assistance during criminal and other proceedings in which he/she granted other rights, access to job market under the same conditions applying to aliens, as well as access to professional training and education. A child who holds an approved temporary residence permit as a victim of trafficking in persons shall have access to education.”

Existing paragraph (3), which becomes paragraph (4), is amended to read:

- “(4) An alien to whom a temporary residence permit has been granted on humanitarian grounds based on item c) paragraph (1) of this Article is entitled to work under the same conditions applying to aliens, and shall have access to basic education under the same conditions applying to BiH citizens.

Existing paragraphs (4) and (5) become paragraphs (5) and (6).

After existing paragraph (5), which becomes paragraph (6), a new paragraph (7) is added to read:

- “(7) An alien to whom a temporary residence permit has been granted on the basis of paragraph (1) of this Article, and who does not own a valid travel document, an identity certificate is issued. The form, content, expiry date, proceedings and other issues related to the issuance of identity certificate shall be prescribed in a separate Ministerial regulation after obtaining an opinion from the Ministry

of civil affairs of BiH and the Service.”

#### **Article 26**

In Article 55 (*Recommendation of a competent authority*), after item “b)”, a comma is added and item “d)”.

#### **Article 27**

In Article 57 (*Temporary residence on the grounds of family reunification*), in paragraph (1), the words: “or of an alien with a temporary residence permit in BiH valid for one year if there are reasonable grounds that he could be granted a permanent residence permit in BiH” are replaced with words: “or of an alien residing on the basis of an approved temporary residence in BiH longer than 18 months.”

#### **Article 28**

In Article 58 (*Residence in event of cessation of marriage and of common law marriage*), after paragraph (1), a new paragraph (2) is added to read:

“(2) Exceptionally, a temporary residence on the basis of family reunification may be granted to an alien who did not have a temporary residence permit before the death of a spouse or a common law partner who was a BiH citizen if he/she, after the death, assumed custody over an underage child who is a citizen of BiH and resides in BiH.”

#### **Article 29**

Article 59 (*Conditions for issuing a permanent residence permit*) is amended to read:

“Article 59  
(*Conditions for issuing a permanent residence permit*)

(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 BiH on the basis of a temporary residence permit for at least five years uninterruptedly prior to submitting the application for issuance of a permanent residence permit,
- b) that he/she has sufficient and regular funds in order to support himself/herself,
- c) that he/she has confirmed adequate accommodation,
- d) that he/she has confirmed health insurance,
- f) that he/she has knowledge of one of the languages and scripts which are in official use in BiH, and
- g) that there is no criminal procedure being conducted against the alien, which is proved with a certificate issued by the competent authority of the country in which he/she has habitual place of residence and which is not older than six months from the day of applying for residence.

(2) An examination of knowledge of one of the languages and scripts which are in official use in BiH may be conducted by universities, secondary education institutions or education institutions for adults, which, on the basis of an approval of the ministry competent for education in BiH, conduct programs for learning of a language which is in official use in BiH and examinations. The following are excluded from examination: preschool children, persons attending or have finished primary, secondary or higher education in one of the languages in official use in BiH and persons over 60 years of age unless they are in a work relationship.

The expenses of potential courses for language learning and examinations are paid by the alien.

- (3) An alien is considered to uninterruptedly reside in BiH if during the period of five years he/she repeatedly left BiH for up to 10 months in total or for up to six months on a single occasion.
- (4) An alien shall submit an application for the approval of permanent residence within the time of validity of his/her temporary residence.
- (5) An alien shall not be granted permanent residence even in the case of fulfilled conditions if, in the past five years, he/she resided in BiH:
  - a) on the basis of temporary protection or has submitted an application for temporary protection and awaits a decision on his/her status;
  - b) on the basis of international protection or has submitted an application for temporary protection and awaits a decision on his/her status;
  - c) on the basis of a legal status as set out in Vienna Convention on Diplomatic Relations from 1961, Vienna Convention on consular relations from 1963, Convention on special missions from 1969 or Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character from 1975;
  - d) on the basis of temporary residence due to humanitarian reasons under Article 54 (*Temporary residence on humanitarian grounds*), paragraph (1), item b), c), d) and e) of this Law;
  - e) for the purpose of serving a sentence or execution of another criminal sanction or other

commitment on the basis of a Court decision or a decision of another competent authority;

- f) on the basis of medical treatment or rehabilitation,
  - g) on the basis of work without a work permit toward the realization of a project relevant for BiH which is implemented by an international or a local institution or a humanitarian organization, an association, a foundation or another organization;
  - h) on the basis of work without a work permit if an alien provides services on behalf of a foreign employer or is a volunteer, or
  - i) on the basis of family reunification with an alien whose basis for temporary residence does not belong to the one which is subject to application for permanent residence in BiH.
- (6) An alien whose temporary residence is granted on the basis of education, for the time necessary for the approval of permanent residence as referred to in paragraph (1), item a) of this Article, half of the time spent on the basis of granted temporary residence is considered. Application for permanent residence which is filed during temporary residence may not be on the basis of education.”

### **Article 30**

In Article 62 (*Refusal and rejection of applications for a residence permit*), paragraph (1) is amended to read:

- “(1) An application for the approval, i.e. renewal of temporary residence permit and an application for the approval of permanent residence permit shall be refused if:
- a) an alien does not fulfil general or special condition for approval of

residence as set out in Article 53 (*General conditions for granting temporary residence*) and 59 (*Conditions for issuing a permanent residence permit*) of this Law;

b) the application for residence permit is not submitted in accordance with Article 60 (*The Application for the first temporary residence permit, request for extension of the residence permit and competency*) of this Law;

c) he/she illegally entered the territory of BiH, unless there exist reasons for the issuance of a residence permit on humanitarian grounds in the sense of Article 54 (*Temporary residence on humanitarian grounds*) of this Law;

d) he/she intentionally provided incorrect information or intentionally misrepresented circumstances of relevance for the issuance of the permit;

e) a measure of expulsion from BiH has been imposed against him/her, for as long as the measure is in force;

f) he/she refuses to provide biometric data at the time of filing of an application;

g) he/she has been registered with the competent body as a criminal offender and particularly as an international offender;

h) he/she is convicted of a criminal act upon the final judgment, while erasure of the conviction has not started;

i) there are other compelling reasons arising from international treaties to which BiH is a contracting party;

j) his/her presence constitutes a threat to public order or security of BiH, or represents a threat to BiH public health, excluding the circumstances where a disease has

occurred after the approved stay in BiH;

k) the Service determines that a marriage was concluded, common law marriage was established, or adoption was conducted exclusively for the purpose of entry and/or stay of an alien in the territory of BiH.

l) a sentence for a minor offence was imposed and not executed;

m) he/she is recorded in the criminal or minor offence registries of the law enforcement bodies as a repeated offender, regardless of the fact that this may be a Court caution, conditional sentence or a fine, or

n) the Service receives information from competent authorities and security services in BiH that an alien, in any way, participates in criminal activities, and especially organized, overseas or transnational crime or is a member of an organization which plans or in any way participates in such activities.”

After paragraph (1), a new paragraph (2) is added which reads:

“(2) By way of derogation from paragraph (1) of this Article, an alien may be granted residence if this is in BiH’s interest.”

Existing paragraphs (2) and (3) become paragraphs (3) and (4).

In existing paragraph (3), which becomes paragraph (4), after the word “delivery”, a word “final” is added.

After existing paragraph (3) which becomes paragraph (4), new paragraphs (5) and (6) are added to read:

“(5) The Courts shall deliver to the Service the conviction for a criminal act upon the final judgment concerning an alien.

(6) Penitentiaries are obliged to deliver data to locally authorized organizational unit of the Service on aliens who are admitted to serve a prison sentence

within three days from the day of admission of an alien, as well as information regarding his/her release on the day of obtaining knowledge of the date of release.”

### **Article 31**

In Article 64 (*Residence permit sticker*), after paragraph (2), new paragraphs (3) and (4) are added to read:

“(3) Upon fulfilment of technical conditions, which shall be determined by a separate Ministerial act, a permit sticker shall be replaced with a residence permit as well as a special document with an alien’s biometric data, which is personalized and issued by the Service. Personalization is the process of printing personal data of the carrier of this document on the residence permit form.

(4) The Ministry shall, upon acquiring the opinion of the Service, with special by-law regulations regulate in detail the form and procedures for issuance of residence permit.”

### **Article 32**

After Article 65 (*Amendments to the decision granting the residence permit*), a new Article 65a is added to read:

#### **“Article 65a (Termination of residence)**

- (1) An alien’s residence is terminated:
- a) on his/her personal request;
  - b) by obtaining BiH citizenship;
  - c) at the time of his/her death;
  - d) with issuance of a measure under Article 90 (Special cases of expulsion) of this Law, or
  - e) if it was granted on the basis of family reunification with an alien

whose residence ended or was cancelled in accordance with this Law.

(2) Competent authorities which keep records on the facts referred to in paragraph (1), item b) and c) of this Article are obliged to immediately notify the Service on these facts and, at the latest, within seven days of their creation.

(3) The Service renders a decision on termination of residence referred to in paragraph (1), item a) of this Article, against which a complaint may be lodged with the Ministry within 15 days from the days of its delivery.”

### **Article 33**

In Article 68 (*Reasons for cancellation of residence*), in paragraph (1), item i), at the end of the sentence and after the word “permit;”, a semi-colon is deleted and words: “or performs a certain activity without permission from a competent BiH body;” are added.

In item o), the words: “12 months” are replaced with words: “six months”.

Paragraph (3) is amended to read:

“(3) If an alien holds a permanent residence permit, it may be cancelled on the basis of reasons specified in paragraph (1), items a), b), c), d), e), h) or m) this Article. If an alien’s permanent residence permit is being cancelled on the basis of reasons specified in paragraph (1), item m) of this Article, he/she may be rendered a measure of expulsion from BiH with a prohibition of entry to BiH in addition to the cancellation of residence.”

Paragraph (5) is amended to read:

“(5) If, because of reasons stipulated in items a), b), c), d), e), g), h) i) l) or m) of paragraph (1) of this Article, an

alien's non-visa or temporary residence is cancelled, he/she may be rendered a measure of expulsion from BiH with a prohibition of entry to BiH in addition to the cancellation of residence."

After paragraph (5), a new paragraph (6) is added to read:

"(6) Apart from reasons stipulated in paragraph (1) of this Article, an alien's non-visa residence may be cancelled if the Service receives information from the competent authorities and security services in BiH that an alien, in any way, participates in criminal activities, and especially organized, overseas or transnational crime or is a member of an organization which plans or in any way participates in such activities. A measure of expulsion from BiH with a prohibition of entry to BiH in addition to the cancellation of residence may be rendered."

Existing paragraphs (6) and (7) become paragraphs (7) and (8).

#### **Article 34**

In Article 83 (*Termination of work permit*), in paragraph (3), the word "taken" is replaced with the words: "receipt of final".

#### **Article 35**

In Article 84 (*Exception from the requirement to hold a work permit*), in paragraph (1), after the words "pertaining", the words: "to visa, non-visa and" are added."

Item a) is amended to read:

"a) Key persons within a legal person who hold higher administrative positions in management, i.e. who manage divisions, monitor and oversee the work of other employees, have authority to hire and let go of employees or are

experts who have exceptional knowledge which is necessary for the operations of a legal person, research equipment, techniques or management and similar, who has been employed by this legal person for at least a year or has acted as a partner immediately before moving to BiH, in cases when the appointment does not have the characteristics of employment nor does performance of these duties exceed three months a year in total;

In item b), a comma and words: ", performing certain tasks in that company or enterprise, if such tasks do not have characteristics of employment and does not exceed a total of three months a year;" are deleted.

In item i), after the words "arts", the words: "film artists" are added.

In item l), a comma and words: "if they do not stay in BiH more than 30 consecutive days or more than three months a year with interruptions" are deleted.

In item m), a comma and the words: ",for a period of three months a year" are added.

In item n), the words: "holding temporary residence permit" are replaced with words: "who are engaged."

Items t), u) and v) are amended to read:

"t) aliens who are engaged in projects which are significant to BiH if they are as experts or key persons significant for the realization of the project;

u) aliens who reside for the purpose of volunteer work in humanitarian organizations, citizen's associations or foundations;

v) doctors who are engaged, upon invitation of a health institution in BiH, in performance of specialized check-ups and other medical services if such work does not exceed a total of three months a year."

Paragraph (2) is amended to read:

“(2) Categories of aliens referred to in paragraph (1) of this Article may work in BiH on the basis of a certificate on work registration during the validity of the visa, non-visa or previously granted residence. The certificate on work registration, at an alien’s request, is issued by an organizational unit of the Service in its area of jurisdiction. A certificate on work registration is issued on a form stipulated in a by-law. An employer may hire an alien on a position for which a certificate on work registration was issued and is obliged, for the purpose of control for the duration of such work, to hold a copy of such certificate. The manner of proving the working status of an alien referred to in paragraph (1) of this Article and for the purpose of issuance of the certificate on work registration, shall be stipulated in a by-law referred to in Article 76 of this Law (*By-laws on technical issues of granting residence and temporary/permanent residence of aliens*).”

After paragraph (2), new paragraphs (3) and (4) are added to read:

- “(3) Aliens who seek temporary residence on the basis of work without a work permit, and in accordance with paragraph (1) of this Article, must fulfil conditions referred to in Article 53 of this Law (*General conditions for granting temporary residence*) and special conditions, which the Ministry shall stipulate in a by-law.
- (4) By way of derogation from paragraph (3) of this Article, an alien who seeks temporary residence on the basis of work without a work permit, and in accordance with paragraph (1), item b) of this Article, shall fulfil the conditions referred to in Article 53 of this Law (*General conditions for granting*

*temporary residence*) and the company or enterprise shall fulfil additional conditions:

- a) that on each alien, including the founders, employs minimum of five BiH citizens;
- b) that it pays minimal gross salary for each employee in the amount of an average gross salary in BiH, and
- c) that its tax obligations are properly fulfilled.”

### **Article 36**

Article 85 (*Equal status of aliens with permanent residence permits in BiH or aliens with international protection status in BiH and BiH citizens with regard to work*) is amended to read:

#### “Article 85

(*The right of aliens to work in BiH without a work permit*)

The right to work in BiH without obtaining a work permit is allowed for aliens who have:

- a) a granted permanent residence permit in BiH,
- b) a granted refugee status, subsidiary protection in BiH or temporary protection in BiH,
- c) a granted temporary permit residence on the basis of marriage or extramarital community with a BiH citizen, or
- d) a granted temporary residence permit on the basis of his/her regular pupil or student status when performing works of temporary character through mediation of authorized mediators without establishment of a work relation in accordance with regulations regulating such performance of work.”

### Article 37

In Article 87 (*Expulsion measures*), in paragraph (6), after the word “BiH”, the words: “and decision on prolongation of the period of prohibited entry” are added.

Paragraph (9) is amended to read:

“(9) Until the decision becomes enforceable, an alien may be placed under supervision or his/her movement may be restricted to a certain area or location and he/she may be ordered to report in specified intervals to the organizational unit of the Service or the police in the territory of residence of an alien.”

After paragraph (11), new paragraphs (12) and (13) which read:

“(12) If during the procedure of affirming identity it is affirmed that the real identity of an alien is different to the specifications of an identity which the alien provided during the procedure of pronouncing the measure of expulsion, the Service shall, ex officio, modify the decision on expulsion in the part which regards the identity of an alien. Against this decision, a complaint may be lodged with the Ministry within eight days from the days of the delivery of the decision. The complaint does not prolong the execution of the decision.

(13) The decision on the reduction or termination of prohibited entry referred to in paragraph (2) of this Article, the Service renders upon an alien’s request. Against this decision, a complaint may be lodged with the Ministry within 15 days from the day of the receipt of the decision.

### Article 38

In Article 88 (*Reasons for imposing the expulsion measures*), paragraph (1), item a), after the words “from BiH”, the words: “or if his/her application for a residence permit

was denied, and he/she has not left BiH within specified time;” are added;

In item e), after the words “BiH”, the words: “or annulment of registration in the citizenship register of BiH” are added.

In paragraph (2), after the words “to render a decision”, the words: “and the degree of integration in BiH” are added.

After paragraph (2), new paragraphs (3), (4), (5), (6) and (7) are added to read:

“(3) In the case when an alien remains in BiH for longer than the period of the validity of a visa, non-visa or approved stay, the Service may, appreciating humanitarian reasons and the interests of BiH, instead of imposing an expulsion measure, issue a warrant for voluntary leave of the territory of BiH.

(4) An order under paragraph (3) of this Article shall be issued for the purpose of crossing the state border, with a prior statement from an alien confirming the intention of voluntarily leaving BiH and the evidence with which the alien confirms the statement.

(5) In an order under paragraph (3) of this Article, a deadline is specified for voluntarily leave of BiH, which may not be shorter than seven nor exceed 30 days. Exceptionally, if there are grave humanitarian reasons, the deadline for voluntarily leaving BiH can exceed 30 days.

(6) An order for voluntary leave under paragraph (3) of this Article shall not be issued to an alien if there is a flight risk or poses a threat to public order and peace or security of BiH.

(7) An alien who within a period specified in the order for voluntary leave of the territory of BiH does not leave BiH, shall be imposed with measures of expulsion.”

### **Article 39**

Article 89 (*Voluntary execution of the decision on expulsion*), paragraph (1) is amended to read:

“(1) The decision on expulsion may specify the deadline for voluntary enforcement of decisions which may not be shorter than seven nor exceed 30 days. Exceptionally, if there are particularly justifiable reasons, the deadline for voluntary execution of the decision may be extended under special circumstances of each individual case. The deadline for voluntary execution of a decision need not be determined or may be shorter than seven days if there is a flight risk or if an alien poses a threat to public order and peace or security of BiH.”

### **Article 40**

Article 91 (*The principle of non-refoulement*) is amended to read:

“Article 91  
(*The principle of non-refoulement*)

- (1) An alien shall not be expelled or returned (“non-refoulement”) in any manner to the borders of territories where his/her 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 international protection.
- (2) The provisions of paragraph (1) of this Article shall not apply to an alien who is reasonably considered a security risk to the country, or who, having been convicted for a particularly grave crime upon a final judgment, constitutes a threat to BiH.

- (3) By way of derogation from paragraph (2) of this Article, the prohibition of return or expulsion (“non-refoulement”) applies to the persons for whom there is reason able doubt that they would be in danger of being subjected to the death penalty or execution, torture or other inhuman or degrading treatment or punishment. An alien may not be either expelled or returned to a country where he/she is not protected from being sent to such a territory.”

### **Article 41**

Article 96 (*Payment of expenses for repatriation and placement of an alien under supervision*) is amended to read:

“Article 96  
(*Payment of expenses for repatriation and placement of an alien under supervision*)

- (1) An alien is obliged to pay his/her travel costs to the place where he/she is being sent.
- (2) If it is determined that an alien does not have funds necessary to pay his/her travel costs to the place to which they are sent, the travel costs shall be covered by:
  - a) the person who issued a letter of invitation for the purpose of entry of the alien in BiH,
  - b) a natural person or legal person which employed the alien, although he/she did not have an appropriate work permit,
  - c) a natural or legal person which employed an alien based on his/her work permit,
  - d) the bank that provided a guarantee for the means of non-cash payment,

- e) the travel agency or association which issued a voucher, or other travel organizer,
  - f) a natural or legal person who helped or tried to help an alien to illegally cross the border, to travel across or reside in BiH,
  - g) the carrier that brought an alien to BiH, or
  - h) BiH.
- (3) In order to secure the removal of an alien from the country, in accordance with Article 99 (*Imposing supervision*) of this Law, an alien shall be placed under supervision pending his/her departure from BiH. All costs related to the realization of supervision shall be covered by the alien subject to supervision. In such case that it is established that the alien does not have the means to cover these costs, the costs shall be covered by entities referred to in paragraph (2).
- (4) The liable party referred to in paragraphs (1) and (3) of this Article and the amount of the costs shall be determined in the form of a decision ex officio by the Service. An appeal against the decision of the Service may be lodged with the Ministry within eight days from the date of delivery of the decision.
- (5) Funds which are temporarily seized from an alien shall be used to cover the costs referred to in paragraphs (1) and (3) of this Article and shall be deposited in the Service until a decision referred to in paragraph (4) of this Article becomes effective.
- (6) If an alien referred to in paragraph (1) and the entities referred to in paragraph (2), items a) through g) of this Article, are not able to cover the costs of removal and placing an alien under supervision, the costs shall be covered from the budget of BiH, through the use

of resources intended for special purposes. This procedure may be followed when it is necessary to ensure a cost-efficient removal of an alien from the country.

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

#### **Article 42**

Article 99 (*Imposing supervision*) is amended to read:

“Article 99  
(*Imposing supervision*)

(1) Until leaving BiH, an alien may be placed under supervision by restricted movement to a specified area or place with the obligation of reporting to an organizational unit of the Service or to the police:

- a) in order to secure the execution of a decision on expulsion, in case of cancellation of residence in BiH or in other cases where expulsion measures were pronounced;
- b) in order to ascertain that an alien shall leave the country after his/her application for a residence permit is rejected, and he/she failed to leave BiH;
- c) in order to secure the removal of an alien from the country;
- d) when the Service ordered postponement of the expulsion measure;
- e) if there are reasonable grounds to believe that free and unrestricted movement of an alien may endanger the public order and

peace or security or international relations of BiH or pose a threat to public health in BiH, that is if it was found that he/she poses a threat to public order, public peace and order or security of BiH;

- f) if an alien's statement regarding his/her identity is false or in case when an alien's identity cannot be established within 6 hours from arrival to official premises;
  - g) when an alien is accepted on the basis of an international agreement on cooperation in extradition and acceptance of persons whose stay is illegal;
  - h) in other cases stipulated by this Law.
- (2) An alien shall be placed under surveillance through placement in the immigration centre if:
- a) there are reasonable grounds to believe that, after a decision on expulsion is rendered, free and unrestricted movement of an alien may endanger public order and peace or security or international relations of BiH or pose a threat to public health in BiH, that is if it is determined that he/she poses a threat to public order, public order and peace or security of BiH;
  - b) to ensure the execution of the decision on the expulsion or another case when he/she received the measure of expulsion, if there are reasonable grounds to believe that an alien shall flee or otherwise prevent the execution of the decision;
  - c) if there is doubt as to the veracity of the allegations of an alien concerning his/her identity, and is pronounced the measure of expulsion."

### **Article 43**

In Article 100 (*Decision on placing an alien under supervision*), paragraph (3), after the word "supervision", the words "in immigration centre" are added and number "30" is replaced with number "90". After paragraph (3), new paragraphs (4) and (5) are added which read:

- "(4) If an alien is ordered a more lenient measure of supervision under Article 99, paragraph (1) of this Law, the decision contains the restriction of movement of an alien to a particular area or place with the address of residence, legal basis, an obligation to report to an organizational unit of the Service or the police at regular interval and other details relevant to the realization of a more lenient supervision. Unless he/she agrees to voluntarily leave BiH, all travel documents that may be used for border-crossing of BiH, shall be temporarily confiscated, and a certificate shall be issued.
- (5) In the case when an alien does not comply with the obligations from the decision referred to in paragraph (4) of this Article, the Service prescribes surveillance by placement in an immigration centre."

### **Article 44**

Article 101 (*Legal remedy against the decision on placing alien under supervision*) is amended to read:

#### **"Article 101**

*(Legal remedy against the decision on placing alien under supervision)*

- (1) An appeal against the decision on placing an alien under supervision in the immigration centre may be lodged with the Ministry within three days from its receipt, that is, from its delivery. An

appeal does not postpone the execution of the decision.

- (2) If the Ministry does not revoke the decision on placing an alien under supervision or fails to render a decision upon the appeal within three days from the date of its receipt, a lawsuit may be initiated before the Court of Bosnia and Herzegovina.
- (3) The lawsuit referred to in paragraph (2) of this Article shall be filed before the Court of Bosnia and Herzegovina within three days from the expiry of the deadline referred to in paragraph (2) of this Article and the Court shall consider such cases urgent, hear an alien's case and render a decision within 3 days from the day of lawsuit initiation. The lawsuit does not postpone the execution of the decision.
- (4) An appeal against the decision on placing an alien under supervision by restriction of movement in a particular area or place may be lodged with the Ministry within 15 days from its receipt, that is, from the delivery of the decision. An appeal does not postpone the execution of the decision."

#### **Article 45**

Article 102 (*Execution of the decision placing an alien under supervision and extending supervision*) is amended to read:

"Article 102  
(*Execution of the decision placing an alien under supervision and extending supervision*)

- (1) The measure of placing an alien under supervision shall be carried out by restriction of movement to a particular area or place with the obligation of reporting to an organizational unit of the Service or the police, or by placement of

an alien in an institution specialized for receipt of aliens (immigration centre).

- (2) An alien shall remain under supervision until the moment of his/her forced removal from the country or as long as it is necessary for execution of the purpose of the supervision, or until the reasons that constituted the grounds for his/her placement under supervision have significantly changed, but not exceeding the deadline set in the decision placing an alien under supervision or decision extending supervision.
- (3) The Service shall, undertake all necessary measures in order to reduce the duration of detention to as short a time as possible, as long as detention is in force.
- (4) Upon the expiration of the deadline of 90 days referred to in Article 100 (*Decision on placing an alien under supervision*), paragraph (3) of this Law, an alien may be kept under supervision based upon a decision extending supervision as rendered by the Service. The supervision may be extended for up to further 90 days each time, at most, if conditions exist for imposing the supervision referred to in Article 99 (*Imposing supervision*) of this Law, that is, the total period of supervision imposed against an alien may not exceed 180 days. Decision extending supervision may be rendered not later than 15 days prior to expiry of a previous decision.
- (5) Exceptionally, in case that an alien fails to enable his removal from the country or it is impossible to remove an alien within 180 days for other reasons, the total duration of supervision may be prolonged for period exceeding 180 days. Decision on extraordinary extension of supervision shall be rendered by the Service.
- (6) Total period of supervision in the immigration centre cannot be longer than 18 months in continuation, except in the case of an alien for whom it is

determined to pose a threat to the security of Bosnia and Herzegovina, in which case the duration of supervision may be longer.

- (7) Restricted movement referred to in Article 114 of this Law, is not included in the total period of supervision under paragraph (6) of this Article.
- (8) If an alien cannot be removed from BiH within the period referred to in paragraph (6) of this Article, an alien may be ordered a lenient measure of supervision.
- (9) Legal remedy prescribed by Article 101 (*Legal remedy against the decision on placing alien under supervision*) of this Law, is allowed against the decision on the extension of supervision of an alien.
- (10) The Service may change the measure of accommodating an alien in an institution specialized for receipt of aliens with an alternative less strict measure, which includes a permit for him/her to stay outside the institution if such a lenient measure may achieve the purpose of supervision.
- (11) When rendering a lenient measure referred to in paragraphs (8) and (10) of this Article, the Service may limit the freedom of movement of an alien to a certain area or place, oblige him/her to report regularly to an organizational unit of the Service and confiscate all his/her travel documents that he/she might use to cross the state border of BiH.
- (12) In the event of change of the decision on placing alien under supervision referred to in paragraph (10) of this Article or the decision on a lenient measure referred to in paragraph (8) of this Article, an appeal may be lodged with the Ministry within 15 days of the receipt of the decision. The appeal does not postpone the execution of the decision.

- (13) In case that an alien does not comply to the obligations set out in the decision of lenient measure referred to in paragraph (11) of this Article, or conditions for the removal of an alien from BiH are determined, supervision measures at the immigration centre may be applied to the alien.”

#### **Article 46**

In the Article 103 (*Obligation to register the alien's characteristics*) after paragraph (1), new paragraphs (2), (3), (4), (5), and (6) are added to read:

- “(2) An alien who applies for a visa must allow the DCR of MFA and/or the Border police to collect biometric data containing a photograph and fingerprints of ten fingers, and a signature. Finger prints are not taken from:
- a) children younger than 12 years of age,
  - b) head of state and government and members of national governments accompanied by a spouse, members of their official delegations, if BiH or international organizations invited them for an official visit.
  - c) rulers or other senior members of the Royal family, if BiH or international organizations invited them for an official visit.
- (3) An alien who applies for a residence permit must allow DCR of MFA and/or to an organizational unit of the Service to take biometric data containing a photograph and fingerprints of two fingers, and a signature. Fingerprints are not taken from children younger than six years of age.
- (4) An alien who applies for international protection must allow the Ministry headquarters to take biometric data that

include: a photograph, fingerprints of ten fingers and both palms, and a signature. Fingerprints are not taken from children younger than 14 years of age.

- (5) By way of derogation from paragraphs (2), (3) and (4) of this Article, fingerprints are not taken from persons whose fingerprints are physically impossible to take. If taking less than ten fingerprints is possible in accordance with paragraphs (2), (3) and (4) of this Article, the highest possible number of fingerprints are taken.
- (6) Biometric data is stored in the central database on aliens.”

#### **Article 47**

In Article 104 (*By-laws on technical issues pertaining to placing an alien under custody*) the title of the Article is amended to read: “(*By-laws on technical issues pertaining to placing an alien under supervision and registration of alien's characteristics*)”.

In Article 104 (*By-laws on technical issues pertaining to placing an alien under supervision and registration of alien's characteristics*), the word “regulation” is replaced by the word “regulations” and at the end of the sentence a full stop is deleted, a comma and the words are added: “and capture, storage, use, access, distribution, and appropriate protection mechanisms and terms of saving data as referred to in Article 103 (*Obligation to register the alien's characteristics*) of this Law.”

#### **Article 48**

In Article 109 (*Procedure and competence for issuing decisions on international protection*) paragraph (1) is amended to read:

- “(1) An application for international protection is initiated by filing of an

application to the Ministry seat which considers the application and renders a decision.”

In paragraph (2) the word “all” is deleted and after the word “evidence”, the following words are added: “by insight into the subject”.

In paragraph (6) the words “15 days” is replaced by “30 days.”

#### **Article 49**

In the Article 112 (*Termination of the procedure*), paragraph (1), after item b), the word “or” is deleted and a new item c) is added to reads:

- “c) if an applicant for international protection does not cooperate with the competent authority to adjudicate his application, or.”

Existing item c) becomes item d).

#### **Article 50**

In Article 114 (*Movement restrictions of applicant for international protection*), paragraph (2), item b), after the word “aliens”, a comma and the words: “if an expulsion measure was previously rendered;” are added.

In paragraph (4), at the end of the sentence a full stop is deleted, a comma and the following words are added: “and the Court is required to consider these cases urgent and render a decision upon the complaint within eight days of receiving the complaint.”

#### **Article 51**

In Article 115 (*Protection of data*), after paragraph (1), a new paragraph (2) is added to read:

- “(2) The Law on protection of secret data is applied on the data marked with a certain degree of secrecy referred to in paragraph (1) of this Article.”

## Article 52

In Article 116 (*Decisions upon the application for international protection*), in items c), d) and e) the word “shall” is replaced with: “should voluntarily.”

After item d) the word “or” is deleted and after item e), the word “or” is added and a new item f) is added to read:

“f) a request for international protection is refused and it is established that an alien cannot be removed from BiH based on the reasons referred to in Article 91 (*The principle of non-refoulement*) of this Law.”

## Article 53

In Article 118 (*Protection in case of the rejection of the application for international protection*), paragraph (1), after the word “item c)”, the following words are added: “and f)” and the words “or the final decision referred to in Article 116, items d) and e)” are deleted.

## Article 54

Article 119 (*Reception of International Protection Applicants*) is amended to read:

“Article 119  
(*Reception of International  
Protection Applicants*)

(1) The Ministry shall provide adequate conditions for acceptance of an alien who declared his/her intention to apply for international protection or of an alien who applies for international protection, particularly in terms of accommodation, nutrition, primary medical protection and access to the system of education.

(2) The Ministry shall provide necessary medical or other assistance to persons

with disabilities referred to in paragraph (1) of this Article.”

## Article 55

In Article 120 (*Rights of persons who were granted International Protection*), paragraph (5) is amended to read:

“(5) The Ministry shall, in cooperation with the Ministry of Civil Affairs of BiH, to persons recognized as refugees or have a subsidiary protection status, issue the documents referred to in Article 121 (*Documents for refugees and persons who are granted subsidiary protection*) of this Law.”

Paragraph (6) is amended to read:

“(6) The BiH Ministry for Human Rights and Refugees shall, in cooperation with the Ministry of Civil Affairs of BiH, to persons recognized as refugees or have a subsidiary protection status, enable access to his/her right to accommodation, work, education and ensure the right to health and social protection. The Ministry for Human Rights and Refugees shall, in cooperation with other ministries, institutions and services, to persons recognized as refugees or have a subsidiary protection status, enable access to integration facilitation.”

## Article 56

Article 124 (*Cancellation of the refugee status or status of subsidiary protection*) is amended to read:

“Article 124  
(*Cancellation of the refugee status or status  
of subsidiary protection*)

(1) The Ministry shall cancel the granted refugee status or subsidiary protection in the following cases:

- a) when it is established that there is at least one of the reasons for exclusion of application of international protection referred to in Article 106 (*Reasons for exclusion of application of international protection*) of this Law; or
  - b) when it is established that misrepresentation or omission of facts of the parties under the international protection, including the use of forged documents, was crucial indetermination of his/her international protection.
- (2) Decision on cancellation of refugee status shall not affect the rights set out in Articles 91 (*Principle of non-refoulement*) and 118 (*Protection in case of the rejection of the application for international protection*) of this Law and Article 32 of the 1951 Convention Relating to the Status of Refugees.”

#### **Article 57**

In Article 137 (*By-laws on technical issues of international and temporary protection*), paragraph (3), the words: “and Article 121, paragraph (1) (*Documents for refugees and persons who are granted subsidiary protection*)” are deleted.

#### **Article 58**

Article 138 (*Communication with UNHCR*) is amended to read:

“Article 138  
(*Communication with UNHCR*)

- (1) The competent authorities shall cooperate with UNHCR in accordance with Article 35 of the 1951 Convention Relating to the Status of Refugees.

- (2) The applicant for international protection shall be enabled communication with UNHCR or other organizations that may be working on this issue on behalf of UNHCR in all stages of the proceedings.
- (3) Provided that the applicant agrees, the UNHCR representative shall be notified of the proceedings, and he/she shall be allowed to participate in an interview during which the applicant presents detailed reasons for the application.
- (4) The UNHCR representative shall be enabled to state his/her own observations after the interview with the applicant.”

#### **Article 59**

In Article 143 (*Exception from application of certain provisions of this Law*) words “and X.” are deleted, and after the words “(*Institutional organization*)” the following words are added: “and Article 103 (*Obligation to register the alien's characteristics*).”

#### **Article 60**

In Article 144 (*Official records*) in paragraph (1), after item v), new items z) and aa) are added to read:  
“z) biometric data of aliens,  
aa) the alien’s work registration.”

#### **Article 61**

In Article 145 (*Central database on aliens*) paragraph (3) is amended to read:

“(3)Central database on aliens also contains information on person’s name and surname, his/her middle names, sex, date of birth, citizenship, kind, type, number and validity period of a travel document, place, time and direction of the border crossing, information on the

visa, residence permit or other document replacing a visa, and other data which were taken through an electronic reader of travel documents at the border crossings which are run by the Border police.”

In paragraphs (6) and (7), the words “and the Law on central registries and data exchange” are deleted.

### **Article 62**

In Article 147 (*Database on Specimens of Travel Documents*), after paragraph (1), a new paragraph (2) is added to read:

“(2) At MFA’s proposal, the Council of Ministers renders a list of foreign travel documents and other documents which are recognized by BiH and with which an aliens may cross the state border of BiH.”

### **Article 63**

In Article 151 (*Misdemeanour Penalties for Violations of the Provisions of Articles 16, 19, 21 and 63*) in the title of the Article, after the number “21” the word “and” is deleted, and a comma is added and after the number “63”, the words “and 84” are added. In paragraph (1), after item c), a new item d) is added to read:

“d) contrary to Article 84 (*Exemptions from the obligation to hold work permit*) paragraph (2) of this Law, does not have a confirmation on a work registration or performs tasks other than those that are listed in the work registration.”

After paragraph (2), a new paragraph (3) is added to read:

“(3) Legal and natural person who employ an alien who is exempt from obtaining a work permit shall be punished with a fine in the amount of 500 KM to 2000 KM if, contrary to Article 84 (*Exception*

*from the requirement to hold a work Permit*) paragraph (2) of this Law, he/she holds no copy of a certificate of work registration of an alien.”

### **Article 64**

Article 154 (*Misdemeanour penalties for violations of the provisions of Article 18*) is amended to read:

“Article 154  
(*Misdemeanour Penalties for Violations of the Provisions of Article 18*)

- (1) A fine shall be applied in the amount of 6 000 KM to 10 000 KM to an air traffic carrier for each alien transported to the border crossing point of BiH, if an alien does not fulfil the conditions for entry referred to in Article 19 (*General entry conditions*), paragraphs (1) and (2) of this Law. The highest fine for one transport may not exceed 200 000 KM, regardless of the number of transported persons.
- (2) For each transported alien a fine shall be prescribed in the amount of 6 000 KM to 10 000 KM to any natural or legal person who, as a carrier by air, land and sea or as an organizer of tourist or any similar type of travel, did not drive back the alien who does not meet the conditions referred to in Article 19 (*General entry conditions*) of this Law from the border crossing in BiH at its own expense, and did not assume costs of returning the alien referred to in Article 18 (*Obligations of carriers and organizers of tourist or similar travel*) paragraph (2) of this Law.”

### **Article 65**

In Article 158 (*Deadlines for enactment of by-laws of the Council of Ministers under this Law*) after paragraph (7), a new paragraph (8) is added to read:

“(8)The Council of Ministers shall render a decision, at the proposal of the Ministry and with previously obtained opinion from the MFA, which shall, after the formation of technical conditions, determine the beginning of implementation of Article 103 (*Obligation to register alien's characteristics*) of this Law.”

### **Article 66**

In Article 160 (*Deadlines for enactment of by-laws of the Ministry under this Law*),after paragraph (4), new paragraphs (5) and (6) are added to read:

“(5) After obtaining the opinion from the Service, the Ministry shall prescribe a by-law which shall regulate the form, content and the procedure for issuance of residence permits referred to in Article 64 (*Residence permit sticker*) of this Law.

(6) At the proposal of the Service, the Ministry shall render decisions which shall, after the creation of technical conditions, determine the beginning of the implementation of the provision of Article 59, paragraph (1), item e) (*Conditions for issuing a permanent residence permit*) and Article 64 (*Residence permit sticker*) of this Law, in the part which is related to the issuance of the residence permit containing biometric data of an alien.”

### **Article 67**

In Article 161 (*Deadlines for enactment of by-laws of the Ministry for Human Rights*

*and Refugees*), paragraph (1), the words “and Article 121, paragraph (1) (*Documents for refugees and persons who are granted subsidiary protection*),” are deleted.

### **Article 68**

- (1)By-laws prescribed on the basis of the Law on movement and stay of aliens and asylum (the “Official Gazette of BiH”, No. 36/08) shall be applied in the transitional period until the adoption of a new or amendments to existing by-laws, if they are not in conflict with this Law.
- (2) The deadline for prescription of by-law regulations referred to in paragraph (1) of this Article is six months from the date of entry into force of this Law.
- (3) All matters which are not legally finalized before the date of entry into force of this Law shall be completed under the provisions of regulations in effect at the time of the proceedings, and in matters in which the first-instance decision is not rendered before the date of entry into force of this Law, the proceedings shall be continued under this Law.

### **Article 69**

This Law shall enter into force on the eighth day after the day of its publication the “Official Gazette of BiH”.